VOLUME 48, NUMBER 7 LEGISLATIVE RESEARCH COMMISSION JANUARY 1, 2022

ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, December 15, 2021.

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on January 10, 2022, at 1:00 p .m. in room 149 Capitol Annex.

ARRS Tentative Agenda - 1991 Online agenda updated as needed

INDEXES & OTHER INFORMATION

Regulation Review Procedure **1996**
ARRS Report **2149**
Other Committee Reports **2158**
Locator Index - Effective Dates ..... **G – 2**
KRS Index ..... **G – 17**
Certifications ..... **G – 32**
Technical Amendments ..... **G – 33**
Subject Index ..... **G – 34**

EMERGENCIES

Board of Pharmacy
201 KAR 002:106E. Licensed or permitted facility closures 1997
Department of Education
702 KAR 001:192E. District employee quarantine leave 1999
Department of Workplace Standards
803 KAR 002:321E. Occupational health and environmental control 2001
803 KAR 002:426E. Stairways and ladders 2003
Department for Community Based Services
921 KAR 004:122E. Assistance for low-income households with water or wastewater utility arrears 2005

AMENDED IN-PROCESS EMERGENCIES

Board of Cosmetology
201 KAR 012:082E. Education requirements and school administration 2009
Office of Telehealth Services
900 KAR 012:005. Telehealth terminology and requirements 2013
Department for Public Health
902 KAR 020:460E. Essential visitor programs; visitation guidelines for long-term care facilities 2014

AS AMENDED

Council on Postsecondary Education
013 KAR 003:010. GED Testing Program 2015
013 KAR 003:020. Provision of instruction for individuals sentenced by a court to participate in educational programs 2015
013 KAR 003:030. Qualifications for progressing satisfactorily through a GED preparation program. 2016
013 KAR 003:040. GED Incentives Program 2016
013 KAR 003:050. GED eligibility requirements 2017
013 KAR 003:060. High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College Systems institutions 2017
Education Professional Standards Board
016 KAR 002:050. Certificates for teachers of exceptional children/communication disorders 2018
016 KAR 004:020. Certification requirements for teachers of exceptional children 2019
Secretary of State
030 KAR 003:010. Application for registration of trademarks and service marks 2021
030 KAR 003:020. Application for renewal of registration . 2022
030 KAR 006:011. Kentucky address confidentiality program 2022
State Board of Elections
031 KAR 003:010. Current address of Kentucky registered voters and distribution of voter registration list 2024
Board of Pharmacy
201 KAR 002:030. License transfer 2025
201 KAR 002:074. Pharmacy services in hospitals 2026
Board of Nursing
201 KAR 020:215. Continuing competency requirements. 2029
201 KAR 020:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs 2031
Department of Fish and Wildlife Resources
301 KAR 006:001. Definitions for 301 KAR Chapter 6 2033
Kentucky State Fair Board
303 KAR 001:005. Vehicle speed 2033
303 KAR 001:010. Vehicle parking 2034
303 KAR 001:015. Traffic flow 2034
303 KAR 001:075. Conduct and operation of concessions and exhibits 2034
303 KAR 001:080. Exposition Center, grounds; dissemination of material; demonstrations 2035

303 KAR 001:090. Exhibition Center, dissemination of material; demonstrations..... 2036
Department of State Police
502 KAR 012:010. Sexual assault forensic-medical examination protocol..... 2038

502 KAR 014:010. Provision and maintenance of automated fingerprint identification system equipment and programs in detention centers. Submission of fingerprints by jailers to the Kentucky State Police..... 2040
502 KAR 020:020. Detection of deception examiners..... 2041
502 KAR 031:020. Sex Offender Registration System..... 2043
502 KAR 040:010. Law Information Network of Kentucky. 2044
502 KAR 050:010. Admissibility of evidence 2045
Department of Criminal Justice Training
503 KAR 001:060. Definitions for 503 KAR Chapter 1 2046
503 KAR 001:090. Approval of course curriculums..... 2046
503 KAR 001:100. Certification of instructors..... 2047
503 KAR 001:110. Department of Criminal Justice Training Basic training: graduation requirements; records 2048
503 KAR 001:120. Professional development in-service training: training requirements; recognized courses; records..... 2050
503 KAR 001:140. Peace officer, telecommunicator, and court security officer professional standards 2051
503 KAR 001:170. Career Development Program 2058
503 KAR 003:020. Law enforcement training course trainee requirements; misconduct; penalties; discipline procedures..... 2065
503 KAR 003:030. Training charges 2068
503 KAR 003:050. Telecommunications (Public Safety Dispatch) Academy graduation requirements; records 2070
503 KAR 004:010. Definitions for 503 KAR Chapter 4 2071
503 KAR 004:040. Required instructor training 2071
503 KAR 004:050. Required content and conduct of applicant training course 2072
503 KAR 005:080. Definitions..... 2074
503 KAR 005:100. Disbursement of salary supplement funds; audits..... 2074
Department of Highways
603 KAR 003:100. Noxious weeds and invasive plants to be eradicated from rights-of-way 2075
603 KAR 005:360. Transportation Cabinet use of interstate and parkway signs to locate missing persons..... 2076
603 KAR 010:040. Advertising devices 2077
Kentucky State University
745 KAR 001:035. Procurement procedures..... 2082
Department of Alcoholic Beverage Control
804 KAR 004:212. In-State Distilled Spirits Supplier License..... 2082
804 KAR 004:251. Special temporary licenses 2083
804 KAR 004:480. License surrender 2083
Department of Insurance
806 KAR 005:025. Credit for reinsurance..... 2084
Office of Telehealth Services
900 KAR 012:005. Telehealth terminology and requirements..... 2095
Department for Medicaid Services
907 KAR 001:030. Home health agency services..... 2096
907 KAR 010:815. Per Diem inpatient hospital reimbursement..... 2098

AMENDED AFTER COMMENTS

Department of Fish and Wildlife Resources
301 KAR 002:082. Transportation and holding of live exotic wildlife.....2102
Board of Education
702 KAR 001:191. District Employee Quarantine Leave ...2106
Department of Alcoholic Beverage Control
804 KAR 004:221. Alternating proprietorship agreements 2108

PROPOSED AMENDMENTS

Secretary of State
030 KAR 002:010. Certification of vacancy in nominations.....2111
State Board of Accountancy
201 KAR 001:190. Examination sections, applications, and procedures 2112
Board of Pharmacy
201 KAR 002:106. Licensed or permitted facility closures.....2116
Department of Corrections
501 KAR 006:030. Kentucky State Reformatory.....2118
Board of Education
704 KAR 019:002. Alternative education programs.....2120
Office of Inspector General
902 KAR 020:018. Operation and services; end-stage renal disease facilities.....2123
Department for Community Based Services
922 KAR 001:470. Central registry 2128

NEW ADMINISTRATIVE REGULATIONS

Board of Pharmacy
201 KAR 002:440. Legend drug repository.....2131
Board of Education
702 KAR 001:116. Annual in-service training of district board members.....2133
704 KAR 003:395. Extended school services.....2135
704 KAR 007:170. Corporal punishment 2139
Department of Workplace Standards
803 KAR 002:321. Occupational health and environmental control.....2141
803 KAR 002:426. Stairways and ladders 2143
Office of Health Data and Analytics
9600 KAR 010:201. Repeal of 900 KAR 010:200.....2144
Department for Community Based Services
921 KAR 004:122. Assistance for low-income households with water or wastewater utility arrears. 2146

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2021 Edition of the **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Register Year number and Page number. Example: 48th Year of the Kentucky Register, page 318 (short form: 48 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)
© 2021 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 Reginald Thomas
Minority Caucus Chair

Senator Mike Wilson
Majority Whip

Senator Dennis Parrett
Minority Whip

Representative David Meade
Speaker Pro Tempore

Representative Steven Rudy
Majority Floor Leader

Representative Joni L. Jenkins
Minority Floor Leader

Representative Suzanne Miles
Majority Caucus Chair

Representative Derrick Graham
Minority Caucus Chair

Representative Chad McCoy
Majority Whip

Representative Angie Hatton
Minority Whip

Jay D. Hartz, Director
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 Ralph Alvarado
Senator David Yates
Representative Randy Bridges
Representative Deanna Frazier
Representative Mary Lou Marzian

Staff
Sarah Amburgey
Stacy Auterson
Emily Caudill
Ange Darnell
Emily Harkenrider
Karen Howard
Carrie Nichols
Christy Young

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.

Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
January 10, 2022 at 1 p.m.
Annex Room 149

1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR COMMITTEE REVIEW

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Education Professional Standards Board

General Administration

016 KAR 001:030. Procedures for educator certificate surrender, revocation, suspension, reinstatement, and reissuance, and for application denial.

SECRETARY OF STATE

Office of Business Services

Implementation of Revised Article 9

030 KAR 005:011E. Definitions for 030 KAR Chapter005. ("E" expires 07-26-2022)
030 KAR 005:021E. Filing methods and forms. ("E" expires 07-26-2022)
030 KAR 005:031E. Acceptance and refusal of records. ("E" expires 07-26-2022)
030 KAR 005:041E. UCC information management system. ("E" expires 07-26-2022)
030 KAR 005:051E. Filing, indexing, and data entry procedures. ("E" expires 07-26-2022)
030 KAR 005:060E. Search requests, reports, and copies. ("E" expires 07-26-2022)

DEPARTMENT OF LAW

Medical Examination of Sexual Abuse Victims

040 KAR 003:020. Protocol for operation of local multidisciplinary teams on child sexual abuse. (Deferred from November)

GENERAL GOVERNMENT CABINET

Personnel Board

101 KAR 001:335. Employee actions. (Not Amended After Comments)
101 KAR 001:345. Disciplinary actions. (Deferred from December)
101 KAR 001:365. Appeal and hearing procedures. (Not Amended After Comments)
101 KAR 001:367. Standards of conduct and technology governing recording board proceedings. (Deferred from December)
101 KAR 001:375. Employee grievances and complaints. (Deferred from December)
101 KAR 001:395. Restoration from military duty. (Deferred from December)
101 KAR 001:400. Promotion. (Not Amended After Comments)

BOARDS AND COMMISSIONS

Board of Cosmetology

201 KAR 012:082E. Education requirements and school administration. (Filed with Ordinary) ("E" expires 06-28-2022) (Amended After Comments)
201 KAR 012:082. Education requirements and school administration. (Filed with Emergency)

Board of Embalmers and Funeral Directors

201 KAR 015:030E. Fees. (Filed with Ordinary) ("E" expires 03-27-2022) (Deferred from September)
201 KAR 015:030. Fees. (Filed with Emergency) (Deferred from October)
201 KAR 015:040. Examination. (Filed with Emergency) (Deferred from October)
201 KAR 015:050. Apprenticeship and supervision requirements. (Filed with Emergency) (Deferred from October)
201 KAR 015:110. Funeral establishment criteria. (Filed with Emergency) (Deferred from October)
201 KAR 015:125. Surface transportation permit. (Filed with Emergency) (Deferred from October)

Board of Nursing

201 KAR 020:471. Repeal of 201 KAR 020:470. (Deferred from September)
201 KAR 020:472. Initial approval for dialysis technician training programs. (Amended After Comments) (Deferred from November)
201 KAR 020:474. Continuing approval and periodic evaluation of dialysis technician training programs. (Not Amended After Comments) (Deferred from November)
201 KAR 020:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement. (Deferred from September)
201 KAR 020:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements. (Deferred from September)

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Game

301 KAR 002:082. Transportation and holding of live exotic wildlife. (Amended After Comments)

Hunting and Fishing
301 KAR 003:010. Public use of Wildlife Management Areas. (Deferred from November)
301 KAR 003:026. Access to Wildlife Management Areas for mobility-impaired individuals. (Deferred from November)

Wildlife
301 KAR 004:001. Selection of Fish and Wildlife Resources Commission nominees. (Deferred from November)
301 KAR 004:010. Districts. (Deferred from November)
301 KAR 004:020. Ballard Wildlife Management Area restrictions. (Deferred from November)
301 KAR 004:100. Peabody Wildlife Management Area use requirements and restrictions. (Deferred from November)
301 KAR 004:110. Administration of drugs to wildlife. (Deferred from November)

Licensing
301 KAR 005:001. Definitions for 301 KAR Chapter 5. (Deferred from November)
301 KAR 005:030. Purchasing licenses and permits. (Deferred from November)
301 KAR 005:100. Interstate Wildlife Violators Compact. (Deferred from November)

GENERAL GOVERNMENT CABINET
Department of Agriculture
Industrial Hemp
302 KAR 050:021. Procedures and policies for hemp growers.
302 KAR 050:031. Procedures and policies for hemp processors and handlers.
302 KAR 050:046. Department's reports to the USDA; records retention for three years.
302 KAR 050:056. Sampling and THC testing; disposal of non-compliant harvests; post-testing actions.
302 KAR 050:080. Materials incorporated by reference.

JUSTICE AND SAFETY CABINET
Department of State Police
Driver Training
502 KAR 010:010. Definitions. (Deferred from December)
502 KAR 010:020. Department facilities; facility inspection; conflict of interest. (Deferred from December)
502 KAR 010:035. Commercial driver's license skill testing. (Deferred from December)
502 KAR 010:050. Contracts and agreements. (Deferred from December)
502 KAR 010:060. School advertising. (Deferred from December)
502 KAR 010:080. License suspension, revocation, denial. (Deferred from December)
502 KAR 010:090. Procedure for denial, suspension, nonrenewal or revocation hearings. (Deferred from December)
502 KAR 010:110. Third-party CDL skills test examiner standards. (Deferred from December)
502 KAR 010:120. Hazardous materials endorsement requirements. (Deferred from December)

Law Enforcement Officers Safety Act of 2004
502 KAR 013:030. Range qualification for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers. (Deferred from December)
502 KAR 013:040. Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers. (Deferred from December)
502 KAR 013:050. Replacement of licenses to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers. (Deferred from December)
502 KAR 013:060. Change of personal information regarding certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers. (Deferred from December)
502 KAR 013:080. Incomplete application for certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers. (Deferred from December)

General Traffic
502 KAR 015:010. Traffic collision. (Deferred from December)
502 KAR 015:020. Abandoned vehicles. (Deferred from December)

Criminal History Record Information System
502 KAR 030:060. Dissemination of criminal history record information. (Deferred from December)

Kentucky Missing Child Information Center
502 KAR 035:010. Definitions. (Deferred from December)
502 KAR 035:020. Capabilities of the Missing Child Information Center computer system. (Deferred from December)
502 KAR 035:030. Quality of information reported to the Kentucky Missing Child Information Center. (Deferred from December)
502 KAR 035:050. Statistical analysis of information related to missing children. (Deferred from December)

Candidate Selection
502 KAR 045:005. Definitions. (Deferred from December)
502 KAR 045:035. Application and selection process. (Deferred from December)
502 KAR 045:045. Aptitude examination. (Deferred from December)
502 KAR 045:075. Register. (Deferred from December)
502 KAR 045:085. Medical examination. (Deferred from December)
502 KAR 045:105. Appointment. (Deferred from December)
502 KAR 045:115. Appeals. (Deferred from December)
502 KAR 045:150. Physical Fitness Test (PFT). (Deferred from December)

TRANSPORTATION CABINET

Motor Vehicle Commission

605 KAR 001:051. Dealer and salesman.
605 KAR 001:071. Change of ownership.
605 KAR 001:091. Motor vehicle dealership names.
605 KAR 001:131. Procedures.
605 KAR 001:191. Motor vehicle advertising.
605 KAR 001:211. Nonprofit motor vehicle dealer requirements and licensing.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Board of Education

General Administration

702 KAR 001:191. District Employee Quarantine Leave. (Filed with Emergency) (Emergency Withdrawn by Agency) (Amended After Comments)

Board of Education

School Terms, Attendance, and Operation

702 KAR 007:065. Designation of agent to manage middle and high school interscholastic athletics.

Department for Libraries and Archives

Archives

725 KAR 001:010. Records officers; duties. (Deferred from October)
725 KAR 001:020. Recording and reproducing public records. (Deferred from October)
725 KAR 001:025. Transfer of public records. (Deferred from October)
725 KAR 001:030. Scheduling public records for retention and disposal; procedures. (Deferred from October)
725 KAR 001:040. Collection and distribution of reports and publications. (Deferred from October)
725 KAR 001:050. Records management program. (Deferred from October)
725 KAR 001:061. Records retention schedules; authorized schedules. (Deferred from October)

Libraries

725 KAR 002:015. Public library facilities construction. (Deferred from October)
725 KAR 002:080. Interstate Library Compact. (Deferred from October)

Department of Workforce Investment

Office of Vocational Rehabilitation

781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures. (Deferred from November)
781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation. (Deferred from November)
781 KAR 001:030. Order of selection and economic need test for vocational rehabilitation services. (Deferred from November)
781 KAR 001:040. Rehabilitation technology services. (Deferred from November)
781 KAR 001:050. Carl D. Perkins Vocational Training Center. (Deferred from November)

Office for the Blind

782 KAR 001:010. Kentucky Business Enterprises. (Deferred from November)
782 KAR 001:070. Certified driver training program. (Deferred from November)

LABOR CABINET

Department of Workplace Standards

Labor Standards; Wages and Hours

803 KAR 001:005. Employer-employee relationship. (Deferred from September)
803 KAR 001:025. Equal pay provisions, meaning and application. (Deferred from September)
803 KAR 001:060. Overtime pay requirements. (Deferred from September)
803 KAR 001:063. Trading time. (Deferred from September)
803 KAR 001:065. Hours worked. (Deferred from September)
803 KAR 001:066. Recordkeeping requirements. (Deferred from September)
803 KAR 001:070. Executive, administrative, supervisory or professional employees; salesmen. (Deferred from September)
803 KAR 001:075. Exclusions from minimum wage and overtime. (Deferred from September)
803 KAR 001:080. Board, lodging, gratuities and other allowances. (Deferred from September)
803 KAR 001:090. Workers with disabilities and work activity centers' employee's wages. (Not Amended After Comments) (Deferred from November)

PUBLIC PROTECTION CABINET

Department of Alcoholic Beverage Control

Licensing

804 KAR 004:221. Alternating proprietorship agreements. (Amended After Comments)

Department of Insurance

Surplus Lines

806 KAR 010:030. Surplus lines reporting and tax payment structure.

Trade Practices and Frauds

806 KAR 012:010. Advertising of accident and sickness benefits.

Insurance Contract

806 KAR 014:007. Rate and form filing for health insurers.

Health Insurance Contracts
806 KAR 017:590. Annual report on providers prescribing medication for addiction treatment.

Horse Racing Commission
Pari-Mutuel Wagering
810 KAR 008:025E. Drug, medication, and substance withdrawal guidelines. ("E" expires 07-18-2022)

Department of Housing, Buildings, and Construction
Electrical
815 KAR 035:020. Electrical inspections.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Telehealth Services
Telehealth
900 KAR 012:005. Telehealth terminology and requirements. (Filed with Emergency) (Amended After Comments) (Deferred from December)

Department for Public Health
Sanitation
902 KAR 010:120. Kentucky public swimming and bathing facilities. (Amended After Comments) (Deferred from December)
902 KAR 010:190. Splash pads operated by local governments. (Amended After Comments) (Deferred from December)

Health Services and Facilities
902 KAR 020:081. Operations and services; home health agencies. (Deferred from December)
902 KAR 020:460E. Essential visitor programs; visitation guidelines for long-term care facilities. (Emergency only) ("E" expires 06-28-2022) (Not Amended After Comments)

Office of Inspector General
Division of Health Care
906 KAR 001:180. Operation and services; personal services agencies. (Deferred from December)

Department for Medicaid Services
Medicaid Services
Payments and Services
907 KAR 003:170. Telehealth service coverage and reimbursement.

Outpatient Pharmacy Program
907 KAR 023:020. Reimbursement for outpatient drugs. (Filed with Emergency) (Amended After Comments) (Deferred from December)

Department for Aging and Independent Living
Office of Dementia Services
910 KAR 004:010. Alzheimer's and dementia services curriculum review and approval. (Not Amended After Comments)

3. REGULATIONS REMOVED FROM JANUARY'S AGENDA

FINANCE AND ADMINISTRATION CABINET
Kentucky Retirement Systems
General Rules
105 KAR 001:210. Disability procedures. (Deferred from November)
105 KAR 001:310. Fred Capps Memorial Act. (Deferred from November)
105 KAR 001:330. Purchase of service credit. (Deferred from November)

BOARDS AND COMMISSIONS
Board of Pharmacy
201 KAR 002:430. Emergency orders and hearings. (Comments Received; SOC ext. due 01-14-2022)

Board of Licensure for Massage Therapy
201 KAR 042:010. Goals for massage therapy sessions. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:020. Fees. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:030. Licensee's change of name, home address, or place of business. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:035. Application process, exam, and curriculum requirements. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:040. Renewal and reinstatement. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:050. Complaint procedure and disciplinary action. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:060. Code of ethics and standards of practice for massage therapists. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:070. Endorsement. (Comments Received, SOC ext. due 01-14-2022)
201 KAR 042:110. Continuing education requirements. (Comments Received, SOC ext. due 01-14-2022)

JUSTICE AND SAFETY CABINET
Department of State Police
Driver Training
502 KAR 010:030. Instructor's license. (Comments Received; SOC ext. due 01-14-2022)
502 KAR 010:040. Training school facilities. (Comments Received; SOC ext. due 01-14-2022)
502 KAR 010:070. Training vehicle, annual inspection. (Comments Received; SOC ext. due 01-14-2022)

Department of State Police

Concealed Deadly Weapons

502 KAR 011:010. Application for license to carry concealed deadly weapon. (Deferred from December)
502 KAR 011:060. License denial and reconsideration process. (Deferred from December)
502 KAR 011:070. License revocation and suspension notice and reinstatement process. (Deferred from December)

Law Enforcement Officers Safety Act of 2004

502 KAR 013:010. Application for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers. (Comments Received; SOC ext. due 01-14-2022)

Criminal History Record Information System

502 KAR 030:010. Criminal History Record Information System. (Comments Received; SOC ext. due 01-14-2022)
502 KAR 030:020. Arrest and disposition reporting procedure. (Comments Received; SOC ext. due 01-14-2022)
502 KAR 030:030. Audit of Criminal History Record Information System. (Comments Received; SOC ext. due 01-14-2022)
502 KAR 030:050. Security of centralized criminal history record information. (Comments Received; SOC ext. due 01-14-2022)
502 KAR 030:070. Inspection of criminal history record information by record subject. (Comments Received; SOC ext. due 01-14-2022)

Kentucky Missing Child Information Center

502 KAR 035:040. Reporting of missing children by law enforcement agencies. (Comments Received; SOC ext. due 01-14-2022)

Candidate Selection

502 KAR 045:015. Qualifications. (Comments Received; SOC ext. due 01-14-2022)

TRANSPORTATION CABINET

Department of Highways

Right-of-way

603 KAR 004:035. Logo sign panels; placement along fully controlled and partially controlled access highways. (Comments Received, SOC due 12-15-2021) (Withdrawn by Agency)

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Kentucky Commission on Proprietary Education

791 KAR 001:010. Applications, permits, and renewals. (Deferred from November)
791 KAR 001:020. Standards for licensure. (Deferred from November)
791 KAR 001:025. Fees. (Deferred from November)
791 KAR 001:027. School record keeping requirements (Deferred from November)
791 KAR 001:030. Procedures for hearings. (Deferred from November)
791 KAR 001:035. Student protection fund. (Deferred from November)
791 KAR 001:040. Commercial driver license training school curriculum and refresher course. (Deferred from November)
791 KAR 001:050. Application for license for commercial driver license training school. (Deferred from November)
791 KAR 001:060. Application for renewal of license for commercial driver license training school. (Deferred from November)
791 KAR 001:070. Commercial driver license training school instructor and agency application and renewal procedures. (Deferred from November)
791 KAR 001:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools. (Deferred from November)
791 KAR 001:100. Standards for Kentucky resident commercial driver training school facilities. (Deferred from November)
791 KAR 001:150. Bond requirements for agents and schools. (Deferred from November)
791 KAR 001:155. School closing process. (Deferred from November)
791 KAR 001:160. Transfer of ownership, change of location, change of name, revision of existing programs. (Deferred from November)

PUBLIC PROTECTION CABINET

Department of Insurance

Health Insurance Contracts

806 KAR 017:350. Life insurance and managed care. (Deferred from October)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Sanitation

902 KAR 010:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments. (Comments Received; SOC ext. due 01-14-2022)

Department for Medicaid Services

Medicaid Services

907 KAR 001:005. Nonduplication of payments. (Comments Received; SOC ext. due 01-14-2022)

**Expiration dates in this document have been determined pursuant to KRS Chapter 13A provisions. Other statutes or legislation may affect a regulation's actual end date.*

STANDARD ADMINISTRATIVE REGULATION REVIEW PROCEDURE
Overview for Regulations Filed under KRS Chapter 13A As Amended by 2021 Legislation

(See KRS Chapter 13A for specific provisions)

Filing and Publication

Administrative bodies shall file all proposed administrative regulations with the Regulations Compiler. Filed regulations shall include public hearing and comment period information; a regulatory impact analysis and tiering statement; a fiscal note on state and local government; and, if applicable, a federal mandate comparison and any required incorporated material. Administrative regulations received by the deadline established in KRS 13A.050 shall be published in the Administrative Register. Emergency administrative regulations become effective upon filing.

Public Hearing and Public Comment Period

The administrative body shall schedule a public hearing on a proposed administrative regulation. The public hearing is held between the 21st and the last workday of the month in which the public comment period ends. Information about the public comment period shall include: the place, time, and date of the hearing; the manner in which a person may submit written comments or a notification to attend the hearing; a statement specifying that unless a notification to attend the hearing is received no later than 5 workdays prior to the hearing date, the hearing may be cancelled; the deadline for submitting written comments; and the name, position, and contact information of the person to whom notifications and written comments shall be sent.

Public comment periods for ordinary regulations end on the last day of the month following publication; whereas, public comment periods for emergency regulations run through the last day of the month in which the regulation was published. For other ordinary regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

The administrative body shall notify the Compiler whether the hearing was held or cancelled and whether or not 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 close of the public comment period.

Review Procedure

After the public hearing and public comment period processes are completed, the administrative regulation will be tentatively scheduled for review at the next meeting of the Administrative Regulation Review Subcommittee. After review by the subcommittee, the regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. If a quorum is present, unless the regulation is deferred or found deficient, an ordinary regulation shall be considered in effect upon adjournment of the appropriate jurisdictional committee or 90 days after being referred by LRC, whichever occurs first.

EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. This index reflects the KRS Chapter 13A-established expiration dates; however, expiration dates may be impacted by 2021 legislation including: Regular Session legislation: House Joint Resolution 77; KRS Chapter 39A, as amended by Senate Bill 1; and by KRS Chapters 13A and 214, as amended by Senate Bill 2; or Special Session legislation: House Joint Resolution 1; or KRS Chapter 13A as amended by Senate Bill 1 and Senate Bill 2.

.

STATEMENT OF EMERGENCY
201 KAR 002:106E

Widespread pharmacy closures are occurring across the Commonwealth preventing patients from accessing essential medication. Due to staffing shortages, pharmacies are closing for partial days to full days without advance notice to the Board of Pharmacy, patients or prescribers. When these pharmacies are closed, they are frequently not available to answer phone calls to transfer a prescription to another pharmacy. The prescription is held hostage, forcing a pharmacist at another pharmacy to contact the prescriber to request a duplicate prescription. When this occurs insurance companies often reject the duplicate prescription because the initial prescription has already been billed even though it has not been dispensed. In these situations, despite a medication being available, many patients cannot afford to pay out-of-pocket and are forced to go without essential medication. The Board of Pharmacy has received numerous complaints from patients across the Commonwealth that cannot access their medications or are experiencing significant delays in accessing their medication due to pharmacy closures. 201 KAR 2:106 only limits closures to periods of five days or more and deems such a temporary closure. Without an emergency regulation, the Board of Pharmacy has no method of ensuring patients receive their medication in a timely manner. The Board of Pharmacy acknowledges this as an imminent threat to public health. An amendment to the ordinary administrative regulation, alone, is not a sufficient avenue to address the current emergency and ensure patients have timely access to their medication. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Emergency Amendment)

201 KAR 002:106E. Licensed or permitted facility closures.

EFFECTIVE**:** December 14, 2021

RELATES TO: KRS 315.035, 315.0351, 315.036, 315.121, 315.340, 315.342, 315.350, 315.402, 315.4102

STATUTORY AUTHORITY: KRS[,] 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations relating to subject matters governed by KRS Chapter 315. This administrative regulation establishes requirements relating to closure of business by licensees and permit holders.

Section 1. Definitions.

(1) "Involuntary closure" means an interruption of formal business activity resulting from:

(a) Acute illness or incapacitation;

(b) Death;

(c) Fire, flood, or other natural disaster;

(d) Bankruptcy proceedings; or

(e) Court, government, or Board of Pharmacy action.

(2) "Non-use" means a failure to engage in formal business activity within one (1) year of initial licensing or permitting, or renewal of license or permit.

(3) "Permanent voluntary closure" means a licensee or permit holder:

(a) Ceases to do business and permanently closes; and

(b) Does not file application for a license or permit for the same location.

(4) "Temporary closure" means a pharmacy [~~licensee or permit holder~~] whose hours of operation have deviated over a period of two (2) consecutive days, five (5) aggregate[~~consecutive~~] working days within a fourteen (14) day period or nine (9) aggregate working days within a thirty (30) day period from those of record at the Board of Pharmacy office for a reason other than a federal holiday, permanent voluntary closure or involuntary closure.

Section 2. Procedures for Closure Applicable to All Licensees and Permit Holders. (1) Permanent voluntary closure.

(a) A licensee or permit holder shall inform the Board of Pharmacy, and if applicable, the Drug Enforcement Administration (DEA), and the Cabinet for Health and Family Services by written notice fifteen (15) days prior to the anticipated closure and include the following information:

1. Date of business termination;

2. Name, address, and DEA number of registrant to whom the prescription drugs and drug- related devices including controlled substances are to be transferred; and

3. Name, address, and DEA number of registrant to whom the records including inventories, acquisition records, purchase records, and disposition records are to be transferred.

(b) In the absence of directives to the contrary from the DEA, the Board of Pharmacy, or the Cabinet for Health and Family Services, the transfer shall be effected on the assigned date.

(c) The transferor and the transferee shall each maintain copies of the following records relating to transferred controlled substances for at least two (2) years following closure:

1. U.S. Official Order Forms, DEA-222 Schedule II;

2. Schedules III, IV, and V Invoices; and

3. Controlled substances inventory.

(d) The transferee shall maintain copies of the following records relating to prescription drugs and drug-related devices for at least two (2) years following closure:

1. Inventories;

2. Acquisition records;

3. Purchase records; and

4. Disposition records.

(e) The records in paragraph (d) of this subsection may be stored on a computer or by other electronic means and shall be readily retrievable.

(f) Upon termination, a licensee or permit holder shall:

1. Remove all signs pertinent to pharmacy or drugs from the building and premises; and

2. Return the voided permits, the DEA registration, and unused Schedule II Order Forms to their respective office of issue.

(2) Involuntary closure.

(a) Within five (5) days of involuntary closure, a licensee or permit holder, or person authorized to act on behalf of the licensee or permit holder, shall:

1. Notify the Board of Pharmacy in writing; and

2. Guarantee the security and control of the licensed or permitted premises in a manner that will allow continued storage of prescription drugs and drug-related devices, including controlled substances, and records, including patient records, if applicable, for sixty (60) days after the effective date of the involuntary closure.

(b) Within sixty (60) days after the effective date of the involuntary closure, a licensee or permit holder shall make arrangements for the lawful transfer or other disposition of prescription drugs and drug-related devices, including controlled substances, and records.

(c) The Board of Pharmacy may assume control and responsibility of prescription drugs and drug-related devices,

including controlled substances, and records, including patient records, if applicable, it deems necessary for disposition, if after the expiration of the sixty (60) day period following the effective date of involuntary closure:

1. A lawful transfer or other disposition has not been made; or

2. An agreement between the Board of Pharmacy and the licensee or permit holder or person authorized to act on behalf of the licensee or permit holder, has not been reached.

(3) Permanent voluntary closure of licensees and permit holders with patient records.

(a) A licensee or permit holder shall conspicuously place a sign notifying the public thirty (30) days in advance of the:

1. Termination date of business; and

2. Name and address of the licensee or permit holder to which prescription files or other patient records will be transferred.

(b) Except when prevented by the exercise of another party's legal rights:

1. The sign shall remain in place for a period of thirty (30) days after the closure; and

2. All efforts shall be undertaken to assure a smooth transition of uninterrupted service to those affected by the closure.

(c) The posting of the sign required by paragraph (a) of this subsection shall not be required if:

1. An application for a pharmacy permit or outsourcing facility license for the same location is filed; or

2. During a sale of a pharmacy or outsourcing facility, prescription records are transferred to another permitted pharmacy or licensed outsourcing facility that is within five (5) miles of the location of the pharmacy or outsourcing facility that is sold and owned by the purchasing entity.

(4) [~~Temporary Closure~~]Deviation of Hours for Non-Pharmacy Licensees and Permit Holders.

(a) Licensees and permit holders whose hours of operations have deviated over a period of five (5) consecutive [~~working~~] days from those of record at the Board of Pharmacy office for a reason other than permanent voluntary closure or involuntary closure shall immediately notify the Board of Pharmacy in writing of the [~~reason for the~~] deviation, reason for the deviation, and the anticipated period of continuance.

(b) The licensee or permit holder shall notify the Board of Pharmacy in writing of the arrangements necessary to provide adequate and continued security and control of all prescription drugs and drug-related devices and records maintained by the licensee or permit holder.

(c) If formal business activity cannot resume within sixty (60) days, or the security and control cannot be maintained, the:

1. License or permit shall be closed; and

2. Procedures for involuntary closure shall be followed.

(5) Temporary Closure of a Pharmacy.

(a) A pharmacy permit holder that is temporarily closed shall immediately notify the Board of Pharmacy in writing of the temporary closure, reason for the closure, the anticipated date of reopening, and the plan to provide emergency patient assistance and access to medication throughout the period of closure.

(b) The pharmacy permit holder shall notify the Board of Pharmacy in writing of the arrangements necessary to provide adequate and continued security and control of all prescription drugs and drug-related devices and records maintained by the licensee or permit holder.

(c) If formal business activity cannot resume within sixty (60) days, or the security and control cannot be maintained, the:

1. Pharmacy shall be closed; and

2. Procedures for involuntary closure shall be followed.

(d) At the time the pharmacy permit holder notifies the Board of Pharmacy of the temporary closure, the pharmacy shall place patient-facing signage on all pharmacy entrances and drive through windows providing up to date notification of the closure. The signage shall include notification of the closest, open pharmacy, regardless of ownership, that can assist patients immediately as well as anticipated date and time of reopening.

(e) The pharmacy permit holder shall update their phone message to include notice of the closure, and if the pharmacy has a Web site, the website shall also indicate the closure. The phone message and the website shall include a method to speak with an on-call pharmacist during regular operating hours on file with the Board of Pharmacy.

(f) The pharmacy permit holder shall have a pharmacist onsite or remotely if a common database is utilized and readily available during the posted pharmacy hours for the purpose of transferring prescription record(s) or reversing adjudicated claim(s) to a third party payer during the time of the temporary closure.

(g) The pharmacy permit holder shall make a reasonable effort to notify prescribers of the temporary closure and time and date of anticipated reopening.

Section 3. Closure of License or Permit Due to Non-use.

(1) The Board of Pharmacy shall close a license or permit due to non-use if:

(a) The licensee or permit holder fails to notify the Board of Pharmacy of initiation of formal business activity within the first year of issuance;

(b) Inspection reveals a failure to engage in formal business activity within the first year of issuance; or

(c) Inspection reveals a failure to engage in formal business activity within one (1) year of renewal.

(2) A licensee or permit holder may request an extension from closure due to non-use. The request shall:

(a) Be in writing;

(b) Include a legitimate reason for the lack of formal business activity; and

(c) Provide a date by which formal business activity will commence or resume.

(3) Upon closure of a license or permit due to non-use, the Board of Pharmacy shall follow procedures for involuntary closure to secure and dispose of any prescription drugs and drug-related devices and records.

Section 4. Duties and Responsibilities of Licensee and Permit Holder. A licensee, permit holder or person authorized to act on behalf of the licensee or permit holder shall:

(1) Fully cooperate with the Board of Pharmacy to promote the efficient administration of action required by the provisions of this administrative regulation; and

(2) Be financially liable to the Board of Pharmacy for expenses incurred by the Board of Pharmacy in its implementation of the provisions of this administrative regulation.

Section 5. Violation. Violations of any of these provisions shall be grounds for the discipline of the license or permit pursuant to KRS 315.121.

LARRY A. HADLEY, R.Ph, Executive Director

APPROVED BY AGENCY: December 14, 2021

FILED WITH LRC: December 14, 2021 at 12:49 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 26, 2022 at 9:00 a.m. Eastern Time via zoom teleconference with a physical location of 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 January 31, 2022. 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, 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 relating to closure of business by licensees and permit holders.

(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.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the requirements relating to closure of business by licensees and permit holders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
The proposed amendment to this regulation will ensure the mission of the board included in KRS 315.005 is maintained and that patients have timely access to their medications.

(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 modifies the definition of temporary closures and creates new requirements for pharmacy permit holders that are temporarily closing.

(b) The necessity of the amendment to this administrative regulation: The amendment ensures that patients have timely access to their medications and are placed on notice of the closure and given the opportunity to transfer their prescription elsewhere to be dispensed.

(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 by ensuring that patients have timely access to their medications.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: The board anticipates pharmacies will 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 question (3) will have to take to comply with this administrative regulation or amendment: Pharmacies will have to familiarize themselves with amended language and ensure they follow the amended requirements if temporarily closing. 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 entities identified 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 ensure that the patients of pharmacies are taken care of and their health needs are met.

(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, pharmacist interns, and pharmacy technicians who wish to administer vaccinations.

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:

STATEMENT OF EMERGENCY
702 KAR 1:192E

This emergency administration regulation is being promulgated pursuant to KRS 13A.190(1)(a)(1) to meet an imminent threat to public health, safety, welfare, or the environment. The regulation is necessary to mitigate the spread of COVID-19 in Kentucky public schools, specifically by providing quarantine leave to school district employees during the 2021-2022 school year. Due to promulgation time, an ordinary regulation would not be effective for the remainder of the current school year, resulting in potential hardship to school districts and quarantined employees. School districts currently lack the ability to provide leave to employees placed on quarantine due to COVID-19 exposure. This regulation authorizes local school districts, to provide quarantine leave to full and part-time employees placed on quarantine by a licensed physician, licensed physician's assistant, licensed advanced practice registered nurse, health department, or by the school district. This emergency administrative regulation will be replaced by an ordinary administrative regulation. Pursuant to

KRS 13A.190, the administrative agency submitted documentary evidence at the time of filing this emergency regulation which shows the rate of COVID-19 cases among Kentuckians between October 1, 2021 and November 30, 2021, as well as its obligation to promulgate a regulation pursuant to KRS 156.160.

ANDY BESHEAR, Governor
LU S. YOUNG, Chair

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(New Emergency Administrative Regulation)

702 KAR 1:192E. District employee quarantine leave.

EFFECTIVE: December 8, 2021
RELATES TO: KRS 156.070, 156.160, 160.290
STATUTORY AUTHORITY: KRS 156.070, 156.160
NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance, including regulations for the protection of the physical welfare and safety of public school children, as well as the pay of teachers during absence because of sickness or quarantine. KRS 156.070 provides the Kentucky Board of Education with the management and control of the common schools and all programs operated in those schools. KRS 160.291 authorizes fringe benefit payments by local boards of education which are deemed to be for services rendered for the benefit of the common schools. This administrative regulation establishes paid quarantine leave to employees in response to the COVID-19 emergency. This emergency regulation is necessary to address the imminent threat to public health, safety, and welfare; and to protect human health; while safely and efficiently operating public schools during the 2021-22 school year in light of the COVID-19 public health emergency.

Section 1. COVID-19 Quarantine Leave. (1) During the 2021-22 school year, each district board of education shall provide each eligible person employed as a full or part-time employee in the public schools paid leave during the period the employee is placed in quarantine due to exposure to COVID-19. Exposure to COVID-19 shall include exposure to any variant of COVID-19. This leave shall be in addition to any other leave provided by statute or board policy.

(2) In order to be eligible for leave under this section, the employee shall:

(a) Be placed in quarantine due to COVID-19 exposure by a licensed treating physician, physician's assistant, or advanced practice registered nurse, a public health department, the Department for Public Health, or the school district for which the employee works; and

(b) Have received either two (2) doses of the Pfizer or Moderna COVID-19 vaccine or a single dose of Johnson & Johnson's Janssen vaccine prior to the quarantine period, present a statement from a treating medical professional that a disability prevents the employee from taking the COVID-19 vaccine, or is prevented from taking the COVID-19 vaccination based on sincerely held religious belief.

(3) If a school district places an employee on quarantine due to exposure to COVID-19, then the district shall provide the employee with written documentation supporting the quarantine determination.

(4) A school district may require the employee to provide written documentation from the entity placing the employee in quarantine due to COVID-19 exposure.

(5) Quarantine leave shall not be used if the employee has an active COVID-19 infection.

(6) A school district, at its discretion, may determine quarantine leave is unnecessary when an employee can fulfill his or her job duties remotely during the quarantine period.

(7) In order to shorten the quarantine period, a school district may require an employee on quarantine leave to undergo a COVID-19 test at district expense and provide the results to the district. Such test shall occur no sooner than the earliest date recommended by Centers for Disease Control (CDC) and Department for Public Health quarantine guidelines. A district may require an employee testing negative for COVID-19 to return to work in accordance with CDC and Department for Public Health quarantine guidelines.

(8) Leave granted pursuant to this section shall not accumulate or carry over beyond the 2021-2022 school year and shall not be transferrable to any other classification of paid leave established by KRS 161.155, KRS 161.154, or local school district policy.

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).

JASON E. GLASS, Ed.D., Commissioner and Chief Learner
LU YOUNG, Chairperson

APPROVED BY AGENCY: December 7, 2021
FILED WITH LRC: December 8, 2021 at 12:35 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on January 27, 2022, at 10:00 am in the State Board Room, 5th Floor, 300 Sower Blvd, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through January 31, 2022.

CONTACT PERSON: Todd G. Allen, 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: The proposed emergency regulation is only applicable to the 2021-2022 school year. Under existing law, local school districts may not have a mechanism to provide leave to employees in quarantine due to the COVID-19 pandemic. The proposed emergency regulation establishes paid leave for employees placed in quarantine by a licensed physician, licensed physician's assistant, licensed advanced practice registered nurse, a health department or by the school district.

(b) The necessity of this administrative regulation: During the 2021-2022 school year, school districts may be without ability to provide leave to employees placed in quarantine due to COVID-19 exposure. As such, school district employees may be faced with the situation of being absent without leave in order to comply with a quarantine order.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate regulations for: The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine. This regulation establishes the leave requirements for quarantine due to COVID-19.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the leave requirements for quarantine due to COVID-19 pursuant to KRS 156.160(1)(l).

(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. This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statues: N/A.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts, local school district employees.

(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: For school year 2021-2022, this administrative regulation requires school districts to provide leave for employees subject to quarantine due to the COVID-19 pandemic.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): School districts would incur some indeterminable costs in providing paid leave to employees. Cost will depend on the number of quarantine leave days a district provides during the 2021-2022 school year as well as costs for substitute staff where appropriate.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Districts will be able to provide employees with leave when the employee is required to quarantine due to COVID-19 exposure. Districts currently cannot provide leave for quarantined employees beyond sick leave. This allows school districts to operate more safely and mitigate COVID-19 exposure risks in schools.

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

(a) Initially: The cost of the program is indeterminable and will depend on the numbers of employees placed in quarantine due to the COVID-19 pandemic and the cost to obtain substitute services where appropriate.

(b) On a continuing basis: This regulation is only applicable to the 2021-2022 school year and is in response to the COVID-19 pandemic.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General and Federal COVID-19 relief funds (e.g. Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations (CRSSA) Act, and the American Rescue Plan (ARP) 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 additional fees or funding are anticipated to implement this regulation. However, costs are largely dependent on the number of COVID-19 quarantined employees during school year 2021-2022.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied. This regulation applies uniformly to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate regulations for: The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine. KRS 156.160(1)(h) requires the Kentucky Board of Education to promulgate regulations for:

[T]he protection of the physical welfare and safety of the public-school children.

(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. School districts would incur some indeterminable costs in providing paid leave to employees. Cost will depend on the number of quarantine leave days a district provides during the 2021-2022 school year as well as costs for substitute staff where appropriate.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation is only applicable to the 2021-2022 school year. It will not generate revenue.

(c) How much will it cost to administer this program for the first year? The cost to administer this program during school year 2021-2022 is indeterminable.

(d) How much will it cost to administer this program for subsequent years? This regulation is only applicable to the 2021-2022 school year. School districts would incur some indeterminable cost in providing paid leave to employees. Costs will depend on the number of quarantine leave days a district provides during the 2021-2022 school year as well as costs for substitute staff where appropriate.

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

Revenues (+/-): N/A

Expenditures (+/-): Unknown

Other Explanation: Specific dollar estimates cannot be determined. The cost of the program is indeterminable and will depend on the numbers of employees placed in COVID-19 quarantine during the 2021-2022 school year and costs related to obtaining substitute employees where appropriate.

STATEMENT OF EMERGENCY
803 KAR 2:321E

This emergency administrative regulation is promulgated to meet an imminent threat to public health, safety, or welfare, to prevent a loss of federal funds, and ensure compliance with federal mandates. 803 KAR 2:306, Occupational health and environmental controls, was promulgated April 27, 2021 in accordance with House Bill 50 of the 2017 Regular Session. On November 4, 2021, the Legislative Research Commission informed the Labor Cabinet that 803 KAR 2:306 expired due to absence of a certification letter pursuant to KRS 13A.3104(1). Kentucky operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) that provides employee occupational safety and health (OSH) protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this emergency regulation to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.5(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. The Labor Cabinet must promulgate this emergency administrative to ensure the state is at least as effective as the federal requirement. This emergency

administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding. This emergency administrative regulation shall be replaced by an ordinary administrative regulation, which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JAMIE LINK, Secretary

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Emergency Administrative Regulation)

803 KAR 2:321E. Occupational health and environmental control.

EFFECTIVE: November 22, 2021
RELATES TO: KRS Chapter 338, 29 C.F.R. 1910.6, 1910.94-1910.98
STATUTORY AUTHORITY: KRS 338.051(3), 338.061
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes the occupational health and environmental control standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions. (1) "Act" means KRS Chapter 338.
(2) "Assistant Secretary" means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.
(3) "C.F.R." means Code of Federal Regulations.
(4) "Standard" is defined by KRS 338.015(3).
(5) "U.S. Department of Labor" means Kentucky Labor Cabinet, Mayo-Underwood Building, 3rd Floor, Frankfort, Kentucky 40601, or the U.S. Department of Labor.

Section 2. Except as modified by the definitions in Section 1, general industry shall comply with 29 C.F.R. 1910, Subpart G, Occupational Health and Environmental Control published by the Office of the Federal Register, National Archives and the Records Services, General Services Administration.

JAMIE LINK, Secretary of Labor
APPROVED BY AGENCY: November 22, 2021
FILED WITH LRC: November 23, 2021 at 11:15 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 24, 2022, at 10:00 a.m. ET. The hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8)(b) (2020) and the continuing state of emergency. Public access to the meeting will be available at https://us02web.zoom.us/j/87800440284?pwd=dUZHamFJeTk0TUZpWIQ3UHp5cE9vdz09, passcode 731936; or by telephone at (713) 353-0212, or (888) 822-7517 toll free, conference code 194378. 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 was received by that date, the hearing may be cancelled. A transcript for 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 until January 31, 2022. 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: Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since December 15, 1989, defines terms not used in the federal standard. Section 2 adopts the requirements of 29 C.F.R. 1910, Subpart G, Occupational Health and Environmental Control.
(b) The necessity of this administrative regulation: On November 4, 2021, the Legislative Research Commission informed the Labor Cabinet that 803 KAR 2:306, Occupational health and environmental controls, expired due to absence of a certification letter pursuant to KRS 13A.3104(1). Kentucky operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) that provides employee occupational safety and health (OSH) protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this emergency regulation to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. The Labor Cabinet must promulgate this emergency administrative to ensure the state is at least as effective as the federal requirement. This emergency administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This emergency administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement. This emergency administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration

of the statutes: Not applicable.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation affects all employers in the Commonwealth in general industry covered by KRS Chapter 338.

(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 emergency administrative regulation or amendment: No additional compliance duties are imposed, and no immediate 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 is no additional cost to the OSH Program to implement this emergency administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This emergency administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement.

(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 the OSH Program to implement this emergency administrative regulation.

(b) On a continuing basis: There is no continuing cost to the OSH Program to implement this emergency administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal 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: There is neither an increase in fees nor an increase in funding necessary to implement this emergency administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This emergency administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. Accordingly, in order to maintain the state program as effective as the federal program, Kentucky must adopt the federal requirement or develop an equivalent standard.

(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(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 emergency administrative regulation does not impose stricter, additional, or different responsibilities.

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 emergency administrative regulation affects any unit, part, or division of local government covered by KRS 338 & engaged in construction activities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(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. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? This emergency administrative regulation will not impose any cost to the employer.

(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 (+/-): Unknown.

Expenditures (+/-): Unknown.

Other explanation: This emergency administrative regulation does not impose any additional requirements or expenditures to the employer.

STATEMENT OF EMERGENCY
803 KAR 2:426E

This emergency administrative regulation is promulgated to meet an imminent threat to public health, safety, or welfare, to prevent a loss of federal funds, and ensure compliance with federal mandates. 803 KAR 2:423, Stairways and ladders, was promulgated April 27, 2021 in accordance with House Bill 50 of the 2017 Regular Session. On November 4, 2021, the Legislative Research Commission informed the Labor Cabinet that 803 KAR 2:423 expired due to absence of a certification letter pursuant to KRS 13A.3104(1). Kentucky operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) that provides employee occupational safety and health (OSH) protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this emergency regulation to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. The Labor Cabinet must promulgate this emergency administrative to ensure the state is at least as effective as the federal requirement. This emergency administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding. This emergency administrative regulation shall be replaced by an ordinary administrative regulation, which is being filed simultaneously with the Regulations Compiler. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JAMIE LINK, Secretary

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Emergency Administrative Regulation)

803 KAR 2:426E. Stairways and ladders.

EFFECTIVE: November 23, 2021
RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.1050-1060
STATUTORY AUTHORITY: KRS 338.051(3), 338.061
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health regulations and authorizes the chairman to reference federal standards without approval if necessary to meet federal time requirements. This administrative regulation establishes standards that are enforced by the Department of Workplace Standards in construction.

Section 1. Definitions. (1) "C.F.R." means Code of Federal Regulations.
(2) "Employee" is defined by KRS 338.015(2).
(3) "Employer" is defined by KRS 338.015(1).
(4) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as modified by Section 1 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926, Subpart X, Stairways and Ladders published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

JAMIE LINK, Secretary of Labor
APPROVED BY AGENCY: November 22, 2021
FILED WITH LRC: November 23, 2021 at 11:15 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 24, 2022, at 10:00 a.m. ET. The hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8)(b) (2020) and the continuing state of emergency. Public access to the meeting will be available at https://us02web.zoom.us/j/87800440284?pwd=dUZHamFJeTk0TUZpWlQ3UHp5cE9vdz09, passcode 731936; or by telephone at (713) 353-0212, or (888) 822-7517 toll free, conference code 194378. 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 was received by that date, the hearing may be cancelled. A transcript for 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 until January 31, 2022. 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: Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since December 15, 1989, defines terms not used in the federal standard. Section 2 adopts the requirements of 29 C.F.R. 1926, Subpart X, Stairways and Ladders.
(b) The necessity of this administrative regulation: On November 4, 2021, the Legislative Research Commission informed the Labor Cabinet that 803 KAR 2:423, Stairways and ladders, expired due to absence of a certification letter pursuant to KRS 13A.3104(1). Kentucky operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) that provides employee occupational safety and health (OSH) protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this emergency regulation to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. The Labor Cabinet must promulgate this emergency administrative to ensure the state is at least as effective as the federal requirement. This emergency administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This emergency administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement. This emergency administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation affects all employers in the Commonwealth in general industry covered by KRS Chapter 338.
(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 emergency administrative regulation or amendment: No additional compliance duties are imposed, and no immediate 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 is no additional cost to the OSH Program to implement this emergency administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This emergency administrative

regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement.

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

(a) Initially: There is no cost to the OSH Program to implement this emergency administrative regulation.

(b) On a continuing basis: There is no continuing cost to the OSH Program to implement this emergency administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state and federal 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: There is neither an increase in fees nor an increase in funding necessary to implement this emergency administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This emergency administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. Accordingly, in order to maintain the state program as effective as the federal program, Kentucky must adopt the federal requirement or develop an equivalent standard.

(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(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 emergency administrative regulation does not impose stricter, additional, or different responsibilities.

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 emergency administrative regulation affects any unit, part, or division of local government covered by KRS 338 and engaged in construction activities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(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. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? This emergency administrative regulation will not impose any cost to the employer.

(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 (+/-): Unknown.

Expenditures (+/-): Unknown.

Other explanation: This emergency administrative regulation does not impose any additional requirements or expenditures to the employer.

STATEMENT OF EMERGENCY
921 KAR 4:122E

This emergency administrative regulation is necessary in order to immediately utilize federal Consolidated Appropriations Act, 2021, and American Rescue Plan Act (ARPA) funding to provide assistance to low-income households in paying their water and wastewater utility arrears and relief to water and wastewater utility providers. The Consolidated Appropriations Act, 2021, and ARPA funds may only be used to cover costs incurred during the period of time beginning May 27, 2021, and ending September 30, 2023. This emergency assistance is limited to costs incurred during this time period unless federal funding is extended. This emergency assistance program is modeled after the Low-Income Home Energy Assistance Program (LIHEAP), a federally funded program in which low-income households receive assistance in paying their heating and cooling utilities. This administrative regulation is being filed as an emergency in accordance with KRS 13A.190(1)(a)1. and 2., as providing this assistance to eligible low-income households in the commonwealth will ensure the provision of water and wastewater utilities to at-risk individuals, protecting public health, safety, and welfare, and federal funding will be lost if not used during the specified time period. This emergency administrative regulation is temporary in nature, but may be required for a longer period of time than the 270 days permitted by KRS 13A.190(4)(a) due to funding being available through September 30, 2023. For this reason, this emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
ERIC C. FRIEDLANDER, Secretary

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(New Emergency Administrative Regulation)

921 KAR 4:122E. Assistance for low-income households with water or wastewater utility arrears.

EFFECTIVE: December 1, 2021

RELATES TO: KRS Chapter 13B, 194A.070, KRS 205.240, 278.0154(6), 42 U.S.C. 9902(2), Pub.L. 116-260, Pub.L. 117-2

STATUTORY AUTHORITY: KRS 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to adopt administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and promulgate administrative regulations necessary to qualify for the receipt of federal funds and necessary to cooperate with other state and

federal agencies for the proper administration of the cabinet and its programs. KRS 194A.070 authorizes the cabinet to utilize and promote community resources for the delivery of services. KRS 205.240 states that all money received from the United States for the public assistance functions administered by the cabinet are hereby appropriated and shall be available to the secretary for expenditure. This administrative regulation establishes the eligibility and assistance criteria for low-income households to receive assistance with paying water or wastewater utility arrears.

Section 1. Definitions. (1) "Agency" means Community Action Kentucky (CAK), or a local community action agency contracted to provide the service.

(2) "Authorized representative" means the person who presents to an agency a written statement signed by the head of the household, or spouse of the head of the household, authorizing that person to apply on the household's behalf.

(3) "Crisis component" means the component that provides assistance to households that are experiencing a home water or wastewater emergency.

(4) "Economic unit" means one (1) or more persons sharing common living arrangements.

(5) "Emergency" means, at the time of application, the household:

(a) Is without water;

(b) Shall be disconnected from a water utility service within forty-eight (48) hours; or

(c) Shall be without water as established in Section 3(3) of this administrative regulation.

(6) "Gross household income" means all earned and unearned income, including lump sum payments received by a household during the calendar month preceding the month of application.

(7) "Household" means an individual or group of individuals who are living together in the principal residence as one (1) economic unit and who purchase water or wastewater in common.

(8) "Household demographics" means an applicant's:

(a) Address;

(b) Household composition that includes:

1. Size;

2. Age group;

3. Relationship to applicant;

4. Sources of income; and

5. Type of housing; and

(c) Water and wastewater source.

(9) "Principal residence" means the place:

(a) Where a person is living voluntarily and not on a temporary basis;

(b) An individual considers home;

(c) To which, when absent, an individual intends to return; and

(d) Is identifiable from another residence, commercial establishment, or institution.

(10) "Subsidy component" means the component that provides an eligible household with:

(a) A payment to the household's water or wastewater provider; or

(b) A payment to a landlord, if water or wastewater is included in the rent.

Section 2. Application. (1) A household or authorized representative applying for water or wastewater utility assistance shall provide to an agency the following:

(a) Proof of household income;

(b) The most recent:

1. Water bill;

2. Wastewater bill; or

3. Verification that water or wastewater is included in the rent;

(c) A statement of household demographics; and

(d) A Social Security number, or a permanent residency card, for each household member.

(2) An application shall not be considered complete until the required information, as specified in subsection (1) of this section, is received by the agency.

Section 3. Eligibility Criteria. (1) Gross household income shall be at or below 150 percent of the official federal poverty income guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 9902(2).

(2) The household shall be responsible for paying:

(a) The water or wastewater bill; or

(b) Water or wastewater costs as a portion of the rent.

(3) Crisis component. In addition to meeting the criteria in subsections (1) and (2) of this section, an applicant shall have:

(a) Water or wastewater utility arrears;

(b) Entered into a payment plan due to water or wastewater utility arrears;

(c) Received a past-due or disconnect notice;

(d) A currently disconnected water or wastewater service; or

(e) Received a notice of eviction due to nonpayment of rent, if water or wastewater cost is included as a portion of the rent.

Section 4. Assistance. (1) For a subsidy component, a maximum assistance amount of $400 may be provided for a current water utility bill or water utility arrears, a current wastewater utility bill or wastewater utility arrears, or a combination thereof. Payment shall be made to the household's water or wastewater provider, or landlord if the utility is included in rent, as follows:

(a) The amount of assistance shall be based upon household income and whether the household is responsible for water, wastewater, or both.

(b) A household living in federally assisted housing or receiving a utility allowance shall be eligible for a lesser amount of assistance.

(2) For a crisis component, a maximum assistance amount of $800 may be provided for water utility arrears, wastewater utility arrears, or a combination thereof. Payment shall be made to the household's water or wastewater provider, or landlord if the utility is included in rent, as follows:

(a) The amount of assistance shall be the minimum needed to address the household's arrearages or alleviate a water or wastewater emergency.

(b) A household living in federally assisted housing may be eligible.

(c) A household may receive crisis component assistance more than one (1) time, but shall not receive more than the maximum assistance amount unless a case-by-case determination is made that no other funding source is available to alleviate a household emergency.

(3) A household may receive assistance for subsidy, crisis, or both.

Section 5. Assistance Delivery Method. Payment shall be authorized by a one (1) party check made payable to the household's:

(1) Water or wastewater utility provider or providers; or

(2) Landlord, if the cost of water or wastewater is included as a portion of the rent.

Section 6. Right to a Fair Hearing. (1) An individual who has been denied assistance or whose application has not been acted upon within the time standards established in Section 7 of this administrative regulation shall be provided an administrative review by the agency.

(2) An individual dissatisfied with the results of an administrative review may request a hearing be held in accordance with 921 KAR 2:055 and KRS Chapter 13B.

Section 7. Time Standards. (1) An eligibility determination shall be made by an agency within fifteen (15) working days after receipt of information required by Section 2 of this administrative regulation.

(2) An applicant shall have fifteen (15) working days from the date of application to provide the information required by Section 2 of this administrative regulation to an agency, or the application

shall be denied.

Section 8. Water or Wastewater Provider Responsibilities. A provider accepting payment pursuant to this administrative regulation for water or wastewater utility services provided to an eligible recipient shall comply with the following provisions:

(1) Reconnection of utilities shall be accomplished upon receipt of payment.

(2) A household shall be charged, in the normal billing process, the difference between actual cost of water or wastewater and amount of payment made pursuant to this administrative regulation.

(3) An assistance recipient shall be treated the same as a household not receiving this assistance, with the exception established in KRS 278.0154(6).

(4) The household on whose behalf assistance is provided shall not be discriminated against in the services provided.

(5) A landlord shall not increase the rent of a recipient household due to receipt of assistance provided pursuant to this administrative regulation.

MARTA MIRANDA-STRAUB, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 19, 2021

FILED WITH LRC: December 1, 2021 at 8:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on January 24, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by January 14, 2022, 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 virtually 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 January 31, 2022. 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: Krista Quarles, Policy Analyst, 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 person: Laura Begin or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the criteria and process for low-income households to receive assistance in paying water or wastewater utility arrears accumulated between May 27, 2021, and September 30, 2023. This program is provided through the federal Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funding in order to assist households with utility arrears incurred during the COVID-19 pandemic.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the criteria and process through which low-income households may receive assistance in paying water or wastewater utility arrears accumulated during the COVID-19 pandemic. This program is similar to the Low Income Home Energy Assistance Program (LIHEAP), which provides assistance to low-income households with heating and cooling utility costs. This administrative regulation is being filed as an emergency in accordance with KRS 13A.190(1)(a)1. and 2., as providing this assistance to eligible low-income households in the commonwealth will ensure the provision of water and wastewater utilities to at-risk individuals, protecting public health, safety, and welfare, and federal funding will be lost if not used during the specified time period.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 194A.050, which requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the citizens of the commonwealth and to qualify for the receipt of federal 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 eligibility and assistance criteria for the implementation of this program, which is designed to ensure the health and welfare of low-income households by ensuring the maintenance of water and wastewater utility services.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation is not an amendment; however, it is necessary to establish the criteria and process for low-income households to receive assistance in paying water or wastewater utility arrears accumulated between May 27, 2021, and September 30, 2023.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is not an amendment but is necessary to establish the criteria and process through which low-income households may receive assistance in paying water or wastewater utility arrears accumulated during the COVID-19 pandemic.

(c) How the amendment conforms to the content of the authorizing statutes: This new administrative regulation conforms to KRS 194A.050, which requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the citizens of the commonwealth and to qualify for the receipt of federal funds.

(d) How the amendment will assist in the effective administration of the statutes: This new administrative regulation assists in the effective administration of the statutes by establishing eligibility and assistance criteria for the implementation of this program, which is designed to ensure the health and welfare of low-income households by ensuring the maintenance of water and wastewater utility services.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The cabinet holds a master agreement with Community Action Kentucky (CAK), which subcontracts with twenty-two community action agencies and one local government to provide utility assistance throughout Kentucky's 120 counties. The cabinet will work through CAK to provide this utility assistance in the same manner LIHEAP assists with heating and cooling utility payments. In SFY 2019, Kentucky served approximately 156,694 low-income households with utility payment assistance through LIHEAP. Water and wastewater utility providers will also benefit from the implementation of this 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: Eligible households must present their most recent water or wastewater utility bill demonstrating that they have water or wastewater utility arrears, have entered into a payment plan due to water or wastewater utility arrears, have received a past-due or disconnect notice, or have received a notice of eviction due to nonpayment of rent, if water or wastewater cost

is included as a portion of the rent. If the household meets all requirements established in this administrative regulation, they shall receive arrearage payment assistance.

(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 to eligible households complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Eligible households meeting the requirements of this administrative regulation may receive arrearage payment assistance up to $1,200 subsidy and crisis components in order to assist in the maintenance of water or wastewater utilities and ensure the health and welfare of low-income households in the commonwealth. Water and wastewater utility providers (or landlords if these utilities are part of rent) will be the recipients of this funding and will benefit from the implementation of this program.

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

(a) Initially: The Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds are being used to implement this administrative regulation. Approximately $18.6 million in funds have been provided for this program and up to 15% may be used for administrative costs.

(b) On a continuing basis: The cabinet will not operate this program and implement this administrative regulation until funds are exhausted. Unless extended, The Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds may only be used to cover costs incurred during the period of time beginning May 27, 2021, and ending September 30, 2023.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds are being used to implement this administrative regulation. Approximately $18.6 million has been provided to Kentucky for the purpose of implementing this program.

(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 new 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 directly or indirectly establish or increase fees.

(9) TIERING: Is tiering applied? This administrative regulation contains eligibility criteria that must be met in order to obtain this assistance, but this program will be provided in a like manner statewide so that tiering is not applicable.

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 for Community Based Services will be impacted by this administrative regulation. The cabinet holds a master agreement with Community Action Kentucky (CAK), which subcontracts with twenty-two community action agencies and one local government to provide utility payment assistance throughout Kentucky's 120 counties. Municipal water and wastewater systems will benefit from the payment of customer arrears.

(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), 194A.070, KRS 205.240, Pub. L. 116-260, Pub. L. 117-2.

(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.

(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 during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is temporary and will not generate revenue for the state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year? The cabinet is utilizing federal Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds to implement this administrative regulation. Approximately $18.6 million in funds have been provided for this program.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation and program is temporary in nature as, unless extended, the Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds may only cover costs incurred up to September 30, 2023.

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:

AMENDED IN-PROCESS EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. This index reflects the KRS Chapter 13A-established expiration dates; however, expiration dates may be impacted by 2021 legislation including: Regular Session legislation: House Joint Resolution 77; KRS Chapter 39A, as amended by Senate Bill 1; and by KRS Chapters 13A and 214, as amended by Senate Bill 2; or Special Session legislation: House Joint Resolution 1; or KRS Chapter 13A as amended by Senate Bill 1 and Senate Bill 2.

BOARDS AND COMMISSIONS
Board of Cosmetology
(Emergency Amended After Comments)

201 KAR 12:082E. Education requirements and school administration.

EFFECTIVE: December 14, 2021
Previous versions -
Emergency Amendment: 48 Ky.R. 1468
RELATES TO: KRS 317A.020, 317A.050, 317A.090
STATUTORY AUTHORITY: KRS 317A.060, 317A.090
NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060(1)(h) requires the board to promulgate administrative regulations governing the hours and courses of instruction at schools of cosmetology, esthetic practices, and nail technology[~~.~~] KRS 317A.090 establishes licensing requirements for schools of cosmetology, esthetic practices, and nail technology. This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions required for students and faculty for schools of cosmetology, esthetic practices, and nail technology.

Section 1. Subject Areas. The regular courses of instruction for cosmetology students shall contain courses relating to the subject areas identified in this section.
(1) Basics:
(a) History and Career Opportunities;
(b) Life Skills;
(c) Professional Image; and
(d) Communications.
(2) General Sciences:
(a) Infection Control: Principles and Practices;
(b) General Anatomy and Physiology;
(c) Skin Structure, Growth, and Nutrition;
(d) Skin Disorders and Diseases;
(e) Properties of the Hair and Scalp;
(f) Basic Chemistry; and
(g) Basics of Electricity.
(3) Hair Care:
(a) Principles of Hair Design;
(b) Scalp Care, Shampooing, and Conditioning;
(c) Hair Cutting;
(d) Hair Styling;
(e) Braiding and Braid Extensions;
(f) Wig and Hair Additions;
(g) Chemical Texture Services; and
(h) Hair Coloring.
(4) Skin Care:
(a) Hair Removal;
(b) Facials; [~~and~~]
(c) Facial Makeup; and[~~.~~]
(d) Application of Artificial Eyelashes.
(5) Nails:
(a) Manicuring;
(b) Pedicuring;
(c) Nail Tips and Wraps;
(d) Monomer Liquid and Polymer Powder Nail Enhancements; and
(e) Light Cured Gels.
(6) Business Skills:
(a) Preparation for Licensure and Employment;
(b) On the Job Professionalism; and
(c) Salon Businesses.

Section 2. A school or program of instruction of any practice listed in KRS Chapter 317A or 201 KAR Chapter 12 [~~of cosmetology, esthetic practices, and nail technology~~] shall teach the students about the various supplies and equipment used in the usual salon practices.

Section 3. Instructional Hours.
(1) A cosmetology student shall receive not less than 1,500 hours in clinical class work and scientific lectures with a minimum of:
(a) 375 lecture hours for science and theory;
(b) 1,085 clinic and practice hours; and
(c) Forty (40) hours on the subject of applicable Kentucky statutes and administrative regulations.
(2) A cosmetology student shall not perform chemical services on the public until the student has completed a minimum of 250 hours of instruction.

Section 4. Training Period for Cosmetology Students, Nail Technician Students, Esthetician Students, and Apprentice Instructors.
(1) A training period for a student shall be no more than eight (8)[~~ten (10)~~] hours per day, forty (40) hours per week.
(2) A student shall be allowed thirty (30) minutes per eight (8) hour day or longer for meals or a rest break. This thirty (30) minute period shall not be credited toward a student's instructional hours requirement.

Section 5. Laws and Regulations.
(1) At least one (1) hour per week shall be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A and 201 KAR Chapter 12.
(2) Schools or programs of instruction of any practice listed in KRS Chapter 317A or 201 KAR Chapter 12 [~~of cosmetology, esthetic practices, and nail technology,~~] shall provide a copy of KRS Chapter 317A and 201 KAR Chapter 12 to each student upon enrollment.

Section 6. Nail Technician Curriculum. The nail technician course of instruction shall include the following:
(1) Basics:
(a) History and Opportunities;
(b) Life Skills;
(c) Professional Image; and
(d) Communications.
(2) General Sciences:
(a) Infection Control: Principles and Practices;
(b) General Anatomy and Physiology;
(c) Skin Structure and Growth;
(d) Nail Structure and Growth;
(e) Nail Diseases and Disorders;
(f) Basics of Chemistry;
(g) Nail Product Chemistry; and
(h) Basics of Electricity.
(3) Nail Care:
(a) Manicuring;
(b) Pedicuring;
(c) Electric Filing;
(d) Nail Tips and Wraps;
(e) Monomer Liquid and Polymer Powder Nail Enhancements;
(f) UV and LED Gels; and
(g) Creative Touch.
(4) Business Skills:

(a) Seeking Employment;
(b) On the Job Professionalism; and
(c) Salon Businesses.

Section 7. Nail Technology Hours Required.
(1) A nail technician student shall receive no less than 450 hours in clinical and theory class work with a minimum of:
(a) 150 lecture hours for science and theory;
(b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and administrative regulations; and
(c) 275 clinic and practice hours.
(2) A nail technician student shall have completed sixty (60) hours before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first sixty (60) hours.

Section 8. Apprentice Instructor Curriculum. The course of instruction for an apprentice instructor of any practice listed in KRS Chapter 317A or 201 KAR Chapter 12 shall include no less than 750 hours, 425 hours of which shall be in direct contact with students. 325 hours of the required theory instruction may be taken in person or online, in the following areas:
(1) Orientation;
(2) Psychology of student training;
(3) Introduction to teaching;
(4) Good grooming and professional development;
(5) Course outlining and development;
(6) Lesson planning;
(7) Teaching techniques (methods);
(8) Teaching aids, audio-visual techniques;
(9) Demonstration techniques;
(10) Examinations and analysis;
(11) Classroom management;
(12) Recordkeeping;
(13) Teaching observation;
(14) Teacher assistant; and
(15) Pupil teaching (practice teaching).

Section 9. Supervision. An apprentice instructor shall be under the immediate supervision and instruction of a licensed instructor during the school day. An apprentice instructor shall not assume the duties and responsibilities of a licensed supervising instructor.

Section 10. Instructors Online Theory Course. All online theory instruction completed to comply with Section 8 of this administrative regulation shall be administered from an approved digital platform at a licensed Kentucky school of cosmetology, esthetic practices, or nail technology.

Section 11. Additional Coursework. Apprentice Esthetics and Nail Technology Instructors shall also complete an additional fifty (50) hours of advanced course work in that field within a two (2) year period prior to the instructor examination.

Section 12. Schools may enroll persons for a special supplemental course in any subject.

Section 13. Esthetician Curriculum. The regular course of instruction for esthetician students shall consist of courses relating to the subject areas identified in this section. (1) Basics:
(a) History and Career Opportunities;
(b) Professional Image; and
(c) Communication.
(2) General Sciences:
(a) Infection Control: Principles and Practices;
(b) General Anatomy and Physiology;
(c) Basics of Chemistry;
(d) Basics of Electricity; and
(e) Basics of Nutrition.
(3) Skin Sciences:
(a) Physiology and Histology of the Skin;
(b) Disorders and Diseases of the Skin;
(c) Skin Analysis; and
(d) Skin Care Products: Chemistry, Ingredients, and Selection.
(4) Esthetics:
(a) Treatment Room;
(b) Basic Facials;
(c) Facial Massage [~~Message~~];
(d) Facial Machines;
(e) Hair Removal;
(f) Advanced Topics and Treatments; [~~and~~]
(g) Application of Artificial Eyelashes; and
(h)[~~(g)~~] Makeup.
(5) Business Skills:
(a) Career Planning;
(b) The Skin Care Business; and
(c) Selling Products and Services.

Section 14. Esthetician Hours Required.
(1) An esthetician student shall receive no less than 750 hours in clinical and theory class work with a minimum of:
(a) 250 lecture hours for science and theory;
(b) Thirty-five (35) hours on the subject of applicable Kentucky statutes and administrative regulations; and
(c) 465 clinic and practice hours.
(2) An esthetician student shall have completed 115 hours before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first 115 hours.

Section 15. Blow Drying Services License Subject Areas. The regular courses of instruction for blow drying services license students shall contain courses relating to the subject areas identified in this section.
(1) Basics:
(a) History and Career Opportunities;
(b) Life Skills;
(c) Professional Image; and
(d) Communications.
(2) General Sciences:
(a) Infection Control: Principles and Practices;
(b) General Anatomy and Physiology of head, neck and scalp;
(c) Skin Disorders and Diseases of head, neck and scalp;
(d) Properties of the Hair and Scalp; and
(e) Basics of Electricity.
(3) Hair Care:
(a) Principles of Hair Design;
(b) Scalp Care, Shampooing, and Conditioning;
(c) Hair Styling;
(d) Blow drying;
(e) Roller Placement;
(f) Finger waves/ pin curls;
(g) Thermal curling;
(h) Flat iron styling;
(i) Wig and Hair Additions; and
(j) Long hair styling.
(4) Business Skills:
(a) Preparation for Licensure and Employment;
(b) On the Job Professionalism; and
(c) Salon Businesses.

Section 16. Blow Drying Services License Hours Required.
(1) A blow drying services license student shall receive no less than 400 hours in clinical and theory class work with a minimum of:
(a) 150 lecture hours for science and theory;
(b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and administrative regulations; and
(c) 275 clinic and practice hours.
(2) A blow drying services license student shall have completed sixty (60) hours before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first sixty (60) hours.

Section 17. Extracurricular Events. Each cosmetology, nail

technician, and esthetician student shall be allowed up to sixteen (16) hours for field trip activities pertaining to the profession of study, sixteen (16) hours for attending educational programs, and sixteen (16) hours for charitable activities relating to the field of study, totaling not more than forty-eight (48) hours and not to exceed eight (8) hours per day. Attendance or participation shall be reported to the board within ten (10) business days of the field trip, education show, or charitable event on the Certification of Student Extracurricular Event Hours form.

Section 18. Student Records. Each school shall:

(1) Maintain a [~~legible and~~] accurate daily attendance record [~~used only for the verification and tracking of the required contact hours for education~~] for all full-time students, part-time students, and apprentice instructors [~~with records that shall be recorded using a digital biometric time keeping program as follows:~~

~~(a) All beginning, end, break, and lunch times shall be recorded;~~

~~(b) All instructors shall comply with the biometric time keeping system; and~~

~~(c) Previously licensed schools will have six (6) months from the effective date of this administrative regulation to comply.~~]

(2) Keep a record of each student's practical work and work performed on clinic patrons;

(3) Maintain a detailed record of all student enrollments, withdrawals, and dismissals for a period of five (5) years; and

(4) Make records required by this Section available to the board and its employees upon request.

Section 19. Certification of Hours.

(1) Schools shall forward to the board digital certification of a student's hours completed within ten (10) business days of a student's withdrawal, dismissal, completion, or the closure of the school.

(2) No later than the 10th day of each month, a licensed school shall submit to the board via electronic delivery a certification of each student's total hours obtained for the previous month and the total accumulated hours to date for all students enrolled. Amended reports shall not be accepted by the board without satisfactory proof of error. Satisfactory proof of error shall require, at a minimum, a statement signed by the school manager certifying the error and the corrected report.

Section 20. No Additional Fees. Schools shall not charge students additional fees beyond the contracted amount.

Section 21. Instructor Licensing and Responsibilities.

(1) A person employed by a [~~cosmetology, nail technology, or esthetic practices~~] school <u>or program</u> for the purpose of teaching or instruction shall be licensed by the board as an instructor and shall post his or her license as required by 201 KAR 12:060.

(2) A licensed instructor or apprentice instructor shall supervise all students during a class or practical student work.

(3) An instructor or apprentice instructor shall render services only incidental to and for the purpose of instruction.

(4) Licensed schools shall not permit an instructor to perform services in the school for compensation during school hours.

(5) An instructor shall not permit students to instruct or teach other students in the instructor's absence.

(6) Except as provided in subsection (7) of this section, schools may not permit a demonstrator to teach in a licensed school.

(7) A properly qualified, licensed individual may demonstrate a new process, preparation, or appliance in a licensed school if a licensed instructor is present.

(8) Licensed schools <u>or programs</u> of <u>instruction in any practice listed in KRS Chapter 317A or 201 KAR Chapter 12</u> [~~cosmetology, esthetic practices, and nail technology~~] shall, at all times, maintain a minimum faculty to student ratio of one (1) instructor for every twenty (20) students enrolled and supervised.

(9) Licensed schools <u>or programs</u> of <u>instruction in any practice listed in KRS Chapter 317A or 201 KAR Chapter 12</u> [~~cosmetology, esthetic practices, and nail technology~~] shall, at all times, maintain a minimum ratio of one (1) instructor for every two (2) apprentice instructors enrolled and supervised.

(10) Within ten (10) business days of the termination, employment, and other change in school faculty personnel, a licensed school shall notify the board of the change.

Section 22. School Patrons.

(1) All services rendered in a licensed school to the public shall be performed by students. Instructors may teach and aid the students in performing the various services.

(2) A licensed school shall not guarantee a student's work.

(3) A licensed school shall display in the reception room, clinic room, or any other area in which the public receives services a sign to read: "Work Done by Students Only." The letters shall be a minimum of one (1) inch in height.

Section 23. Enrollment.

(1) Any person enrolling in a school <u>or program for instruction in any practice listed in KRS Chapter 317A or 201 KAR Chapter 12</u> [~~for a cosmetology, nail technician, or esthetics course~~] shall furnish proof that the applicant has:

(a) A high school diploma,

(b) A General Educational Development (GED) diploma; or

(c) Results from the Test for Adult Basic Education indicating a score equivalent to the successful completion of the twelfth grade of high school.

(2) The applicant shall provide with the enrollment a passport photograph taken within thirty (30) days of submission of the application.

(3) A student enrolling in a licensed school who desires to transfer hours from an out of state school shall, prior to enrollment, provide to the board certification of the hours to be transferred from the state agency that governs the out of state school.

(4) If the applicant is enrolled in a board approved program at an approved Kentucky high school, the diploma, GED, or equivalency requirement of this Section is not necessary until examination.

Section 24. Certificate of Enrollment.

(1) Schools shall submit to the board the student's digital enrollment, accompanied by the applicant's proof of education, as established in Section 23 of this administrative regulation, within ten (10) business days of enrollment.

(2) All student identification information on the school's digital enrollment shall exactly match a state or federal government-issued identification card to take the examination. If corrections shall be made, the school shall submit the Enrollment Correction Application and the enrollment correction fee in 201 KAR 12:260 within ten (10) days of the erroneous submission. Students with incorrect enrollment information shall not be registered for an examination.

Section 25. Student Compensation.

(1) Schools shall not pay a student a salary or commission while the student is enrolled at the school.

(2) Licensed schools shall not guarantee future employment to students.

(3) Licensed schools shall not use deceptive statements and false promises to induce student enrollment.

Section 26. Transfer. A student desiring to transfer to another licensed school shall:

(1) Notify the school in which the student is presently enrolled of the student's withdrawal; and

(2) Complete a digital enrollment as required for the new school.

Section 27. Refund Policy. A school shall include the school's refund policy in school-student contracts.

Section 28. Student Complaints. A student may file a complaint with the board concerning the school in which the student is

enrolled, by following the procedures outlined in 201 KAR 12:190.

Section 29. Student Leave of Absence. The school shall report a student's leave of absence to the board within ten (10) business days. The leave shall be reported:

(1) In writing from the student to the school; and

(2) Clearly denote the beginning and end dates for the leave of absence.

Section 30. Student Withdrawal. Within ten (10) business days from a student's withdrawal, a licensed school shall report the name of the withdrawing student to the board.

Section 31. Credit for Hours Completed. The board shall credit hours previously completed in a licensed school as follows:

(1) Full credit (hour for hour) for hours completed within five (5) years of the date of school enrollment; and

(2) No credit for hours completed five (5) or more years from the date of school enrollment.

Section 32. Program Transfer Hours. If a current licensee chooses to enter into the practice of cosmetology, they shall complete and submit the Program [~~Hour~~] Transfer [~~Request~~] form. Upon receiving a completed Program [~~Hour~~] Transfer [~~Request~~] form, the board shall treat the transferred license as earned credit hours in a cosmetology program subject to the following:

(1) Transfer of a current esthetics license shall credit the transferee no more than 400 hours in a cosmetology program;

(2) Transfer of a current nail technologist license shall credit the transferee no more than 200 hours in a cosmetology program;

(3) Transfer of a current blow drying services license shall credit the transferee no more than 300 hours in a cosmetology program; or

(4) Transfer of a current barber license shall credit the transferee no more than 750 hours in a cosmetology program.

(5) Credit hours transferred pursuant to this section shall only take effect upon the transferee's completion of the remaining hours necessary to complete a cosmetology program.

Section 33. Emergency Alternative Education. Digital theory content may be administered by a licensed school in the event of forced long-term or intermittent emergency closure(s) due to a world health concern or crisis to be approved by the board. The board may determine when emergency alternative education shall begin and end. The necessary compliance steps for implementation are:

(1) Full auditable attendance records shall be kept showing actual contact time spent by a student in the instruction module.

(2) Milady **or Pivot Point supported digital curriculum platforms** [~~**supported Mind Tap, Pivot Point supported LAB,**~~] or recorded video conference participation shall be used.

(3) Schools shall submit an outline to the board within ten (10) days prior to occurrence defining the content scope to be taught or completed and a plan for a transition into a digital training environment. Plans may be submitted for approval by the board to be kept for future use in the event emergency alternative education is allowable.

(4) Completion certificates showing final scoring on digital modules shall be maintained in student records.

(5) Schools and students shall comply with Section 4 of this regulation on accessible hours.

(6) No student shall accrue more than the total required theory instruction hours outlined in the above instructional sections in emergency alternative education time.

(7) Board may determine eligibility for accruals based on duration of crisis and applicable time limits for alternative emergency education availability.

Section 34. [~~Section 33.~~] Incorporation by Reference. The following material is incorporated by reference:

(1)(a) "Certification of Student Extracurricular Event Hours", October 2018;

(b) "Enrollment Correction Application", October 2018; and

(c) "Program [~~Hour~~] Transfer [~~Request~~] Form", January 2019[~~April 2020~~].

(2)[~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Cosmetology, 111 St. James Court, Suite A, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

MARGARET MEREDITH, Board Chair

APPROVED BY AGENCY: December 1, 2021

FILED WITH LRC: December 14, 2021 at 1:03 p.m.

CONTACT PERSON: Julie M. Campbell, Board Administrator, 1049 US Hwy 127 S. Annex #2, Frankfort, Kentucky 40601, phone (502) 564-4262, email julie.campbell@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Julie M. Campbell

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions for licensed schools of cosmetology, esthetics, and nail technology in Kentucky.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure standardized education that complies with state statutes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to all aspects of KRS 317A.050 and 317A.090.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation outlines and defines education standards and the quantity of course hours required for licensed schools and students seeking Kentucky licensure by the board.

(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 current pandemic of COVID-19 requires the need for possible temporary alternative education methods it creates that option temporarily

(b) The necessity of the amendment to this administrative regulation: This amendment will create a temporary pathway for alternative education in light of the world pandemic COVID-19.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment provides additional education options for currently licensed schools.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide an updated regulatory scheme for licensed schools that complies with the governing statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 58 licensed cosmetology schools this will only effect those facilities and any individuals planning on opening a school.

(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: Each licensed entity will have the option to provide education in this manner during the pandemic.

(5) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is not a forced additional cost to this measure. It is optional.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will allow alternative education methods as defined during the emergency created by COVID-19.

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

(a) Initially: No additional funds are necessary initially to implement this amendment.

(b) On a continuing basis: No additional funds are necessary on an ongoing basis to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: All Kentucky Board of Cosmetology funding comes from fees collected from licensees and applicants. Current funding will not change as a result 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 changes or increases in fees are anticipated as a result of this amendment.

(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 for the agency by this amendment.

(9) TIERING: Is tiering applied? Tiering is not applied as the requirements of this administrative regulation apply equally to all licensed schools.

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 Cosmetology.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317A.050 and KRS 317A.060.

(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 is no anticipated effect on state or local government agency revenue as a result of this amendment.

(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 additional revenue is anticipated as a result of this amendment.

(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 additional revenue is anticipated as a result of this amendment.

(c) How much will it cost to administer this program for the first year? No additional cost is anticipated for the first year.

(d) How much will it cost to administer this program for subsequent years? No additional cost is anticipated 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 (+/-): Not applicable.

Expenditures (+/-): Not applicable.

Other Explanation: Not applicable.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Health Data and Analytics
Division of Telehealth Services
(Emergency As Amended at the Interim Joint Committee on Health, Welfare, and Family Services, December 15, 2021)

900 KAR 12:005E. Telehealth Terminology and Requirements.

EFFECTIVE: December 15, 2021

Prior versions:

Emergency Amended After Comments: 48 Ky.R. 755

New Emergency Administrative Regulation: 48 Ky.R. 1489

RELATES TO: KRS 205.510, 205.559, 205.5591, 211.332(2)-(5), **304.17A-005(23),** 304.17A-138, 304.40-320, 311.5975, 31 U.S.C. § 3729-3733, 42 U.S.C. § 1320a-7b(b), 42 U.S.C. secs. 1320d to 1320d-9, 42 U.S.C. § 1395nn

STATUTORY AUTHORITY: KRS 194A.105, 211.334(1)(d), 211.336(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.334 and 211.336 require the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to establish a telehealth terminology glossary to provide standard definitions for all health care providers who deliver health care services via telehealth, all state agencies authorized or required to promulgate administrative regulations relating to telehealth, and all payors; establish minimum requirements for the proper use and security of telehealth including requirements for confidentiality and data integrity, privacy, and security, informed consent, privileging and credentialing, reimbursement, and technology; and establish minimum requirements to prevent waste, fraud, and abuse related to telehealth.

Section 1. Definitions. (1) "Department" means Department for Medicaid Services.

(2) "Division" means Division of Telehealth Services.

(3) **"Health care provider" is defined by *KRS* 304.17A-005(23), unless the provider or service is otherwise regulated by KRS 205.8451(7).**

(4)[~~(3)~~] "Health care service" is defined by KRS 211.332(2).

(5)[~~(4)~~] "Professional licensure board" is defined by KRS 211.332(3).

(6)[~~(5)~~] "State agency authorized or required to promulgate administrative regulations relating to telehealth" is defined by KRS 211.332(4).

(7)[~~(6)~~] "Telehealth" or "digital health" is defined by KRS 211.332(5).

Section 2. Compliance. ***[~~(1)~~]*** Health care providers performing a telehealth or digital health service shall:

(1)[~~(a)~~] Maintain confidentiality of patient medical information in accordance with KRS 311.5975;

(2)[~~(b)~~] Maintain patient privacy and security in accordance with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. secs. 1320d to 1320d-9, unless waived by the applicable federal authority;

(3)[~~(c)~~] Obtain patient informed consent in accordance with KRS 311.5975 and KRS 304.40-320;

(4)[~~(d)~~] Secure credentialing if required by a third party or insurer or other payor;

(5)(a)[~~(e)~~ ~~Establish guidelines to contact, refer, and obtain treatment for a patient who needs emergent or higher level-of-care services provided by a hospital or other facility~~] **[~~Obtain privileges by hospitals or facilities to admit and treat patients~~]*[~~;~~***

[~~(f)1.~~] Utilize the appropriate current procedural terminology (CPT) or health care common procedure coding (HCPCS) code and place of service (POS) code ***[~~"02"~~]*** to secure reimbursement for a professional telehealth service; or

(b)[~~2.~~] Utilize appropriate telehealth service code, if a CPT or HCPCS code is not available or not used for that service, according to customary practices for that health care profession, including the use of any telehealth modifiers or alternate codes;

(6)[~~(g)~~] Utilize non-public facing technology products that are HIPAA compliant;

(7)[~~(h)~~] As appropriate for the service, provider, and recipient, utilize the following modalities of communication delivered over a secure communications connection that complies with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. secs. 1320d to 1320d-9:

(a)[~~1.~~] Live or real-time audio and video synchronous telehealth technology;

(b)[~~2.~~] Asynchronous store-and-forward telehealth technology;

(c)[~~3.~~] Remote patient monitoring using wireless devices,

wearable sensors, or implanted health monitors;

(d)[4.] Audio-only telecommunications systems; or

(e)[~~5.~~] Clinical text chat technology when:

1.[~~a.~~] Utilized within a secure, HIPAA compliant application or electronic health record system; and

2.[~~b.~~] Meeting:

a.[~~(i)~~] The scope of the provider's professional licensure; and

b.[~~(ii)~~] The scope of practice of the provider; and

(8)[~~(i)~~] Comply with the following federal laws to prevent waste, fraud, and abuse relating to telehealth:

(a)[~~1.~~] False Claims Act, 31 U.S.C. § 3729-3733;

(b)[~~2.~~] Anti-Kickback Statute, 42 U.S.C. § 1320a-7b(b); and

(c)[~~3.~~] Physician Self-Referral, Section 1877 of the Social Security Act (42 U.SC. § 1395nn).

Section 3. Incorporation by Reference.

(1) "Telehealth Terminology Glossary", July 2021, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Telehealth Services, 275 East Main Street 4WE, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., or from its Web site at https://telehealth.ky.gov.

FILED WITH LRC: December 15, 2021

CONTACT PERSON: Krista Quarles, Policy Specialist, 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(Emergency As Amended at ARRS, December 9, 2021)

902 KAR 2:240E. COVID-19 test acquisition and distribution.

EFFECTIVE: December 9, 2021

Prior versions -

New Emergency Administrative Regulation: 48 Ky.R. 1476

RELATES TO: KRS 194A.050, 211.180

STATUTORY AUTHORITY: 2021 Extra. Sess. Ky. Acts Ch. 5

NECESSITY, FUNCTION, AND CONFORMITY: 2021 Extra. Sess. Ky. Acts Ch. 5 Section 3 requires the Cabinet for Health and Family Services to assist and support all hospitals, licensed health care providers, jails, prisons, homeless shelters, local health departments, and other entities in acquiring a sufficient number of COVID-19 tests. The cabinet is to develop a plan for the statewide distribution of the COVID-19 tests, and to distribute all COVID-19 tests. 2021 Extra. Sess. Ky. Acts Ch. 5 Section 4 requires the cabinet to promulgate an emergency administrative regulation to implement Section 3. This emergency administrative regulation is in fulfillment of this statutory directive.

Section 1. COVID-19 Tests Acquisition. (1) The Kentucky Department for Public Health (KDPH) shall coordinate testing operations in accordance with federal and state requirements.

(2) Federal and state funding shall be made available to support testing operations including the purchase of testing and laboratory supplies.

(3) Request for COVID-19 testing resources, including personnel, equipment, and supplies, shall be made to the State Emergency Operations Center or the State Health Operation Center.

(4) KDPH shall distribute any COVID-19 test available upon request from all hospitals, licensed health care providers, jails, prisons, homeless shelters, local health departments, and other entities.

Section 2. COVID-19 Test Distribution in Support of Vulnerable Populations. (1) In accordance with Ky. Acts Ch. 5 Section 3 the cabinet shall, to the extent supplies and necessary funding is available, and in compliance with existing federal and state statutes and regulations, obtain and distribute BinaxNOW™ antigen test cards to jails, prisons, homeless shelters, local health departments, and other entities serving vulnerable populations;

(2) ***KDHP will facilitate distribution of tests to eligible entities that have been approved through a standardized resource request process[~~A standardized request process describing eligible entities, program requirements, and including a link to an online request survey shall be available at the kycovid19.ky.gov website~~].***

FILED WITH LRC: December 9, 2021

CONTACT PERSON: Krista Quarles, Policy Analyst, 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.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Office of Adult Education (Kentucky Skills U)
(As Amended at ARRS, December 9, 2021)

13 KAR 3:010. GED® Testing Program.

RELATES TO: KRS 151B.403 [~~KRS 164.0064(1)(a)~~]
STATUTORY AUTHORITY: KRS 151B.403 [~~KRS 164.0064(1)(a)~~], 151B.408 [~~164.0234~~]
NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.408 [~~KRS 164.0234(1)~~] requires the ***Office of Adult Education (***Kentucky Skills U [~~Adult Education~~] Program***)*** to promulgate necessary administrative regulations and administer a statewide adult education [~~and literacy~~] system. KRS ***151B.403(2)[151B.408]*** [~~KRS 164.0064~~] requires that a high school equivalency diploma be issued upon passage of ***a qualifying[~~the~~]*** test ***that is aligned with the College and Career Readiness Standards for adult education, or any other standards adopted by the federal Office of Career, Technology, and Adult Education[~~given by the Kentucky Skills U~~]***[~~Adult Education~~] ***[~~Program~~]***[~~Program's~~] ***[~~approved testing centers in conformance with requirements of the GED® Testing Service~~]*** and authorizes ***the Office of Adult Education (***Kentucky Skills U***)*** [~~Adult Education~~] to establish fees for the issuance of a duplicate high school equivalency diploma and for issuance of a duplicate ***score report[~~transcript~~]***. This administrative regulation establishes the procedure for testing an adult for the GED® diploma.

Section 1. ***Definitions. (1) "GED® Diploma" means the High School Equivalency Diploma required by this administrative regulation.***
(2) "Kentucky Skills U" means the adult education program within the Office of Adult Education.

Section 2. Test Purpose. The GED® test shall provide a valid means of measuring the educational achievement of an adult who is a non-high school graduate and of comparing the adult's competency to that of high school graduates. The test shall cover:
(1) Writing;
(2) Social studies;
(3) Science;
(4) Reading; and
(5) Mathematics.

Section 3.[~~Section 2.~~] Test Centers. Official GED® testing centers shall be established under agreement with the GED® Testing Service. Kentucky Skills U [~~Adult Education~~] shall authorize the location of these centers so that they provide applicants with sufficient access and are able to meet the expected testing volume.

Section 4.[~~Section 3.~~] Test Scores. In order for an applicant to be issued a Commonwealth of Kentucky High School Equivalency Diploma and an official GED® transcript, an applicant shall achieve the minimum passing standard on the Official GED® test as set by GED® Testing Service.

Section 5.[~~Section 4.~~] Commonwealth of Kentucky High School Equivalency Diploma. Kentucky Skills U [~~Adult Education~~] shall provide a high school equivalency diploma to an applicant who meets all the provisions of this administrative regulation and the eligibility requirements established by 13 KAR 3:050.

Section 6.[~~Section 5.~~] Test Fees. (1) The GED® test shall be offered at official GED® testing centers at a fee set and collected by GED® Testing Service.
(2) A request for a duplicate transcript or diploma from Kentucky Skills U [~~Adult Education~~] shall:
(a) Be in writing;
(b) Carry the signature, birth date, and Social Security number of the test-taker; and
(c) Be accompanied by the payment of:
1. A ***ten (10)[~~fifteen (15)~~]*** [~~ten (10)~~] dollar processing fee assessed for the issuance of a duplicate transcript request; or
2. A ***twenty-five (25)[~~thirty (30)~~]*** [~~twenty-five (25)~~] dollar fee assessed for the issuance of a duplicate diploma, to include a duplicate transcript.

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502- 892-3021; email Natalie.Cummins@ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Office of Adult Education (Kentucky Skills U)
(As Amended at ARRS, December 9, 2021)

13 KAR 3:020. Provision of instruction for individuals sentenced by a court to participate in educational programs.

RELATES TO: KRS 151B.408[~~KRS 151B.023, 151B.110~~], 533.200, 533.210
STATUTORY AUTHORITY: KRS ***[~~13A.100,~~]*** 151B.408 [~~151B.023, 151B.110~~], 533.210
NECESSITY, FUNCTION, AND CONFORMITY: ***[~~KRS 533.200 allows a judge to sentence individuals without high school credentials who are convicted of a crime by a court to participate in a program designed to improve their reading, living and employment skills.~~]*** KRS 533.210 ***requires the Office of Adult Education to promulgate administrative regulations relating to the conduct of [~~delegates responsibility for administering~~]*** the program described in KRS 533.200***, including the costs of participation[~~to the Office of Adult Education~~]*** [~~Department for Adult Education and Literacy~~]. KRS 151B.408 ***requires***[~~KRS 151B.023 and 151B.110~~] ***[~~delegates to~~]*** the ***office[~~Education and Workforce Development Cabinet, Office of Adult Education~~]***[~~Department for Adult Education and Literacy and the State Board for Adult and Technical Education~~] ***to promulgate necessary administrative regulations for administering[~~the responsibility for~~]*** adult education programs and services. This administrative regulation describes the method of providing services ***in accordance with KRS 533.200 and 533.210[~~to this population~~]***, the cost of individual participation in the program, and the qualifications [~~manner of licensing~~] of teachers providing instruction.

Section 1. Instructional Program, Costs, Licensing. There shall ***not*** be ***any[~~no~~]*** costs to students ordered by the court to attend a [~~the~~] Kentucky Skills U instructional program described in KRS 533.200. The program services shall be services presently provided students enrolling in ***Kentucky*** Skills U [~~adult education~~] programs. [~~Licensing and~~] Qualifications of instructors shall be determined by Kentucky Skills U [~~the local program providers~~]. ***These minimum qualifications shall be:***
(1) A Bachelor's degree, preferably in education or a content-related field; and
(2) A score of NRS (National Reporting System) Level 6 or higher on at least one (1) content area of the Test of Adult Basic Education (TABE).

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email Natalie.Cummins@ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Office of Adult Education (Kentucky Skills U)
(As Amended at ARRS, December 9, 2021)

13 KAR 3:030. Qualifications for progressing satisfactorily through a GED® preparation program.

RELATES TO: KRS 151B.408[~~KRS 151B.110~~], 151B.403[~~151B.125~~], 161.011

STATUTORY AUTHORITY: KRS 151B.408[~~KRS 151B.110~~], 161.011

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.408 [~~KRS 151B.110~~] ***requires[~~delegates to~~]*** the Office of Adult Education [~~State Board for Adult and Technical Education~~] ***to promulgate administrative regulations establishing requirements[~~the responsibility~~]*** for adult education programs and services in Kentucky. KRS 161.011 ***requires[~~authorizes~~]*** the Office of Adult Education [~~State Board for Adult and Technical Education~~] to define progressing satisfactorily through ***a High School Equivalency Diploma[~~the GED Preparation~~]*** Program for the purposes of minimum qualifications for local school district classified employment positions. This administrative regulation ***establishes requirements for "progressing satisfactorily through a High School Equivalency Diploma Program."[~~provides the necessary definition.~~]***

Section 1. ***Definitions. (1) "GED® Diploma" means the High School Equivalency Diploma required by this administrative regulation.***

(2) "Kentucky Skills U" means the adult education program within the Office of Adult Education.

Section 2. Satisfactory Progress Requirement. Making progress toward obtaining a [~~General Educational Development~~ {]GED®[}] Diploma ***shall require[~~means~~]***:

(1) Enrollment in a ***Kentucky*** Skills U [~~an Adult Education~~] program on an appropriate instructional level as determined by a reliable, commercially prepared, standardized test designed for adult students;

(2) Monthly verification of attendance by the local ***Kentucky*** Skills U[~~an adult education~~] program official; and

(3) A [~~satisfactory progress rating on an annual~~] report documenting student hours of participation, along with their pre- and post-assessment results. The report ***shall[~~will~~]*** be submitted to the local school superintendent for determination of satisfactory progress. ***If the individual meets the criteria in subsections (1)-(3) of this section, the superintendent shall determine that satisfactory progress has been made.***[~~that is based upon periodic testing results by adult education teachers~~].

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email Natalie.Cummins@ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Office of Adult Education (Kentucky Skills U)
(As Amended at ARRS, December 9, 2021)

13 KAR 3:040. GED® Incentives Program.

RELATES TO: KRS ***151B.402,*** 151B.408[~~KRS 151B.023(1)~~]***[~~, 151B.402~~]*** [~~151B.127~~]***[~~, 151B.408~~]*** [~~151B.410~~]

STATUTORY AUTHORITY: KRS 151B.402 [~~KRS 151B.127(1)~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.402 [~~KRS 151B.127~~] requires the Office of Adult Education[~~Department for Adult Education and Literacy~~], in conjunction with the Education and Workforce Development Cabinet[~~Council on Postsecondary Education~~], to promulgate administrative regulations for an incentive program provided to full-time employees ***[~~(and their employers)~~]*** who complete a ***High School Equivalency Diploma***[~~general education development~~] ***[~~GED® diploma~~]*** [~~(GED)~~] within one (1) year***, and their employers***[~~, and to their employers~~]. This administrative regulation prescribes the policies, activities, and procedures required for participants in this incentive program.

Section 1. ***Definitions. (1) "GED® Diploma" means the High School Equivalency Diploma required by this administrative regulation.***

(2) "Kentucky Skills U" means the adult education program within the Office of Adult Education.

Section 2. Learning Contract Requirement. A learning contract between an eligible employee, the employer, and the adult education instructor shall be developed, in accordance with KRS 151B.402***(2)(a)***[~~KRS 151B.127(1)(a)~~]. The local adult education program shall:

(1) Ensure that ***a*** learning contract ***[~~form KYSU-29~~]*** [~~DAEL-29~~]***[~~, incorporated by reference,~~]*** is fully completed and signed by the parties;

(2) Retain the original learning contract ***[~~form~~]*** for a period of three (3) years after the employee's completion of the program;

(3) No later than ten (10) days after the final signature is obtained on the learning contract, submit a copy to:

(a) The employee;

(b) The employer; and

(c) Kentucky Skills U [~~The Department for Adult Education and Literacy~~].

Section 3.[~~Section 2.~~] Attendance Reports. A local ***Kentucky*** Skills U [~~adult education~~] program official shall submit monthly attendance reports***[~~, using form KYSU-30~~]***[~~DAEL-30~~], ***[~~incorporated by reference,~~]*** to the Office of Adult Education [~~Department for Adult Education and Literacy~~] and the employer, in compliance with KRS 151B.402***(2)(b)***[~~KRS 151B.127(1)(b)~~]. The local Skills U [~~adult education~~] program shall:

(1) Use sign-in and sign-out sheets to verify the information reported on attendance reports;

(2) Retain copies of sign-in and sign-out sheets for three (3) years following the employee's completion of this program; and

(3) Provide copies of sign-in and sign-out sheets to Office of Adult Education [~~Department for Adult Education and Literacy~~] staff upon request.

Section 4.[~~Section 3.~~] Final Report. (1) The local Skills U [~~adult education~~] program shall:

(a) Complete a final report***[~~, using form KYSU-31~~]***[~~DAEL-31~~], ***[~~incorporated by reference,~~]*** in compliance with KRS 151B.402***(2)(c)*** [~~KRS 151B.127(1)(c)~~];

(b) Retain the original final report; and

(c) No later than ten (10) days after the final report is created, submit a copy of the final report to:

1. The employee;
2. The employer;
3. The Kentucky Revenue Cabinet; and
4. The Office of Adult Education [~~The Department for Adult Education and Literacy~~].

(2) The employee shall provide the final report to a public postsecondary institution when applying for a tuition discount as provided in KRS 151B.402 [~~KRS 151.127(2)(b)~~].

(3) The employer shall provide the final report to the Kentucky Revenue Cabinet when applying for a tax credit as provided in KRS 151B.402 [~~KRS 151B.127(3)~~].

[~~Section 4. Incorporation by Reference. (1) The following information is incorporated by reference:~~

(a) "GED-Incentive Program Learning Contract (KYSU-29)] [(~~DAEL-29~~)]***[", 10/26/00 edition, Education and Workforce Development Cabinet]*** [~~Cabinet for Workforce Development~~]***[, Office of Adult Education]*** [~~Department for Adult Education and Literacy~~]***[;***

(b) "GED-Incentive Program Attendance Record (KYSU-30)] [(~~DAEL-30~~)]***[, 7/10/01 edition", Education and Workforce Development Cabinet]*** [~~Cabinet for Workforce Development~~]***[, Office of Adult Education]*** [~~Department for Adult Education and Literacy~~]***[; and***

(c) "GED-Incentive Program Final Report (KYSU-31)] [(~~DAEL-31~~)] ***[, 7/10/01 edition", Education and Workforce Development Cabinet]*** [~~Cabinet for Workforce Development~~]***[, Office of Adult Education]***[~~Department for Adult Education and Literacy~~].

[(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Adult Education][~~Department for Adult Education and Literacy~~],[~~Capital Plaza Tower~~]***[, Fifth]*** [~~Third~~] ***[Floor, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]***

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email Natalie.Cummins@ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Office of Adult Education (Kentucky Skills U)
(As Amended at ARRS, December 9, 2021)

13 KAR 3:050. GED® eligibility requirements.

RELATES TO: KRS 158.135(1)(a), 158.143, 158.6455, 151B.403 [~~164.0064~~]

STATUTORY AUTHORITY: KRS 151B.403 [~~KRS 164.0064(1)~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS ***151B.403(1)[164.0064(1)]*** requires ***[that]*** the ***Office of Adult Education (***Kentucky Skills U Program***)*** [~~Kentucky Adult Education Program~~] within the Education and Workforce Development Cabinet [~~Council on Postsecondary Education~~] ***to*** promulgate administrative regulations to establish programs that, upon successful completion, result in the award of a high school equivalency diploma. KRS 151B.403***(2)*** [~~KRS 164.0064(2)~~] requires that at least one (1) of these programs shall include a test aligned with the College and Career Readiness Standards for Adult Education, or any other standards adopted by the federal Office of Career, Technical, and Adult Education (OCTAE), which upon passing, shall entitle students to receive a high school equivalency diploma. ***[13 KAR 3:010 identifies the GED® test as the valid means of measuring educational achievement in an adult who is a non-high school graduate and of comparing the adult's competency to that of high school graduates.]*** This administrative regulation establishes the eligibility requirements for taking ***a High School Equivalency Diploma test as defined in this administrative regulation[the GED® test]***.

Section 1. ***Definitions.***

(1) "GED® Diploma" means the High School Equivalency Diploma required by this administrative regulation.

(2) "Kentucky Skills U" means the adult education program within the Office of Adult Education.

(3) "State agency children" or "state agency child" is defined by KRS 158.135(1)(a).

Section 2. Eligibility Requirements. The GED® test shall be administered to an applicant with a Kentucky address who:

(1) Has reached his or her 19th birthday;

(2)(a) Has reached his or her 18th birthday; and

(b)1. Except as established in Section ***3[2]*** of this administrative regulation, has officially withdrawn from public or private school for at least ninety (90) days as certified by the local school district;

2. Is committed or placed in an adult correctional facility;

3. Is enrolled in the Jobs Corps Program of Instruction; or

4. Is enrolled in a National Guard Youth "ChalleNGe" program; ***or***

(3)(a) Has reached his or her 17th birthday;

(b) Is considered a state agency child, as defined by KRS 158.135(1)(a); and

(c) Is approved for the GED® test by the local school superintendent.

Section 3.[Section 2.] Superintendent Waiver. The local school superintendent or designee in the district where the applicant currently resides may waive the ninety (90) day school withdrawal provision of Section ***2[1]***(2)(b)1. of this administrative regulation if necessary due to a deadline for postsecondary enrollment, condition of employment, medical reason, family crisis, or other extenuating circumstances.

Section 4.[Section 3.] Test Readiness. An applicant shall successfully complete and pass an official readiness test with the same passing scores required to pass the GED® test prior to taking the GED® test.

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email Natalie.Cummins@ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Office of Adult Education (Kentucky Skills U)
(As Amended at ARRS, December 9, 2021)

13 KAR 3:060. High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College System institutions.

RELATES TO: KRS 151B.403[~~KRS 164.0064~~], 151B.408[~~164.0234~~]

STATUTORY AUTHORITY: KRS ***151B.403[151B.408]*** [~~KRS 164.0064(1)~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS ***151B.403[151B.408]*** [~~KRS 164.0064(1)~~] requires ***the Office of Adult Education (Kentucky Skills U Program)[that the Kentucky Skills U]*** [~~Adult Education~~] ***[Program]*** within the Education and Workforce Development Cabinet ***to***[~~Council on Postsecondary Education~~] promulgate administrative regulations to establish programs aligned with the College and College and Career Readiness Standards for Adult Education, or any other similar standards adopted by the federal Office of Career, Technical, and Adult Education, which upon successful completion, shall result in the issuance of a High School Equivalency Diploma. This administrative regulation establishes the criteria and conditions for the issuance of a high school equivalency diploma upon successful completion of credit hours at Kentucky Community and Technical College institutions in certain content areas.

Section 1. Definitions. (1) "Credit for prior learning" means college credit***:***

(a) For the college-level knowledge and skills gained from non-college instructional programs or life experiences, including ***[but not limited to]*** credit awarded pursuant to 13 KAR 2:025 and KRS 164.2951(2)(e), employment, military experience, civic activities, and volunteer service***; and[.]***

(b) That[Credit] is evaluated through nationally standardized exams in specific disciplines, challenge exams for specific courses at individual institutions, evaluations of non-college training programs, and individualized assessments.

(2) "Eligible candidate" means an individual that:

(a) Has reached his or her 19th birthday;

(b) Has not obtained a high school diploma or its equivalent;

(c) Meets the admission and placement requirements of 13

KAR 2:020; and

(d) Maintains a Kentucky address.

(3) "KCTCS" means the Kentucky Community and Technical College System as defined in KRS 164.001(13).

(4) "KYSU[~~KYAE~~]" means the Kentucky Skills U[~~Adult Education~~] program within the Education & Workforce Development Cabinet[~~Council on Postsecondary Education~~].

(5) "OCTAE" [~~"OVAE"~~] means the U.S. Department of Education Office of Career Technical [~~Vocational~~] and Adult Education.

(6) "Successful completion" means:

(a) Passing with a course grade greater than or equal to "C" constituting a 2.0 on a 4.0 scale; or

(b) Being awarded credit for prior learning as indicated on an official KCTCS transcript.

Section 2. Course Requirements. (1) An eligible candidate shall qualify for a Commonwealth of Kentucky High School Equivalency Diploma upon successful completion of a minimum of three (3) credit hours in each of the following content areas as certified with an official KCTCS transcript:

(a) Written communication;

(b) Quantitative reasoning;

(c) Natural sciences; and

(d) Social and behavioral sciences.

(2) KCTCS and KYSU [~~KYAE~~] shall review the competencies gained in entry-level courses in these content areas. Those entry-level courses with competencies that meet or exceed the skills demonstrated through passing the GED® exam at college ready level shall be eligible for the program and published in a list on the KYSU [~~KYAE's Web site~~] Web site.

Section 3. Issuance of Commonwealth of Kentucky High School Equivalency Diploma. An eligible candidate shall provide the following to Kentucky Skills U [~~Adult Education~~] for the High School Equivalency Diploma to be issued:

(1) Legal name, date of birth, social security number, phone number, email address, home address, list of eligible courses, and signature;

(2) A twenty-five (25) dollar non-refundable application and processing fee; and

(3) An official KCTCS transcript documenting successful completion of the qualifying credit hours.

CONTACT PERSON: Natalie Cummins, GED® Administrator, Office of Adult Education (Kentucky Skills U), 500 Mero Street Mail Stop 5SC, Frankfort Kentucky 40601; phone 502-892-3021; email Natalie.Cummins@ky.gov.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(As Amended at ARRS, December 9, 2021)

16 KAR 2:050. Certificates for teachers of exceptional children/communication disorders.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.053, 334A.020, 334A.033, 334A.035, 334A.060, 334A.190

STATUTORY AUTHORITY: KRS 161.028, 161.030, 161.053

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020, 161.028, and 161.030 require that teachers and other professional school personnel hold certificates of legal qualifications for their respective positions to be issued upon completion of programs of preparation and other requirements prescribed by the Education Professional Standards Board (EPSB). KRS 161.030 requires that a teacher education institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the EPSB[~~Education Professional Standards Board~~]. KRS 161.053 requires the EPSB[~~Education Professional Standards Board~~] to promulgate administrative regulations to establish requirements relating to certification of teachers of exceptional children/communication disorders. This administrative regulation establishes the certificates for teachers of exceptional children/communication disorders and the corresponding standards for issuance.[~~and procedures for program approval.~~]

Section 1. (1) [~~A student who meets the deadlines established in subsection (5) of this section shall meet the requirements established in this section for a standard certificate.~~

~~(1) The standard certificate for teachers of exceptional children and youth - communication disorders shall be issued in accordance with the pertinent Kentucky statutes and Education Professional Standards Board administrative regulations to an applicant who has completed the approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in 16 KAR 5:010.~~

~~(2)(a) The standard certificate for teachers of exceptional children and youth - communication disorders shall be issued in accordance with the testing and internship provisions of KRS 161.030, 16 KAR 6:010, and 16 KAR 7:010.~~

~~(b) Upon successful completion of the beginning teacher internship, the certificate shall be:~~

~~1. Extended for the remainder of a five (5) year period; and~~

~~2. Renewed for subsequent five (5) year periods upon completion by September 1 of the year of expiration of:~~

~~a. Three (3) years of successful experience as a teacher of communication disorders; or~~

~~b. At least six (6) semester hours of credit or the equivalent in PSDU's or CEU's, as defined in 16 KAR 8:021.~~

~~(3)~~] The standard certificate for teachers of exceptional children and youth - communication disorders shall be valid at all age levels for the instruction of exceptional children and youth with communication disorders.

(2) The standard certificate shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of one ***(1)*** of the following by September 1 of the year of expiration:

(a) Three (3) years of successful experience as a teacher of communication disorders;

(b) At least six (6) semester hours of graduate credit or the equivalent in exceptional children or communication disorders; or

(c) Current certification with the American Speech-Language-Hearing Association (ASHA).[

~~(4) The standard certificate for teachers of exceptional children and youth - communication disorders shall be issued to an applicant who has completed a master's degree in communication or speech language pathology.~~

~~(5) A student enrolled in an approved preparation program leading to the standard certificate for teachers of exceptional children and youth - communication disorders shall complete all required coursework by September 1, 2000 and apply for certification by December 31, 2000. A student failing to meet these deadlines shall complete the preparation and certification requirements established in Section 2 of this administrative regulation.~~]

Section 2. [~~A student who does not meet the deadlines established in Section 1(5) of this administrative regulation shall meet the requirements established in this section for a professional certificate.~~]

(1) Upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1),the[~~The~~] professional certificate for teachers of exceptional children/communication disorders shall be issued [~~in accordance with the pertinent Kentucky statutes and Education Professional Standards Board administrative regulations~~] to an applicant who has completed:

(a) A master's degree in speech language pathology;

(b) The approved program of preparation which corresponds to the certificate at a teacher education institution approved under the standards and procedures included in 16 KAR 5:010; and

(c) The testing requirements established in 16 KAR 6:010.

(2) The professional certificate for teachers of exceptional

children/communication disorders shall be issued in accordance with the [~~testing and~~]internship provisions of KRS 161.030[~~, 16 KAR 6:010,~~] and 16 KAR 7:010.[~~Upon successful completion of the beginning teacher internship, the certificate shall be extended for the remainder of the five (5) year period and shall be renewed for subsequent five (5) year periods upon completion of the renewal requirements established in 16 KAR 4:010.~~]

(3) The professional certificate for teachers of exceptional children/communication disorders shall be valid at all age levels for the instruction of exceptional children with communication disorders.

(4) The professional certificate for teachers of exceptional children/communication disorders shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of one ***(1)*** of the following by September 1 of the year of expiration:

(a) Three (3) years of successful experience as a teacher of communication disorders;

(b) At least six (6) semester hours of graduate credit or the equivalent in exceptional children or communication disorders; or

(c) Current certification with ASHA.[

~~(4) The professional certificate for teachers of exceptional children/communication disorders shall be issued to an applicant who has completed a master's degree in speech language pathology.~~]

Section 3. (1) The EPSB[~~Beginning July 14, 2000, the Education Professional Standards Board~~] shall certify teachers of exceptional children/communication disorders who hold licensure as a speech-language pathology assistant issued by the Kentucky Board of Speech Language Pathology and Audiology under KRS Chapter 334A who meet the qualifications established in this section of this administrative regulation.

(2) An applicant shall submit an application to the EPSB, comply with 16 KAR 2:010, Section 3(1), and submit proof of:

(a) Postsecondary education;

(b) Licensure as a speech-language pathology assistant;

(c) Experience in the Kentucky public-schools; and

(d) Successful completion of the required content area assessments established for this certificate in 16 KAR 6:010.

(3)[~~(2)(a)~~] Applicants who possess a valid license for speech language pathology assistant issued under KRS Chapter 334A who have at least two (2) years[~~one (1) year~~] of successful experience in Kentucky's public schools in this position shall be issued the "professional certificate for exceptional children/communication disorders/SLPA only" valid for five (5) years.[~~ and shall be renewed for subsequent five (5) year periods upon completion of the renewal requirements established in KAR Title.~~

~~(b) Applicants shall submit Form TC-161 with documentation of postsecondary education, licensure and experience.~~]

(4)[~~(3)(a)~~] Applicants who possess a valid license for speech language pathology assistant issued under KRS Chapter 334A who do not have successful experience in Kentucky's public schools in this position shall be issued a statement of eligibility valid for five (5) years.

(a)[~~1.~~] The teacher shall complete the Kentucky Teacher Internship Program established in 16 KAR 7:010.

(b)[~~2.~~]Upon successful completion of the beginning teacher internship, the teacher shall be issued a "professional certificate for exceptional children/communication disorders/SLPA only" valid for the remainder of the five (5) year period.[~~and shall be renewed for subsequent five (5) year periods upon completion of the renewal requirements established in KAR Title 16.~~

~~(b) Applicants shall submit Form TC-161 with documentation of postsecondary education and licensure.~~]

(5) The professional certificate for exceptional children/communication disorders/SLPA only shall be renewed for subsequent five (5) year periods upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of one ***(1)*** of the following by September 1 of the year of expiration:

(a) Three (3) years of successful experience as an SLPA;

(b) At least six (6) semester hours of graduate credit or the equivalent in exceptional children or communication disorders; or,

(c) Current certification with ASHA

~~(4) Beginning July 1, 2001, an applicant for the "professional certificate for exceptional children/communication disorders/SLPA only" shall successfully complete the required content area assessments established for this certificate in 16 KAR 6:010.~~]

(6)[~~(5)~~] A teacher certified under this section of this administrative regulation shall remain a speech language pathology assistant requiring supervision under KRS Chapter 334A until the teacher:

(a) Completes the master's degree in speech language pathology; and

(b) Gains the professional certificate for exceptional children/communication disorders established in Section 2 of this administrative regulation.

~~Section 4. Incorporation by Reference. (1) Form TC - 161, 7/2000, is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Education Professional Standards Board, 100 Airport Road, 3rd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

CONTACT PERSON: Todd Allen, 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, December 9, 2021)

16 KAR 4:020. Certification requirements for teachers of exceptional children.

RELATES TO: KRS 157.200, 157.250, 161.020, 161.028(1), 161.030, [~~161.100,~~] 20 U.S.C. 1412; 34 C.F.R. 300.156 [~~1221(e), 1400-1419~~]

STATUTORY AUTHORITY: KRS 161.020, 161.028(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020 and 161.028 require the Education Professional Standards Board (EPSB) to establish standards and requirements for obtaining and maintaining a teaching certificate for all public-school positions, including those for teaching exceptional children. This administrative regulation establishes the certification requirements for teachers of exceptional children.

Section 1. Certification Requirements for Assignment of Special Education Personnel. (1) In accordance with Chapter 2 of Title ***16 [XVI]*** of the Kentucky Administrative Regulations, the EPSB shall issue certificates for teaching exceptional children with one ***(1)*** or more of the disabilities defined in 34 C.F.R. 300.8 and 707 KAR 1:002.

(2) A teacher holding the following certification shall be assigned to serve students with moderate and severe disabilities at any grade level: Certification for Teaching Exceptional Children – Moderate and Severe Disabilities, Grades Primary through 12.

(3) A teacher holding the following certification shall be assigned to serve students with learning and behavior disorders:

(a) Certification for Teaching Exceptional Children – Learning and Behavior Disorders, Grades 8 through 12; or

(b) Certification for Teaching Exceptional Children – Learning and Behavior Disorders, Grades Primary through 12.

(4) A teacher holding the following certification shall be assigned to serve students with visual impairments at any grade level: Certification for Teaching Exceptional Children – Visually Impaired, Grades Primary through 12.

(5) A teacher holding the following certification shall be assigned to serve students with hearing impairments at any grade level:

(a) Certification for Teaching Exceptional Children – Hearing

Impaired, Grades Primary through 12; or

(b) Certification for Teaching Exceptional Children – Hearing Impaired with Sign Proficiency, Grades Primary through 12.

(6) A teacher holding the following certification shall be assigned to serve students with speech and language and communications disorders: Certification for Teaching Exceptional Children – Communication Disorders, Grades Primary through 12.

(7) A teacher holding the following certification shall be assigned to serve students with orientation and mobility disabilities: Certification for Teaching Exceptional Children – Orientation and Mobility Specialist.[~~Mild mental disability (MMD). A teacher holding the following certification shall be assigned to serve pupils with mild mental disabilities at any grade level:~~

~~(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or~~

~~(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).~~

~~(2) Orthopedic impairment (OI).~~

~~(a) A teacher holding the following certification shall be assigned to serve pupils with orthopedic impairments at any grade level:~~

~~1. Certification for orthopedically handicapped or physically handicapped, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or~~

~~2. Certification for teaching exceptional children.~~

~~(b) A teacher possessing one (1) of the certificates identified in paragraph (a)2 of this subsection shall be assigned based on the learning characteristics and services needs of the child.~~

~~(3) Other health impairment (OHI).~~

~~(a) A teacher shall be assigned to serve pupils identified as other health impaired at any grade level based upon the learning characteristics and services needs of the child; and~~

~~(b) A teacher assigned to pupils identified as other health impaired shall possess a certificate for teaching exceptional children.~~

~~(4) Specific learning disability (LD). A teacher holding the following certification shall be assigned to serve pupils with learning disabilities at any grade level:~~

~~(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or~~

~~(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).~~

~~(5) Developmental delay (DD). A teacher holding the following certification shall be assigned to serve pupils with developmental delay at any grade level:~~

~~(a) Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12); or~~

~~(b) Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12).~~

~~(6) Emotional-behavioral disability (EBD).~~

~~(a) A teacher holding the following certification shall be assigned to serve pupils identified as emotional-behavioral disabled at any grade level:~~

~~1. Certification for learning and behavior disorders, grades K-12, P-12, or seven (7) through twelve (12);~~

~~2. Certification for teaching the educable mentally retarded, educable mentally handicapped, emotionally disturbed, or neurologically impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or~~

~~3. Certification for teaching exceptional children.~~

~~(b) A teacher possessing one (1) of the certificates identified in paragraph (a)6 of this subsection shall be assigned based on the learning characteristics and services needs of the child.~~

~~(7) Functional mental disability (FMD). A teacher holding the following certification shall be assigned to serve pupils with functional mental disabilities at any grade level:~~

~~(a) Certification for trainable mentally handicapped, grades K-12;~~

~~(b) Certification for teaching the trainable mentally retarded, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12);~~

~~(c) Certification for teaching the severely and profoundly handicapped at any grade level; or~~

~~(d) Certification for teaching the moderately and severely disabled, grades P-12.~~

~~(8) Multiple disabilities (MD).~~

~~(a) A teacher shall be assigned to pupils at any grade level who have multiple disabilities consistent with the nature of each of the student's different disabilities and based on the learning characteristics and services needs of the child; and~~

~~(b) A teacher assigned to pupils with multiple disabilities shall possess a certificate for teaching exceptional children.~~

~~(9) Deaf-blindness.~~

~~(a) A teacher shall be assigned to serve pupils identified with deaf-blindness at any grade level based on the learning characteristics and services needs of the child; and~~

~~(b) A teacher assigned to pupils identified with deaf-blindness shall possess a certificate for teaching exceptional children.~~

~~(10) Autism.~~

~~(a) A teacher shall be assigned to serve pupils identified with autism at any grade level based on the learning characteristics and services needs of the child; and~~

~~(b) A teacher assigned to pupils identified with autism shall possess a certificate for teaching exceptional children.~~

~~(11) Traumatic brain injury (TBI).~~

~~(a) A teacher shall be assigned to serve pupils identified as having a traumatic brain injury at any grade level based on the learning characteristics and services needs of the child; and~~

~~(b) A teacher assigned to pupils identified as having a traumatic brain injury shall possess a certificate for teaching exceptional children.~~

~~(12) Hearing impaired (HI). A teacher holding the following certification shall be assigned to serve pupils with hearing impairments at any grade level:~~

~~(a) Certification for teaching the hard of hearing, deaf, or hearing impaired, grades K-12, one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or~~

~~(b) Certification for teaching the hearing impaired, grades P-12.~~

~~(13) Visually impaired (VI). A teacher holding the following certification shall be assigned to serve pupils with visual impairments at any grade level:~~

~~(a) Certification for teaching the partially seeing, blind, or visually impaired, grades one (1) through twelve (12), one (1) through eight (8), or seven (7) through twelve (12); or~~

~~(b) Certification for teaching the visually impaired, grades P-12.~~

~~(14) Communication disorders. A teacher holding the following certification shall be assigned to serve pupils who have been identified as needing instruction for speech or language disorders at any grade level:~~

~~(a) Certification for speech and hearing, grades one (1) through twelve (12);~~

~~(b) Certification for speech and communication disorders, grades K-12; or~~

~~(c) Certification for communication disorders, grades P-12.~~

~~Section 2. Certification Requirements for Assignment of Interdisciplinary Early Childhood Education Teachers for the Provision of Special Education Services. (1) A teacher holding the following qualifications shall be assigned to serve birth to primary pupils who have been identified as needing special education services:~~

~~(a) Certification for interdisciplinary early childhood education offered under 16 KAR 2:140 and 16 KAR 2:040;~~

~~(b) Exemption identified in 16 KAR 2:040; or~~

~~(c) Qualifications set forth in 704 KAR 3:410, Section 7(1)(a).~~

~~(2) A special education teacher identified in Section 1 of this administrative regulation shall not be precluded from providing services in the teacher's certification area to birth to primary pupils~~

~~with disabilities if that certification is valid for the primary ages.~~

~~Section 3. Probationary and Emergency Provisions. (1) If no regularly certified teacher as delineated in Sections 1 and 2 of this administrative regulation is available to provide the special education services, the local district may employ a teacher certified on a probationary status under 16 KAR 2:160.~~

~~(2) If no probationary certified special education teacher is available, the district may employ a teacher certified on an emergency status under the requirements of KRS 161.100 and 16 KAR 2:120.~~]

Section 2.[~~Section 4.~~] Waiver Requests for Teacher Assignment. (1) Local school districts which need to assign teachers to teach exceptional classes or students[~~pupils~~], with the exception of students[~~pupils~~] receiving services for communication disorders, not consistent with the teacher's certification[~~the above criteria~~] shall request a waiver for the teacher assignment through the Kentucky Department of Education's (KDE) Office of Special Education and Early Learning[~~Education, Office of Special Instructional Services, Division of Exceptional Children~~] and be approved by the EPSB[~~Education Professional Standards Board~~].

(2) The EPSB[~~Education Professional Standards Board~~] and KDE[~~Department of Education~~] shall give consideration for this approval based on information provided by the local school district in its request. The request shall include:[

~~(a) Be made prior to September 15 or within fifteen (15) school days of the need for assignment if it occurs after September 15 of the school year for which a waiver is requested; and~~

~~(b) Include:~~]

(a)[~~1.~~] The teacher's name, school assignment, certificate number, class plan assignment, and current certification;

(b)[~~2.~~] A listing of pupils currently served by category of exceptionality;

(c)[~~3.~~] A listing of pupils the district is requesting to be served by exceptionality; and

(d)[~~4.~~] Any other relevant information which the district wishes to have considered in the decision-making process.

(3) Following consideration by the KDE[~~Department of Education~~] and approval by the EPSB[~~Education Professional Standards Board~~], the local district shall be promptly notified of the decision on the waiver request.

(4) The assignment shall not exceed the length of the school year for which it was initiated.

CONTACT PERSON: Todd Allen, 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.

CABINET FOR GENERAL GOVERNMENT
Department of State
Office of Business Services
(As Amended at ARRS, December 9, 2021)

30 KAR 3:010. Application for registration of trademarks and service marks.

RELATES TO: KRS 365.571, 365.573, 365.593

STATUTORY AUTHORITY: KRS 365.571(1), 365.573(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 365.571(1) requires the Secretary of State to promulgate an administrative regulation establishing application requirements for registration of trademarks and service marks. This administrative regulation establishes application requirements for registration of trademarks and service marks.

Section 1. Requirements for Application for Registration of a Trademark or Service Mark. (1) Application for registration of a trademark or service mark shall be made to the Secretary of State, pursuant to KRS 365.571(1), by submitting:

(a) A completed ***and notarized*** ***[“]***Trademark/Service Mark Application***[”]***;

(b) The registration fee required by KRS 365.571(6);***[and]***

(c) The mark specimens required by KRS 365.571(5)***; and***

(d) A drawing of the mark.

(2) The application shall not be accepted for filing ***unless[until]*** the requirements of subsection (1) of this section have been met.

(3) The application shall be in English.

Section 2. Application ***that[Which]*** Includes Multiple Classes. An application may be filed ***that[which]*** includes goods or services falling into multiple classes if:

(1) The goods or services are specifically identified;

(2) An application fee of ten (10) dollars for each classification is submitted; and

(3) The application includes the dates of use***, a drawing of the mark,*** and three (3) specimens for each class.

Section 3. Specimens. (1) An application for registration shall comply with KRS 365.571(5).

(2)(a) A trademark specimen shall be:

1. A label, tag***,*** or container bearing the trademark;

2. A point of sale display associated with the goods; or

3. If the nature of the goods or the nature of the mark makes the use of the mark on goods impractical, other documents related to the goods or the sale of the goods.

(b) A photocopy or photograph of a specimen ***established[identified]*** in paragraph (a) of this subsection may be submitted.

(3) Service mark specimens shall show the mark as actually used in the sale or advertising of the services recited in the application.

(a) A service mark specimen shall be:

1. A newspaper or magazine advertisement, other form of advertisement, brochure***,*** or restaurant menu; or

2. Business documents such as letterhead, business cards***,*** or invoices, if the document shows the mark and refers to the relevant services.

(b) Printer's proofs for advertisements or words typed, printed***,*** or written on plain paper shall not be acceptable as specimens of the mark.

Section 4. Period of Response. (1) Within thirty (30) days of notice of the secretary's determination that an applicant is not entitled to registration, an applicant shall submit:

(a) A reply to the secretary's determination; or

(b) An amended application conforming to the secretary's determination.

(2) After review of an applicant's reply or amended application, the secretary shall:

(a) Make a final determination on the application; or

(b) ***Allow[Permit]*** the applicant to submit another amended application.

Section 5. Classifications. ***(1)*** The system of classification of goods and services ***established[set out]*** in 30 KAR 3:030 shall apply to trademark and service mark applications filed with the Secretary of State and to registrations issued on the basis of the applications.

(2) Renewals filed on registrations issued under a prior classification system shall be processed on the basis of the classification system in effect at the time the renewal application is filed.

Section 6. Incorporation by Reference. (1) The "Trademark/Service Mark Application***“, December 2021,[(02/20]***[~~January 2003~~]***[)”]*** is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's Office, 700 Capital Avenue, [~~State Capitol,~~] Suite 152, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. or may be

obtained at www.sos.ky.gov[~~http://www.kysos.com~~].

CONTACT PERSON: Michael R. Wilson, Director, Office of Business, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7422, fax (502) 564-5687, email michael.wilson@ky.gov.

CABINET FOR GENERAL GOVERNMENT
Department of State
Office of Business Services
(As Amended at ARRS, December 9, 2021)

30 KAR 3:020. Application for renewal of registration.

RELATES TO: KRS 365.581
STATUTORY AUTHORITY: KRS 365.571(1), 365.581(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 365.581(1) requires the Secretary of State to promulgate an administrative regulation establishing the requirements for renewing registrations of trademarks or service marks. This administrative regulation establishes the requirements for renewing registrations of trademarks or service marks.

Section 1. Requirements for Application for Renewal of Registration of a Trademark or Service Mark. (1) Application for renewal of registration of a trademark or service mark shall be made to the Secretary of State, pursuant to KRS 365.581(1), by submitting:
(a) A completed ***and notarized*** ***["]***Trademark/Service Mark Renewal Application***["]***; and
(b) The renewal fee required by KRS 365.581(1).
(2) The application for renewal shall:
(a) Include the required fee for each class for which renewal is sought in the registration;
(b) Specifically identify the particular class or classes for which renewal is sought if the registration is for multiple classes of goods or services;
(c) Include a verified statement that the mark has been and is still in use; and
(d) Provide one (1) specimen of use specific to each class of goods or services.

Section 2. Incorporation by Reference. (1) The "Trademark/Service Mark Renewal Application***", December 2021,[(02/20)***[~~January 2003~~]***[)"]*** is incorporated by reference.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's Office, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be obtained at www.sos.ky.gov[~~www.kysos.com~~].

CONTACT PERSON: Michael R. Wilson, Director, Office of Business, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7422, fax (502) 564-5687, email michael.wilson@ky.gov.

SECRETARY OF STATE
(As Amended at ARRS, December 9, 2021)

30 KAR 006:011. Kentucky address confidentiality program.

RELATES TO: KRS 14.300, 14.302, 14.304, 14.306, ***14.310[~~13.310~~]***
STATUTORY AUTHORITY: KRS 14.304***(1),*** (2), (4), 14.306(3), (5), 14.318(2)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 14.318(2) authorizes the Secretary of State to promulgate administrative regulations implementing KRS 14.300 to 14.310, 14.314, and 14.316. This administrative regulation implements KRS 14.300, 14.302, 14.304, 14.306, and 14.310.

Section 1. Definitions. (1) "Address" is defined by KRS 14.300(1).
(2) "Applicant" is defined by KRS 14.300(2).
(3) "Filer" means a person who is:
(a) A:
1. Parent or guardian acting on behalf of a minor;
2. Guardian acting on behalf of a person who is declared incompetent; or
3. Designee of an applicant or a parent or guardian of a minor or a guardian of a person declared incompetent who cannot apply independently; and
(b) Applying to the Secretary of State to have an address designated by the Secretary of State serve for voting purposes as the address of the minor, incompetent person, or applicant.
(4) "Program Participant" is defined by KRS 14.300(5).

Section 2. Requirements for Application for Certification to Participate in the Address Confidentiality Program. (1) Application for certification to participate in the address confidentiality program shall be made to the Secretary of State by submitting a completed Application for Certification to Participate in Address Confidentiality Program.
(2) The Application for Certification to Participate in Address Confidentiality shall be:
(a) Notarized; and
(b) In English.

Section 3. Certification in the Address Confidentiality Program. (1) The Secretary of State shall approve an Application for Certification to Participate in Address Confidentiality Program and certify the applicant as a program participant if the applicant and the Application for Certification to Participate in Address Confidentiality Program meet the requirements established in KRS 14.302 and 14.304 and this administrative regulation.
(2) The Secretary of State shall notify the applicant or filer whether the Application for Certification to Participate in Address Confidentiality Program was denied or the applicant was certified as a program participant.
(a) If an Application for Certification to Participate in Address Confidentiality Program is denied, the Secretary of State shall inform the applicant or filer of the reason for the denial.
(b) If an applicant is certified as a program participant, the Secretary of State shall:
1. Assign to the program participant a participant number and designated address to be used for voting purposes; and
2. Issue to the program participant an Address Confidentiality Program Participant Card reflecting the participant number, designated address to be used for voting purposes, and date on which certification expires.
(3) If an applicant is certified as a program participant, participation in the address confidentiality program shall be effective as of the date of the notification of certification.

Section 4. Change of Program Participant's Name or Address.
(1) A program participant or a filer shall notify the Secretary of State of a change in the program participant's name or address by submitting to the Office of the Secretary of State a completed Address Confidentiality Program Participant Name or Address Change form.
(2) The Address Confidentiality Program Participant Name or Address Change form shall:
(a) Be in writing;
(b) Be in English;
(c) Be signed by the program participant or a filer;
(d) Include both the program participant's new information and information as certified; and
(e) Be considered filed on the day the Address Confidentiality Program Name or Address Change form is date-stamped received by the Office of the Secretary of State.

Section 5. Withdrawal from Participation in the Address Confidentiality Program. (1) A program participant or filer wishing to withdraw from participation in the address confidentiality program shall submit to the Secretary of State a Withdrawal from Participation in Address Confidentiality Program form.

(2) The Withdrawal from Participation in Address Confidentiality Program form shall be:

(a) In writing;

(b) In English;

(c) Signed by the program participant or a filer; and

(d) Notarized or signed by a representative of any office designated pursuant to KRS 14.310 as a referring agency who assisted in the completion of the Withdrawal from Participation in Address Confidentiality Program form.

Section 6. Confirmation by the Secretary of State of a Withdrawal from Participation in the Address Confidentiality Program. (1) Upon receiving a Withdrawal from Participation in Address Confidentiality Program form, the Secretary of State shall mail to the program participant or filer a written confirmation of withdrawal.

(2) The written confirmation shall notify the program participant or filer:

(a) Of the date on which a Withdrawal from Participation in Address Confidentiality Program form was date-stamped received by the Office of the Secretary of State; and

(b) That program participation shall be terminated ten (10) days following the date of the written confirmation of withdrawal, unless the program participant or a filer notifies the Secretary of State on or before that date that the withdrawal request was not legitimate because it was not voluntarily submitted by the program participant or a filer.

Section 7. Application for Renewal of Certification in the Address Confidentiality Program. (1) A program participant or filer wishing to renew certification in the address confidentiality program shall submit to the Secretary of State at least five (5) business days prior to the date on which the program participant's certification expires an Application for Certification to Participate in Address Confidentiality Program pursuant to Section 2 of this administrative regulation.

(2) The Application for Certification to Participate in Address Confidentiality Program shall be considered timely submitted for purposes of renewal if it is date-stamped received by the Office of the Secretary of State at least five (5) business days prior to the date on which the program participant's certification expires.

Section 8. Review by the Secretary of State of a Renewal Application for Certification to Participate in Address Confidentiality Program. (1) The Secretary of State shall approve a renewal Application for Certification to Participate in Address Confidentiality Program if the applicant and Application for Certification to Participate in Address Confidentiality Program meet the requirements established in KRS 14.302 and 14.304 and this administrative regulation.

(2) The Secretary of State shall notify the program participant or filer whether the renewal Application for Certification to Participate in Address Confidentiality Program was denied or the program participant's certification was renewed within five (5) business days after it is date-stamped received by the Secretary of State.

(a) If a renewal Application for Certification to Participate in Address Confidentiality Program is denied, the Secretary of State shall inform the program participant or filer of the reason for denial.

(b) If a program participant's certification is renewed, the Secretary of State shall issue to the program participant a new Address Confidentiality Program Participant Card pursuant to Section 3(2)(b)2 of this administrative regulation, and the renewal shall be effective as of the date of the notification of renewal.

Section 9. Appeal from Cancellation of Certification in Address Confidentiality Program. (1) A program participant or filer wishing to appeal from a cancellation of certification in the address confidentiality program shall submit to the Secretary of State an Appeal from Cancellation of Certification in Address Confidentiality Program form.

(2) The Appeal from Cancellation of Certification in Address Confidentiality Program shall be considered timely submitted if it is date-stamped received by the Secretary of State within thirty (30) days of the date of the notice of certification cancellation.

(3) The Appeal from Cancellation of Certification in Address Confidentiality Program shall:

(a) Be in writing;

(b) Be in English;

(c) Be signed by the program participant or filer; and

(d) Include information as to why certification in the address confidentiality program should not be cancelled.

(4) If an Appeal from Cancellation of Certification in Address Confidentiality Program is not timely submitted, cancellation of certification in the address confidentiality program shall be effective upon the expiration of thirty (30) days after the date of the notice of certification cancellation.

Section 10. Review by the Assistant Secretary of State of an Appeal from Cancellation of Certification in Address Confidentiality Program. (1) The Assistant Secretary of State shall approve or deny an Appeal from Cancellation of Certification in Address Confidentiality Program within five (5) business days after it is date-stamped received by the Office of the Secretary of State.

(a) The Assistant Secretary of State shall approve an Appeal from Cancellation of Certification in Address Confidentiality Program if he or she determines that grounds for cancellation pursuant to KRS 14.306 do not exist.

(b) The Assistant Secretary of State shall deny an Appeal from Cancellation of Certification in Address Confidentiality Program if he or she determines that grounds for cancellation pursuant to KRS 14.306 exist.

(2) The Assistant Secretary of State shall provide to the program participant or filer written notice of the decision regarding an Appeal from Cancellation of Certification in Address Confidentiality Program.

(3) If an Appeal from Cancellation of Certification in Address Confidentiality Program is timely submitted and denied pursuant to this section, cancellation of certification in the address confidentiality program shall be effective on the date on which the notice of denial is mailed.

(4) The decision of the Assistant Secretary of State shall conclude the appeal procedures pursuant to KRS Chapter 14 and this administrative regulation.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Certification to Participate in Address Confidentiality Program", ***September 2021[~~June 2014~~]***;

(b) "Address Confidentiality Program Participant Card", ***September 2021[~~March 2014~~]***;

(c) "Address Confidentiality Program Participant Name or Address Change", ***September 2021[~~June 2014~~]***;

(d) "Withdrawal from Participation in Address Confidentiality Program", ***September 2021[~~June 2014~~]***; and

(e) "Appeal from Cancellation of Certification in Address Confidentiality Program", ***September 2021[~~March 2014~~]***.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Secretary of State's Office, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or may be obtained at http://www.sos.ky.gov.

CONTACT PERSON: Jennifer Scutchfield, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7417, fax (502) 564-5687, email jscutchfield@ky.gov.

STATE BOARD OF ELECTIONS
(As Amended at ARRS, December 9, 2021)

31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists.

RELATES TO: KRS 116.085, 116.155, 117.025, 117.225
STATUTORY AUTHORITY: KRS 117.015
NECESSITY, FUNCTION, AND CONFORMITY: KRS 117.015 authorizes the Kentucky State Board of Elections to promulgate administrative regulations necessary to properly carry out its duties. This administrative regulation establishes the procedures for election officials and voters to follow to correct and maintain voter registration records and establishes standards for the State Board of Elections to follow when reviewing a request for a voter registration list.

Section 1. Definitions. (1) "Advertisement" means any attempt by publication, dissemination, solicitation, or circulation to induce any person to enter into any obligation, or acquire any title or interest in any good or service.

(2) "Alphabetical labels" means labels of registered voters within the precinct with one (1) name per label and sorted in alphabetical order.

(3) "Alphabetical lists" means lists of registered voters generated from the statewide voter registration database and sorted in alphabetical order by last name within a precinct that have the name, address, age code, party, gender, zip code, and five (5) year voting history of every voter in the precinct.

(4) "Duly qualified candidate" means any person who has filed:

(a) A letter of intent with the Kentucky Registry of Election Finance; or

(b) Nomination papers with the Office of the Secretary of State or county clerk.

(5) "Household labels by street order" means labels that are generated from the statewide voter registration database and sorted by street address within the precinct with as many as four (4) names per label of the voters whose last name and address are an identical match.

(6) "Household labels by zip code order" means labels that are generated from the statewide voter registration database and sorted by zip code within the county with as many as four (4) names per label of the voters whose last name and address are an identical match.

(7) "Sale" means any sale, rental, distribution, offer for sale, rental, or distribution, or attempt to sell, rent, or distribute any good or service to another.

(8) "Statewide voter registration database" means a complete roster of all qualified voters within the state by county and precinct that the State Board of Elections is required to maintain pursuant to KRS 117.025(3)(a).

(9) "Street order lists" means lists of registered voters generated from the statewide voter registration database sorted in street order within a precinct and contain the name, address, age code, party, gender, zip code, and a five (5) year voting history of every registered voter in the precinct.

(10) "Voter registration list" means a list of registered voters generated from the statewide voter registration database in any format in any given election precinct in the Commonwealth of Kentucky that the State Board of Elections is required to furnish pursuant to KRS 117.025(3)(h).

Section 2. Correction of Voter Registration Records. (1) Each county clerk shall instruct the precinct election officers of the necessity for informing each voter that he or she shall correct any error existing in his or her address as it appears upon the precinct signature roster.

(2) Each precinct election officer shall instruct each voter to correct any error existing in his or her address as it appears upon the precinct signature roster.

(3) Each voter shall, when he or she signs the precinct signature roster, correct any error existing in his or her address as it appears upon the precinct signature roster.

(4) Each county clerk shall take all steps necessary to correct and update each voter's address upon the statewide voter registration database.

Section 3. Interpretation of Commercial Use. Commercial use, as that term is used in KRS 117.025(3)(h), shall be interpreted by the Board of Elections to mean:

(1) The use by the requester of the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any good, [~~or~~], service, or publication; or

(2) The transfer or sale of a voter registration list by the requester ~~for a profit~~ to any other person whom the requester knew or should have known intended to use the voter registration list, or any part thereof, in any form, for profit, the solicitation of donations, or for the sale or advertisement of any[~~a~~] good, [~~or~~] service, or publication.

Section 4. Exceptions to Commercial Use Interpretation. Commercial use shall not include use of a voter registration list, or any part thereof, for the following purposes:

(1) Use for scholarly, journalistic, political (including political fund raising), or governmental purposes; or

(2) Use for publication, broadcast, or related use by a newspaper, magazine, radio station, television station, or other news medium in its news or other publications or broadcasts[~~; or~~

~~(3) Use in a publication provided or sold to duly qualified candidates; political party committees, or officials thereof; or any committee that advocates or opposes an amendment or public question~~].

Section 5. State Board to Prohibit Foreign Access to Voter Registration Lists. The board's discretion to furnish precinct lists to other persons, as stated in KRS 117.025(3)(h), shall not extend to:

(1) Requests known to come from outside of the United States or from requestors known to be closely associated with other persons known to be located outside of the United States, or;

(2) Requests of which, the board believes if filled, would reasonably be expected to result in voter registration data leaving the United States.

Section 6.[~~Section 5.~~] Requests for Voter Registration Lists. A request for voter registration lists shall be made by submitting a completed Request for Voter Registration Data, form SBE-84, to the State Board of Elections with payment of fees established in form SBE-84.

Section 7.[~~Section 6.~~] Incorporation by Reference. (1) "Request for Voter Registration Data", SBE 84, ***December[~~May~~]*** 2021[~~2018~~], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the State Board of Elections, 140 West Walnut Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's Web site at https://elect.ky.gov/Candidates/Pages/Request-Voter-Registration-Data.aspx.

CONTACT PERSON: Taylor Brown, 140 Walnut Street, Frankfort, Kentucky 40601, phone (502) 782-9499, email TaylorA.Brown@ky.gov.

BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, December 9, 2021)

201 KAR 2:030. License transfer.

RELATES TO: KRS 315.191(1)(c), (d), 315.210
STATUTORY AUTHORITY: KRS 218A.205***(8)[(7)]***, 315.191(1)(a), (c), (d), 315.210
NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.210 authorizes the board to establish conditions for licensure by reciprocity. KRS 218A.205***(8)[(7)]*** requires the board to establish requirements for background checks for licensees. This administrative regulation establishes conditions, forms, and examination requirements for licensure by reciprocity.

Section 1. Definitions. (1) "Board" is defined by KRS 315.010***(4)[(3)]***.
(2) "License transfer" means a license to practice pharmacy in Kentucky issued by the board to a pharmacist licensed in another jurisdiction.
(3) "NABP" means the National Association of Boards of Pharmacy.

Section 2. An applicant licensed in another jurisdiction shall be eligible for license transfer, if the:
(1) Requirements for licensure of the jurisdiction that granted his or her license met or exceeded Kentucky requirements for licensure when the license in the other jurisdiction was granted;
(2) Applicant holds in good standing, an active license to practice pharmacy;
(3) Applicant has:
(a) Completed and certified the NABP Preliminary Application for Transfer of Pharmacist License form; and
(b) Received an NABP Official Application for Transfer of Pharmacist License;
(4) Applicant is currently in good standing in the jurisdiction from which he or she has applied;
(5) Applicant has successfully completed an examination in jurisprudence;
(6) Applicant has submitted to a nation-wide criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation; and
(7) Applicant has submitted to a query to the National Practitioner Data Bank of the United States Department of Health and Human Services.

Section 3. Required Information. An applicant shall provide the information required by the NABP Preliminary Application for Transfer of Pharmacist License form, including:
(1) Name, maiden, and other names used currently or previously;
(2) Address, telephone number;
(3) Date [~~and place~~] of birth[~~, and current age~~];
(4) Social Security number;
(5) Citizenship;
(6) Sex [~~Gender~~];
(7) State of original license by examination, including:
(a) License number;
(b) Original date of issue;
(c) Current status of original licensure; and
(d) State for which license transfer is requested;
(8) Pharmacy education, including:
(a) Name and location of pharmacy school;
(b) Name of pharmacy degree;
(c) Date degree was received; and
(d) Other professional degrees, including the information specified by paragraphs (a) to (c) of this subsection;
(9) Whether the applicant has earned certification by the Foreign Pharmacy Graduate Examination Committee, and, if so, the examination equivalency number assigned;
(10) Total hours of practical experience as an intern prior to licensure as a pharmacist[~~, including the State Board of Pharmacy with which the hours are filed~~];
(11) States, dates, and results of pharmacist licensure examinations;
(12) Pharmacist licenses currently held, including issue date, expiration date, status**,** and any board action taken against the ***licensee[license]***; [~~obtained by:~~
~~(a) Score transfer; and~~
~~(b) Licensure transfer;~~]
(13) Practice and employment, including nonpharmacist employment, from the past three ***(3)*** years**;**[~~initial licensure to the date of filing the application; and~~]
(14) Record of charges[~~,~~] or convictions of any felony or misdemeanor offense, other than traffic offenses, and whether or not a sentence was imposed or suspended[~~, and fines imposed, or certification that the applicant has not been convicted, fined, or disciplined, or had a license revoked~~];[~~.~~]
(15) Record of any surrender of a pharmacist license or registration issued by the federal government or any state controlled substance authority;
(16) Record of any pharmacist license revocation, suspension, restriction, termination**,** or other disciplinary action by any board of pharmacy or other state authority;
(17) Record of whether the pharmacist is currently under investigation or subject to disciplinary action by the licensing jurisdiction, federal Food and Drug Administration, federal Drug Enforcement Administration or any state drug enforcement authority for the violation of any state or federal pharmacy, liquor**,** or drug laws;
(18) Record of any condition or impairment***, such as[~~including, but not limited to,~~]*** substance or alcohol abuse or dependency that in any way affects the pharmacist's ability to practice pharmacy in a safe and competent manner; and
(19) Record of any application for initial licensure, renewal licensure**,** or licensure by transfer that was denied by any licensing authority, whether in pharmacy or any other profession.

Section 4. The board shall accept [~~a~~] license transfer applications from [~~a jurisdiction~~] jurisdictions that:
(1) Are[~~Is~~] an active member of the NABP; and
(2) Grant[~~Grants~~] license transfers[~~transfer~~] to [~~a~~] pharmacists[~~pharmacist~~] pursuant to conditions and requirements that are the equivalent of conditions and requirements established by the board.

Section 5. An applicant shall take and pass the Multistate Pharmacy Jurisprudence Examination administered by the NABP.

Section 6. Fee. An applicant shall include the fees[~~fee~~] specified by 201 KAR 2:050, Section 1(2)[~~,~~] and (19) [~~(20)~~].

Section 7. (1) "NABP Preliminary Application for Transfer of Pharmacist License", [~~3/06~~] April 2018, is incorporated by reference.
(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 a.m. to 4:30 p.m. or on the Web site at https://pharmacy.ky.gov/professionals/Pages/Reciprocal-Information.aspx.

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.

BOARDS AND COMMISSIONS
Board of Pharmacy
(As Amended at ARRS, December 9, 2021)

201 KAR 2:074. Pharmacy services in hospitals[~~or other organized health care facilities~~].

RELATES TO: KRS 315.010, 315.020, 315.030, 315.121

STATUTORY AUTHORITY: 315.002, 315.005, KRS 315.191(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the Kentucky Board of Pharmacy to establish requirements to regulate and control pharmacies. KRS 315.002 and 315.005 require standards of practice in all settings where drugs are handled and requires the board to ensure the safety of all drug products provided to the citizens of Kentucky. This administrative regulation establishes requirements for pharmacy services in hospitals[~~or other organized health care facilities~~].

Section 1. Definitions. (1) "Automated pharmacy system" means a mechanical system that performs operations or activities, other than compounding or administration, relative to the storage, packaging, counting, labeling, and dispensing of medications, and which collects, controls, and maintains all transaction information and shall be either:

(a) A decentralized automated pharmacy system that is located outside the pharmacy department, but within the same institution, and under the supervision of a pharmacist; or

(b) A centralized automated pharmacy system from which medications are prepared for final distribution that require the approval of a pharmacist.

(2) "Institutional pharmacy" means:

(a) A pharmacy in an acute care hospital licensed pursuant to 902 KAR 20:016; or

(b) ***[A pharmacy serving an other organized health care facility; or***

~~(c)~~] An onsite pharmacy serving an infusion center where medication is administered.

(3) "Investigational drug" means a drug that has not been approved for use in the United States, but for which an investigational drug application has been approved by the FDA.

(4) [~~"Other organized health care facility" means a facility:~~

~~(a) With a primary purpose to provide medical care and treatment to inpatients; and~~

~~(b) That is:~~

~~1. An intermediate care facility;~~

~~2. A skilled nursing facility;~~

~~3. A hospital other than an acute care hospital licensed pursuant to 902 KAR 20:016;~~

~~4. A licensed personal care home;~~

~~5. A licensed family care home;~~

~~6. A nursing home;~~

~~7. A nursing facility;~~

~~8. An intermediate care facility for mental retardation; or~~

~~9. An Alzheimer's nursing home.~~

~~(5)~~] "Unit dose distribution" means a system in which drug therapy profiles are maintained in the pharmacy and doses are scheduled, prepared, and delivered in a ready-to-administer form to the patient care area as the doses are needed.

(5) "Within the same institution" means a location that is not separated from the primary hospital facility by other commercial or residential property.

Section 2. Pharmacy Administration. (1) General.

(a) The pharmacy, organized as a separate department or service, shall be directed by a pharmacist, who shall be thoroughly knowledgeable about institutional pharmacy practice and management.

(b) The director of pharmacy services shall be responsible for departmental management and the development and implementation of goals and objectives to meet the needs of the institution and shall be responsible to the chief executive officer of the institution or the chief executive officer's designee.

(c) If the director of pharmacy services is not employed full time, the institution shall establish an ongoing arrangement in writing with a pharmacist to provide services required by this administrative regulation and KRS 315.020(1).

(d) If a hospital pharmacy is decentralized, each decentralized section or separate organizational element shall be under the immediate supervision of a pharmacist responsible to the director of pharmacy services.

(2) Pharmacy personnel.

(a) The institutional pharmacy shall maintain additional pharmacists in cooperation with the institution's administration, either full time or part time, as required to operate safely and effectively to meet the needs of the patients.

(b) If nonpharmacist personnel are employed, nonpharmacist personnel shall perform all duties under the supervision of a pharmacist and shall not be assigned and shall not perform duties that are to be performed only by a pharmacist.

(3) Responsibilities.

(a)1. Lines of authority and areas of responsibility within the pharmacy shall be clearly defined.

2. Written job descriptions for all categories of pharmacy personnel shall be prepared and revised as necessary.

(b)1. There shall be policies and procedures to provide for selection of drugs as well as a distribution system to serve the needs of the patient.

2. Provision for procurement of drugs in an emergency situation shall be provided for.

(4) Supportive personnel.

(a) Sufficient supportive personnel (technical, clerical, and other) shall be available in order to optimize the participation of pharmacists in activities requiring professional judgment.

(b) The training and supervision of supportive personnel shall be the responsibility of the pharmacist.

(5) Availability.

(a) The services of a pharmacist shall be available continuously. If around-the-clock operation of the pharmacy is not feasible, the pharmacist shall be available on an on-call basis, and an adequate night drug cabinet shall be established. The pharmacy itself shall not be designated as the night drug cabinet.

(b) A hospital not having a full-time pharmacist, but in which drugs are prepackaged or relabeled or transferred from one (1) container to another, shall obtain a pharmacy permit and have at least a part-time pharmacist designated to perform those functions or to provide personal supervision of those functions.

Section 3. Physical Facility. (1) The institutional pharmacy shall have adequate space, equipment, and supplies sufficient to provide for safe and efficient drug storage, preparation, and distribution, patient education and consultation, drug information services, and proper management of the department.

(2) Legal requirements. The physical facility shall meet state and federal regulations and shall be accessible by authorized pharmacy personnel only.

(3)(a) A currently licensed hospital shall be exempt from the provisions of subsection (2) of this section if it:

1. Is authorized by the Department for Health and Human Services to provide pharmacy services; and

2. Does not currently possess a pharmacy permit.

(b) A currently licensed hospital exempt from the provisions of subsection (2) of this section shall permit access by authorized personnel only.

(4) Location. Locked storage or locked medication carts shall be provided for use in each nursing unit or service area.

(5) Reference materials. The pharmacy shall have current pharmaceutical reference materials in accordance with 201 KAR 2:090. References related to the following subjects shall also be available:

(a) Drug identification;

(b) Toxicology;

(c) Drug interactions;

(d) Parenteral drug compatibility; and
(e) Microbiology.

Section 4. Drug Distribution and Control. (1) General. The institutional pharmacy shall be responsible for the procurement, distribution, and control of all drugs and parenteral solutions used within the institution. Policies and procedures governing these functions shall be developed by the pharmacist with input from other involved hospital, or infusion center, [~~or other organized health care facility~~] staff (for example, nurses) and committees (for example, pharmacy and therapeutics committee and patient care committee).

(2) Dispensing. The pharmacist shall dispense medications only on the order of a licensed medical practitioner.

(3) Prescriber's order. The pharmacist shall review the medication order.

(4) Recordkeeping. The pharmacist shall maintain appropriate records of each medication order. The records shall be retained for the time and in the manner prescribed by state and federal law.

(5) Patient medication profile. A medication profile shall be maintained for all inpatients and for those ambulatory patients routinely receiving care at the institution. The pharmacist shall utilize this profile to properly review, schedule, prepare, and distribute medications except in an emergency situation.

(6) Labeling and packaging.

(a) Each licensee shall comply with U.S.P. Standards established pursuant to federal law and all state and federal laws and regulations regarding labeling and packaging.

(b) Labeling and packaging of medications used for outpatients shall meet the requirements of state and federal law.

(7) Dispensing. The pharmacist shall dispense medications by the unit dose distribution system if feasible. If the unit dose distribution system is not utilized, adequate safeguards shall be in place to protect patients.

(8) Stop orders. There shall be established written stop order policies or other methods of assuring that drug orders are not continued inappropriately in accordance with the status of the patient.

(9) Administration.

(a) Drugs shall be administered only upon order of a licensed medical practitioner.

(b) The institutional pharmacy shall participate in the establishment of policies and procedures regarding the administration of medications. Specific procedures shall be developed in cooperation with appropriate hospital, infusion center, or other health care facility personnel and shall include personnel authorized to schedule, prepare, and administer medications.

(10)(a) Unused medication. The institutional pharmacy shall establish policies and procedures for the disposition of patients' unused medications.

(b) Medication in unit dose form may be reissued if package integrity has been maintained and the product has not expired.

(11) Hospital floor stocks.

(a) Floor stocks of drugs shall be kept as small as possible. The pharmacist in charge shall be responsible for authenticating the need for floor stock.

(b) A pharmacist shall review all orders distributed through floor stock.

(c) The pharmacist in charge shall be responsible for defining those areas of the hospital requiring floor stock (for example, emergency room, surgery, critical care, or medical or surgical wards).

(d) All drug storage areas within the hospital shall be routinely inspected by pharmacy personnel at least monthly, and documentation shall be maintained to ensure that:

1. Unusable items shall not be present; and

2. All stock items shall be properly labeled and stored.

(e) [~~This subsection shall not apply to other organized health care facilities.~~

~~(f)~~] This subsection shall apply to infusion centers where medications are administered with an onsite pharmacy.

(12) Drug recall. There shall be a system for removing from use a drug that has been recalled.

(13) Sample medications. The institutional pharmacy shall establish policies and procedures regarding medical representatives and the obtaining, storage, and dispensing of complimentary packages of medications.

(14) Emergency drugs.

(a) The institutional pharmacy shall establish policies and procedures for supplying emergency drugs.

(b) For expediency and efficiency, emergency drugs shall be limited in number to include only those whose prompt use and immediate availability are generally regarded by physicians as essential in the proper treatment of sudden and unforeseen patient emergencies.

(c) Emergency stocks shall be routinely inspected by pharmacy personnel on a monthly basis and documentation maintained to determine if contents have become outdated and if the stocks are being maintained at adequate levels.

(15) Investigational drugs.

(a) Policies and procedures controlling the use of investigational drugs (if used in the institution) shall be developed and followed.

(b) The pharmacy shall be responsible for storing, packaging, labeling, distributing, maintaining inventory records (including lot numbers and expiration date), and providing information about investigational drugs (including proper disposal).

(16) Controlled substances. All permit holders shall comply with state and federal laws regarding controlled substances.

(17) Compounding. Compounding at a location that is not within the same institution shall require a separate pharmacy permit.

Section 5. Assuring Rational Drug Therapy. (1) Appropriate clinical information about patients shall be available and accessible to the pharmacist for use in daily practice activities.

(2) The pharmacist shall be a member of the pharmacy and therapeutics committee and any other committees where input concerning the use of drugs is required.

(3) The pharmacist shall provide a means to ensure that patients receive adequate information about the drugs they receive. Patient education activities shall be in coordination with the nursing and medical staffs and patient education department, if any.

Section 6. Responsibility. The pharmacist-in-charge of a pharmacy utilizing an automated pharmacy system shall be responsible for:

(1) An initial validation of system accuracy prior to use for distribution to patients;

(2) Ensuring the system:

(a) Is properly maintained;

(b) Is in good working order;

(c) Accurately dispenses the correct strength, dosage form, and quantity of drug prescribed; and

(d) Complies with the recordkeeping, access, and security safeguards pursuant to all applicable state and federal laws;

(3) Assuring medications are reviewed prior to loading into an automated pharmacy system and distribution;

(4) Implementing an ongoing quality assurance program that monitors performance of the pharmacy compounding robotics, which is evidenced by written policies and procedures and requires a continued documented validation of doses distributed on a routine basis and annual review of the quality assurance program;

(5) Establishing policies and procedures if there is a system failure of an automated pharmacy system;

(6) Providing the board with prior written notice of installation or removal of an automated pharmacy system. This notification shall include the:

(a) Name and address of the pharmacy; and

(b) Initial location of the automated pharmacy system;

(7) Oversight for assigning, discontinuing, or changing personnel access to the system, including establishment of written policies and procedures for security and control;

(8) Reviewing personnel access on at least an annual basis;

(9) Assuring that the decentralized automated pharmacy system stock is checked at least monthly in accordance with established policies and procedures, including checking for:

(a) Accuracy;

(b) Integrity of packaging; and

(c) Expiration dates;

(10) Maintaining in the pharmacy the following documentation relating to an automated pharmacy system:

(a) The name and address of the pharmacy or inpatient health care facility where the system is being used;

(b) The automated pharmacy system manufacturer's name, model, serial number, and software version;

(c) A description of how the system is used;

(d) Written quality assurance procedures and accompanying documentation of use to determine continued appropriate use of the system as established in subsections (7) and (8) of this section; and

(e) Written policies and procedures for system operation, safety, security, accuracy, emergency medication access, access, and malfunction which includes clearly defined down time and procedures; ***[and]***

(11) Maintaining adequate security systems and procedures, evidenced by written policies and procedures to:

(a) Prevent unauthorized access;

(b) Maintain patient confidentiality;

(c) Allow user access modification; and

(d) Comply with federal and state laws***; and[.]***

(12) Maintaining in the pharmacy a current list of all locations where automated pharmacy systems are located and providing the list to the board upon request.

Section 7. Standards. (1)(a) All events involving the contents of the automated pharmacy system shall be recorded electronically.

(b) Records shall be maintained by the pharmacy and be available to the board and shall include the following:

1. The date, time, and location of the system accessed;

2. Identification of the individual accessing the system;

3. Type of transaction;

4. Name, strength, dosage form, and quantity of drug accessed; and

5. Name of the patient for whom the drug was ordered, if applicable.

(2)***(a)*** All medications to be stocked into the centralized automated pharmacy system shall***:***

1. Have been previously validated by a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance**,** and safety**;**[for bar code accuracy] and

2. Be utilized by a pharmacist, pharmacist intern, or certified pharmacy technician.

(b) Integrity and accuracy shall be validated by a pharmacist.

(3) The stocking of medications in a decentralized automated pharmacy system utilizing a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance**,** and safety [bar code technology] shall be done by a pharmacist, pharmacist intern, or a certified pharmacy technician.

(4) The stocking of medications in a decentralized automated pharmacy system without a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, and safety [bar code technology] shall be done by a pharmacist, pharmacist intern, or a certified pharmacy technician. Integrity and accuracy shall be validated by a pharmacist.

(5) If a hospital licensed pursuant to 902 KAR 20:016 utilizes technology that validates appropriate drug, dose, dosage form, route of administration, time of administration, and patient at the exact time of medication administration, the stocking of the decentralized automated pharmacy system shall be done by a pharmacist, pharmacist intern, or certified pharmacy technician.

(6) A record of medications stocked in an automated pharmacy system shall be maintained for at least five (5) years and shall include:

(a) The name of the person repacking the medications; and

(b) Documentation of the pharmacist checking the medications.

(7) All containers of medications stored in the automated pharmacy system shall be packaged and labeled in accordance with federal and state laws.

(8) The automated pharmacy system shall provide a mechanism for securing and accounting for medications removed from and subsequently returned to the automated pharmacy system, in accordance with federal and state laws.

(9) All medications initially received in the pharmacy for use in an automated pharmacy system shall be quarantined until validation by a machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance, safety, [of bar code] accuracy**,** and existence of the item in the database powering automated pharmacy system by a certified pharmacy technician, pharmacist intern, or pharmacist.

(10) If a medication needs to be repackaged:

(a) A pharmacist, pharmacist intern, or certified pharmacy technician shall:

1. Perform the repackaging and validate the presence of an accurate machine readable identifier that meets established industry standards as approved by the board to ensure quality, performance**,** and safety [bar code] on the unit dose packaging; and

2. Document the repackaging process including:

a. Manufacturer;

b. Date and time of repackaging;

c. The person repackaging;

d. The lot number or batch number;

e. The expiration date; and

f. The quantity repackaged; and

(b) A pharmacist shall:

1. Validate for accuracy and integrity prior to the addition to the automated pharmacy system; and

2. Document the validation including:

a. The date and time of the validation;

b. The name of the pharmacist validating;

c. The lot number or batch number;

d. The expiration date; and

e. The quantity validated.

(11) A medication returned to the pharmacy from a patient care area shall follow the processes established pursuant to Section 4(10) of this administrative regulation.

(12) A medication distributed by the centralized automated pharmacy system shall be distributed in the delivery device utilized by that system.

(13) A medication distributed by an automated pharmacy system shall be accessed and administered by a professional licensed to administer medications.

(14) A medication distributed by an automated pharmacy system shall not be dispensed.

(15) Board inspectors ***may[are authorized to]*** inspect and investigate complaints regarding an automated pharmacy system on all premises owned by the hospital where an automated pharmacy system is located and supplied with medications purchased under the hospital's pharmacy permit.

(16) All transfers of medications to automated pharmacy systems shall be in accordance with federal and state laws.

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.

BOARDS AND COMMISSIONS
Board of Nursing
(As Amended at ARRS, December 9, 2021)

201 KAR 20:215. Continuing competency requirements.

RELATES TO: KRS ***194A.540,*** 218A.205(3)(i), 314.011(12), 314.073, 314.991(1)-(3)***, 620.020(8)***

STATUTORY AUTHORITY: KRS 218A.205(3)(i), 314.073, 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1), (2), and 314.073 require the Board of Nursing to promulgate administrative regulations to establish continuing competency requirements for nurses. This administrative regulation establishes the fees, procedures, and requirements for continuing competency for nurses.

Section 1. Definitions. (1) "Contact hour" means fifty (50) minutes of an approved, organized learning experience.

(2) "Earning period" means November 1 through October 31 of a current licensure period.

(3) "Preceptor" means a nurse with demonstrated competence in a specific clinical area who serves as a role model and mentor to assist in the development and validation of the competencies of a nursing student or new employee.

Section 2. (1) A licensee shall choose a method from Section 3 of this administrative regulation to validate his or her continued competency in nursing for each earning period.

(2) A licensee shall maintain the documentation of the method chosen.

(3) A licensee shall provide the documentation if directed by the board.

Section 3. Methods for continued competency validation ***as established in subsection (1) through (4) of this section*** shall be ***[as follows]***:

(1) Fourteen (14) contact hours of continuing education, which shall:

(a) Be from a provider approved by the board pursuant to 201 KAR 20:220;

(b) Be completed during the earning period; and

(c) Include the continuing education required by Section 5 of this administrative regulation;

(2) Current national certification or recertification and the continuing education required by Section 5 of this administrative regulation. The certification shall be related to the nurse's practice role and shall:

(a) Have been initially attained during the earning period;

(b) If issued for a period of time as evidenced by an expiration date, have been in effect during the entire earning period; or

(c) Have been recertified during the earning period;

(3) The continuing education required by Section 5 of this administrative regulation and at least one (1) of the following during the earning period:

(a) Completion of a research project that is nursing-related:

1. As principal investigator, coinvestigator, or project director;

2. That is qualitative or quantitative in nature;

3. That utilizes a research methodology;

4. That increases knowledge, causes an improved outcome, or changes behavior; and

5. That is evidenced by an abstract of the project, which includes a summary of the findings;

(b) Publication of an article in a peer-reviewed health-related journal; ***or***

(c) Participation as a preceptor for at least one (1) nursing student or new employee***:[.]***

1. ***That has a[The]*** preceptorship ***that*** shall be for at least 120 hours***;[.]***

2. ***Requires[There shall be]*** a one (1) to one (1) relationship between the preceptor and the student or employee***;[.]***

3. ***Authorizes*** the preceptor ***to[may]*** train more than one (1) student or employee and ***to[may]*** combine the hours to total 120 hours***; and[.]***

4. ***Includes that*** the preceptorship shall be evidenced by submission of the Preceptor Continuing Education Verification Form completed by [written documentation from] the educational institution or preceptor's supervisor; or

(4)(a) Seven (7) hours of continuing education from a provider approved by the board pursuant to 201 KAR 20:220 and earned during the licensure period, which shall include the continuing education required by Section 5 of this administrative regulation if applicable; and

(b) A nursing employment evaluation that is satisfactory for continued employment. The nurse shall submit the Nursing Continuing Education ***Employment[Employer]*** Evaluation Form, completed and signed by the nurse's supervisor or employer, which shall cover a period of at least six (6) months during the earning period.[:

1. The evaluation, which shall:

a. Cover a period of at least six (6) months during the earning period;

b. Be signed by the nurse's supervisor; and

c. Include the name, address, and telephone number of the employer; and

2. The Nursing Employment Evaluation Form.]

(5) Contact hours of continuing education earned for ***the methods of continued competency validation as established in*** subsection (1) or (4) of this section may earned by:

(a) 1. A nursing continuing education presentation that is:

a. Designed and developed by the presenter;

b. Presented to nurses or other health professionals;

c. Evidenced by a program brochure, course syllabi, or a letter from the offering provider identifying the licensee's participation as the presenter of the offering; and

d. Offered by a provider approved pursuant to 201 KAR 20:220.

2. The number of contact hours that may be earned shall be twice the number of contact hours offered to an attendee of the presentation; or

(b) Successful completion of a postlicensure academic course at a college, university, or postsecondary vocational institution if relevant to nursing practice as determined by this subsection.

1. Contact hours shall be calculated as follows:

a. One (1) semester or trimester hour of academic credit shall equal fifteen (15) contact hours; or

b. One (1) quarter hour of academic credit shall equal twelve (12) contact hours.

2. The following courses shall be relevant to nursing practice:

a. A nursing course, designated by a nursing course number, and beyond the prelicensure curriculum of the individual licensee; or

b. An academic course that is applicable to the nurse's role and beyond the prelicensure curriculum of the individual licensee.

3. A licensee may request course review for approval of applicable nursing content pursuant to Section 7 of this administrative regulation.

4. If it is an academic course in which grades are given, the licensee shall achieve a grade of "C" or better, or a pass on a pass-fail grading system.

Section 4. (1) A licensee shall provide documentation of the method used to validate continued competency if the licensee is the subject of a disciplinary complaint.

(2) A licensee shall provide documentation of the method used to validate continued competency if requested by the board pursuant to a random audit of licensees.

Section 5. (1)(a) Advanced practice registered nurses who do not have a Collaborative Agreement for Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS) pursuant to KRS 314.042(10) or a waiver and registration issued by the United States Drug Enforcement Administration (DEA) to prescribe buprenorphine for the treatment

of opioid use disorder shall earn a minimum of five (5) contact hours in pharmacology.

(b) Advanced practice registered nurses with a Collaborative Agreement for Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS) pursuant to KRS 314.042(10) who do not have a waiver and registration issued by the DEA to prescribe buprenorphine for the treatment of opioid use disorder shall earn a minimum of five (5) contact hours in pharmacology, including at least one and one-half (1.5) contact hours on the dual subjects of pharmacology and either[~~, as a part of the requirement of paragraph (a) of this subsection, at least one and one-half (1.5) contact hours related to the use of the KASPER system,~~] pain management[~~,~~] or addiction disorders.

(c) Advanced practice registered nurses who have a waiver and registration issued by the DEA to prescribe buprenorphine for the treatment of opioid use disorder shall earn:

1. A minimum of five (5) contact hours annually in pharmacology, of which one and one-half (1.5) pharmacology hours ***shall[~~must~~]*** be on the dual subjects of addiction disorders and pharmacology; and

2. ***An[~~and~~]*** additional two and one-half (2.5) contact hours annually on addiction disorders.

(d)[~~(c)~~] To qualify as pharmacology pursuant to KRS 314.073, content shall include drug specific information, safe prescribing practices, safe medication administration, prescribing methodologies, new administrative regulations, or similar topics.

(e)[~~(d)~~] Objectives for the contact hours related to pharmacology shall be identified. Casual mention of medications or medical treatments shall not qualify.

(2) Sexual assault nurse examiners shall earn the continuing education required by 201 KAR 20:411, Section 8.

(3) Registered nurses and licensed practical nurses [~~licensed after July 15, 2010~~] shall earn, within three (3) years of licensure, a minimum of one and one-half (1.5) contact hours in pediatric abusive head trauma as required by KRS 314.073(6), and a minimum of three (3) contact hours on domestic violence***, and elder abuse, neglect, and exploitation*** as required by KRS 194A.540[~~ within three (3) years of licensure~~].

(4) Registered nurses, licensed practical nurses, and advanced practice registered nurses who hold an active nursing license on July 1, 2022, shall satisfy the continuing competency requirement in subsection (6) of this section on or before July 1, 2023.

(5) Registered nurses, licensed practical nurses, and advanced practice registered nurses who obtain licensure by examination, endorsement, or reinstatement after July 1, 2022, shall satisfy the continuing competency requirements in subsection (6) of this section within three (3) years of licensure.

(6)(a) Nurses shall earn a minimum of two (2) contact hours on the subject of suicide prevention, which shall consist of one (1) contact hour on suicide prevention generally, and one (1) contact hour that addresses:

1. Chronic toxic stress and secondary traumatic stress potentially increasing the incidence of suicide amongst nurses;

2. A confidential and standardized pathway to care for nurses that addresses screening, assessing, safety planning, referrals, and follow-up for nurses at risk for suicide;

3. Systems of care, evidence-informed approaches, and best practices to reduce suicide rates; and

4. Ethical legal considerations of caring for patients ***and[/]***nurses who are suicidal.

(b) Nurses shall earn a minimum of one and one-half (1.5) contact hours in implicit bias that addresses:

1. The impact of historical racism and other forms of invidious discrimination on the provision of healthcare;

2. Methods of evaluating the presence and extent of implicit bias; and

3. Measures that ***may[~~can~~]*** be taken to reduce implicit bias.

Section 6. (1)(a) A licensee shall maintain records to substantiate methods used to validate competency.

(b) All records shall be retained for at least five (5) years following the current licensure period.

(2)(a) A licensee shall, upon request, furnish to the board or its staff, legible copies of the records required to be maintained by subsection (1) of this section, in electronic format to CE Broker, the continuing education tracking system utilized by the board, via https://cebroker.com.

(b) Copies shall be furnished within twenty (20) days of the date a written request is sent [~~mailed by first class~~] to the last known email address of the licensee or applicant.

(c) Failure to furnish records as required by this administrative regulation shall be cause for the issuance of a complaint pursuant to 201 KAR 20:161 for failure to comply with KRS 314.073(2).

(3)(a) Except as provided by paragraph (b) of this subsection, if a licensee has failed to comply with the continuing competency requirements, the licensee shall be allowed to rectify the noncompliance if he or she:

1. Meets the continuing competency requirements within ten (10) business [~~thirty (30)~~] days of notification of noncompliance; and

2. Enters a consent decree with the board pursuant to 201 KAR 20:161, Section 2(5), within ten (10) days of notification by the board.

(b) The board shall issue a complaint pursuant to 201 KAR 20:161 if:

1. A licensee fails to furnish records as requested pursuant to subsection (2) of this section;
or

2. There is evidence of fraud or deceit in procuring or attempting to procure a license to
practice nursing.

(4) A licensee who attends continuing education activities, whether as a presenter, participant, or student, shall attend the entire offering to be eligible to receive the number of contact hours for which the activity has been approved.

(5) It shall be the responsibility of each licensee to select and participate in those continuing education activities that will meet the criteria for acceptable continuing education.

(6) A licensee shall not repeat the same continuing education offering within a licensure period. The board shall determine whether a continued education offering is the same offering based upon the certificate of attendance from the offering that includes items such as the activity number, date, topic, and presenter.

Section 7. (1) A licensee may request an individual review of a nonapproved continuing education activity completed during the earning period if, within thirty (30) days after the expiration of the immediate past licensure period, the licensee has:

(a) Requested the review by submitting an Application for Individual Review; and

(b) Paid a fee of ten (10) dollars.

(2) The review shall be based on generally accepted standards of adult education and shall be applicable to the nurse's role.

(3) Approval of a nonapproved continuing education activity shall:

(a) Qualify it as having been obtained from an approved provider for the licensee requesting the review; and

(b) Be limited to the particular offering upon which the request for individual review is based.

(4) The board may offer continuing education hours for programs sponsored by the board. These continuing education hours shall be ***found[~~deemed~~]*** to have been obtained from an approved provider. The board shall comply with all applicable provider standards.

Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Individual Review", 9/2005; [~~and~~]

(b) "Nursing Continuing Education Employment Evaluation Form", 6/2021[~~2016~~]; and

(c) "Preceptor Continuing Education Verification Form", 6/2021.

(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

40222-5172, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at https://kbn.ky.gov/legalopinions/Pages/laws.aspx.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 338-2851, email Jeffrey.Prather@ky.gov

BOARDS AND COMMISSIONS
Board of Nursing
(As Amended at ARRS, December 9, 2021)

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

RELATES TO: KRS ***194A.540(11),*** 314.011(5), 314.021, 314.041(1)(a), 314.111(1), 314.131(1), (2)**,** ***[194A.540(11),]*** 620.020(8)

STATUTORY AUTHORITY: KRS 314.041(1)(a), 314.051(1)(a), 314.111(1), 314.131(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.041(1)(a) and 314.051(1)(a) require that an applicant for licensure as a registered or licensed practical nurse complete the basic nursing curriculum in an approved school of nursing. KRS 314.111(1) requires that schools of nursing regardless of delivery models shall meet minimum standards and be approved by the Board of Nursing. KRS 314.131(1) and (2) authorizes the board to promulgate administrative regulations necessary to approve programs of nursing. This administrative regulation establishes the curriculum requirements for prelicensure registered nurse and practical nursing programs.

Section 1. Definitions. (1) "Debriefing" means an activity that follows a simulation experience, is led by a nurse faculty as established in 201 KAR 20:310, Section 2, encourages participant's reflective thinking, and provides feedback regarding the participant's performance.

(2) "Distance learning" means didactic instruction offered by any means where the student and faculty are in separate physical locations.

(3) "External examination" means **[~~an examination, quiz, or quiz questions, not produced by the program of nursing or its faculty~~] a standardized or norm-referenced examination that is designed to compare and rank test takers in relation to one another and is not produced by the program of nursing**.

(4) "Practical nursing program" means a program of nursing organized and administered by a vocational, technical, or adult education system or an independent school at a postsecondary level that awards the graduate a diploma in practical nursing upon meeting requirements of the program.

(5)[~~(4)~~] "Program of nursing" means the educational unit that prepares a person for licensure as a registered or licensed practical nurse.

(6)[~~(5)~~] "Registered nursing program" means a program of nursing organized and administered by an institution of higher learning that awards a degree in nursing upon meeting requirements of the program.

(7)[~~(6)~~] "Remediation" means the process by which a student improves or corrects a knowledge deficit through external examinations, other assignments**,** or activities**[~~, and which may result in an upward adjustment to a student's final course grade in accordance with Section 4 of this regulation~~]**.

(8)[~~(7)~~] "Simulation" means an activity or a technique that replicates actual or potential situations in clinical practice that allows the participant to develop or enhance critical thinking.

Section 2. General. (1) An applicant for licensure shall complete a prelicensure program of nursing that meets the requirements of this administrative regulation.

(2) Length.

(a) A registered nursing program shall be a minimum of two (2) academic years, which may include prior articulated academic credits.

(b) A practical nursing program shall be a minimum of one (1) academic year.

(3) Philosophy, mission, and outcomes.

(a) The philosophy, mission, and outcomes of the program of nursing shall be clearly defined in writing by the nursing faculty and be consistent with those of the governing institution.

(b) The program outcomes shall describe the expected competencies of the graduate.

(c) The program shall conduct an evaluation to validate that identified program outcomes have been achieved and provide evidence of improvement based on an analysis of those results.

(4) Approval.

(a) A curriculum plan shall be approved by the board in accordance with this administrative regulation.

(b) The curriculum plan shall enable the student to develop the nursing knowledge, skills, and competencies for the expected entry level and scope of practice.

(c) Theory and clinical experiences shall provide the student with opportunities to acquire and demonstrate the knowledge, skills, and competencies necessary for safe practice.

(5) Curriculum plan.

(a) The development, implementation, evaluation, and revision of the curriculum shall be the responsibility of the nursing faculty including the program administrator with input from students.

(b) The curriculum of the program of nursing shall assure the development of evidence based practice for the level and scope of nursing practice. This shall include the skills to identify and apply best practices in nursing care by providing client-centered, culturally competent care and respecting client differences, values, preferences, and expressed needs.

(c) A registered nursing program may determine that a portion of the curriculum fulfills the scope of practice for licensed practical nursing and allow students to exit the program and be made eligible for the NCLEX-PN examination. The registered nursing program shall submit its plan to the board for approval.

(6) Organization of the curriculum.

(a) There shall be a written plan, including supporting rationale, which describes the organization and development of the curriculum.

(b) The curriculum plan shall reflect the philosophy, mission, and outcomes of the program.

(c) There shall be a rationale for the amount of time or credits allocated to course and clinical practice experience.

(d) A course syllabus shall be developed for each nursing course to include outcomes, planned instruction, learning activities, and method of evaluation.

1. Each course shall be implemented in accordance with the established course syllabus.

2. A copy of each course syllabus shall be on file in the program of nursing office and shall be available to the board upon request.

(e) The curriculum plan shall be logical and sequential, and shall demonstrate an increase in difficulty and complexity as the student progresses through the program.

(f) A course may be offered as a distance learning course. A distance learning course shall meet the same standards as established in 201 KAR 20:260 through 201 KAR 20:360 for any other course.

(7) Curriculum components.

(a) The curriculum of a registered nursing program or a practical nursing program shall prepare the graduate for licensure and full scope of practice as defined by current standards for nursing practice and expected competencies of graduates at the appropriate educational level.

(b) The curriculum shall include:

1. Theory and selected clinical practice experiences designed to enable students to provide nursing care to individuals throughout the life span; and

2. Information regarding Kentucky nursing laws, including

scope of practice, licensure requirements, and the role of the board of nursing. ***[~~This subparagraph shall be implemented by January 1, 2020.~~]***

(c) Clinical practice settings shall be appropriate for the type of nursing program and the program outcomes and enable the student to observe and practice safe nursing care of persons at each stage of the life span. Experiences shall include opportunities to learn and provide care to diverse ethnic and cultural populations.

(d) Clinical practice experience shall be supervised by board approved nursing faculty in accordance with 201 KAR 20:310.

(e) The curriculum shall have written measurable program outcomes that reflect the role of the graduate.

(f) Students shall have sufficient opportunities in simulated or clinical settings to develop psychomotor skills essential for safe, effective practice.

(8) Curriculum change.

(a) A program of nursing that is not accredited by a national nursing accrediting body shall submit a written plan for major curriculum revisions to the board a minimum of four (4) months prior to the planned implementation.

1. A request for curriculum revision shall include the present plan and the proposed change with rationale and expected outcomes.

2. The board shall be available to assist if curriculum revisions are being considered.

3. Major curriculum revisions shall include:

a. A change in the philosophy, mission, or outcomes that results in a reorganization or reconceptualization of the entire curriculum; or

b. The addition of tracks or alternative programs of study that provide educational mobility.

(b) A program of nursing that implements a curriculum change shall provide an evaluation of the outcomes of those changes through the first graduating class following full implementation of the curriculum change. The program of nursing shall also submit the evaluation with its annual report.

(9) Integrated practicum.

(a) The curriculum shall include an integrated practicum. The integrated practicum shall consist of a minimum of 120 clock hours of concentrated clinical experience of direct patient care in a health care facility or health care organization.

(b) The integrated practicum shall be completed within a period not to exceed seven (7) consecutive weeks while the governing institution is in session and within seven (7) months of graduation.

Section 3. Simulation Standards. (1)(a) A program of nursing that uses simulation shall adhere to the standards set in this section.

(b) A program of nursing shall not use simulation for more than fifty (50) percent of its total clinical hours required for graduation.

(2)(a) The program of nursing shall provide resources sufficient to support the simulation activities, including training of the faculty, and programmatic outcomes.

(b) Simulation activities shall be managed by a nurse who is academically and experientially qualified in the use of simulation, both in its pedagogical and technical aspects. The managing nurse shall demonstrate his or her qualifications by:

1. Attendance at simulation conferences;

2. Completion of educational activities related to simulation; or

3. Holding a credential issued by the Society for Simulation in Healthcare or a simulation preparation program recognized by the International Nursing Association for Clinical Simulation.

(c) The program of nursing shall have written rationale for the use and purpose of simulation within the curriculum.

(d) The program of nursing shall have an orientation plan for faculty concerning simulation.

(e) The program of nursing shall have a written procedure on the method of prebriefing and debriefing each simulated activity.

(3) The program of nursing shall have appropriate facilities for conducting simulation. This shall include educational and technological resources and equipment to meet the intended objectives of the simulation.

(4) Faculty, both didactic and clinical, that utilize simulation shall:

(a) Have training in the use of simulation; and

(b) Engage in on-going professional development in the use of simulation.

(5) The simulation activities shall be linked to the program of nursing's course objectives and the programmatic outcomes.

(6) Beginning July 1, 2019, a program of nursing shall submit evidence of compliance with these standards in the annual report required by 201 KAR 20:360, Section 3(1) of this administrative regulation.

Section 4. Use of External Examinations. (1) [~~An~~] External examinations may be used to assist in the remediation of a student or as a part of the final course grade. **[~~If used as a part of the final course grade, the combined weight of all external examinations, external quizzes and remediation shall not count for more than ten (10) percent of the final course grade~~]** [~~is a standardized or norm referenced examination that is designed to compare and rank test takers in relation to one another and is not produced by the program of nursing~~].

(2) **[~~With the exception of the impact upon progression or graduation that is allowed pursuant to subsection (1) of this section, a~~] A** program of nursing shall not use an external examination **as the sole basis** to determine a student's progression or graduation.

(3) A curriculum change that includes the implementation of an external examination shall include consideration of multiple evaluation criteria, and shall not be based solely on external examination test results. **[**

(4)][~~(3)~~]**[~~An external examination may be used to assist in the remediation of a student.~~]**[~~The examination shall not be the sole remediation strategy~~]**[~~.~~]**

(4)[~~(5)~~][~~(4)~~] A program of nursing that utilizes ***[~~an~~]*** external examinations as [~~the basis for~~] a component of [~~requiring~~] student remediation shall ensure that completion of remediation occurs within the same semester or quarter.

(5)[~~(6)~~][~~(5)~~] The academic progression policy of the program of nursing and course syllabi shall clearly outline the role of [~~the~~] an external examination, including the frequency of and schedule for ***the[~~such~~]*** testing, and the weight to be applied to results when calculating the final course grade. A course syllabus that references an external examination shall include information needed to calculate the impact of test results in any given external examination on the final course grade [~~in remediation~~]. If a course syllabus ***requires[~~require~~]*** a specific average test score on all exams as a condition for passing the course, student results on external exams shall be excluded from that calculation.

(6)[~~(7)~~]**[~~(6)~~]** **[~~With the exception of the impact upon progression or graduation that is allowed pursuant to subsection (1) of this section, and the option of requiring all students in a course to take external examinations.~~]** A program of nursing shall not require students who have completed all requirements for graduation to earn a specific score or benchmark on an external examination as a condition for graduation or for placing the student's name on the Certified List of Kentucky Program of Nursing Graduates pursuant to 201 KAR 20:070.

Section 5. Curriculum[~~Statutory~~] Additions. (1) Each program of nursing shall include information in its curriculum that meets the requirements of KRS 194A.540 related to domestic violence and elder abuse, neglect, and exploitation.

(2) Each program of nursing shall include information about:

(a) Pediatric abusive head trauma as it is defined in KRS 620.020***(8)***;

(b) Suicide prevention and wellness topics listed in subsection (3) of this section by August 15, 2022; and

(c) Implicit bias topics listed in subsection (4) of this section by August 15, 2022.

(3) Suicide prevention and wellness topics shall include:

(a) Chronic toxic stress and secondary traumatic stress potentially increasing the incidence of suicide amongst nurses;

(b) A confidential and standardized pathway to care for nurses that addresses screening, assessing, safety planning, referrals, and follow-up for nurses at risk for suicide;

(c) Systems of care, evidence-informed approaches, and best practices to reduce suicide rates; and

(d) Ethical legal considerations of caring for patients ***and[/]*** nurses who are suicidal.

(4) Implicit bias topics shall include:

(a) The impact of historical racism and other forms of invidious discrimination on the provisions of healthcare;

(b) Methods of evaluation the presence and extent of implicit bias; and

(c) Measures that ***may[can]*** be taken to reduce implicit bias.

CONTACT PERSON: Jeffrey R. Prather, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 338-2851, email Jeffrey.Prather@ky.gov.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, December 9, 2021)

301 KAR 6:001. Definitions for 301 KAR Chapter 6.

RELATES TO: KRS Chapter 235

STATUTORY AUTHORITY: KRS 235.280[320]

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 235.280 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for[To define the]*** terms used in 301 KAR Chapter 6.[This amendment is necessary to add definitions for "Type V personal flotation device" and "manually propelled racing vessels".]

Section 1. Definitions. (1) "Adequate ventilation" means ventilation that[which] met Boating Industry Association and U.S. Coast Guard requirements at the time the vessel was manufactured.

(2) "Airborne device" means a kite, parachute, or similar device that[which] holds a person aloft ***while[when]*** towed behind a moving vessel.

(3) "Class A" means vessels less than sixteen (16) feet in length.

(4) "Class 1" means vessels sixteen (16) feet or over and less than twenty-six (26) feet in length.

(5) "Class 2" means vessels twenty-six (26) feet or over and less than forty (40) feet in length.

(6) "Class 3" means vessels forty (40) feet or more in length.

(7) "Crossing" means a situation in which a vessel approaches another from an angle of 112.5 degrees or less from either side of the bow.

(8) "Documented by the federal government" means a vessel that[which] has been registered with, and issued official registration documents by, the United States Coast Guard.

(9) "Idle speed" means the slowest possible speed at which maneuverability can be maintained.

(10) "International diving flag" means a red flag with a white stripe running diagonally from an upper corner to the opposite lower corner.

(11) "Length"***:***

(a) Means the longest dimension of a boat measured along the centerline from the bow to the stern***; and***

(b) Does not mean the length[, but not] including outboard motors, swim platforms, or similar attachments.

(12) "Manually propelled racing vessel" means a racing shell, rowing scull, racing canoe, or racing kayak recognized by national or international racing associations ***for[or]*** use in competitive racing, and not ***carrying or having been designed to carry equipment, except that which is[designed to carry or not carrying equipment not]*** solely for competitive racing.

(13) "Overtaking" means a situation in which a faster vessel approaches a slower vessel from an angle of more than 112.5 degrees from either side of the bow of the slower vessel.

(14) "Passing" means a situation in which vessels approach and pass each other from head on or nearly so.

(15) "Type I" means a personal flotation device:

(a) Designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position; and

(b) Having more than twenty (20) pounds of buoyancy.

(16) "Type II" means a personal flotation device:

(a) Designed to turn an unconscious person in the water from a face-downward position to a vertical or slightly backward position; and

(b) Having at least fifteen and one-half (15.5) pounds of buoyancy.

(17) "Type III" means a personal flotation device:

(a) Designed to keep a conscious person in a vertical or slightly backward position; and

(b) Having at least fifteen and one-half (15.5) pounds of buoyancy.

(18) "Type IV" means a personal flotation device:

(a) Designed to be thrown to a person in the water and not worn; and

(b) Having at least sixteen and one-half (16.5) pounds of buoyancy.

(19) "Type V" means a special use personal flotation device intended and approved by the U.S. Coast Guard for specific activities.

(20) "Water skis" means rigid or inflatable skis, kneeboards, tubes, wakeboards, or similar devices. [upon or in which a person is towed behind a moving vessel.]

(21) "Water skiing" means:

(a) The act of riding in or upon water skis while being towed behind a moving vessel or propelled by a boat's wake or while riding ***on or in[on/in]*** a boat's wake directly behind a vessel that is underway; or

(b) Barefoot skiing.

CONTACT PERSON: Beth Frazee, 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.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:005. Vehicle speed.

RELATES TO: KRS 247.145, 247.153, 247.154

STATUTORY AUTHORITY: KRS ***247.145,*** 247.153[KRS Chapter 13A]

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control. KRS 247.153 authorizes the board to establish by resolution speed limits governing the operation of motor vehicles on state fairgrounds property. This administrative regulation establishes requirements for regulating the speed of vehicles on state fairgrounds.[To regulate the speed of vehicles on the Kentucky State Fair Grounds.]***

Section 1. ***An[No]*** operator of a vehicle within the Kentucky State Fair Grounds shall ***not*** drive at a greater speed than:

(1) Fifteen (15) miles per hour at any time during the period in which the annual Kentucky State Fair is in progress; and

(2) Twenty-five (25) miles per hour at any other time.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email carrie.bauer@kyvenues.com.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:010. Vehicle parking.

RELATES TO: KRS 247.145, 247.154
STATUTORY AUTHORITY: KRS 247.154 [~~KRS Chapter 13A~~]
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control. KRS 247.154 authorizes the board to promulgate administrative regulations establishing requirements for traffic control and parking of vehicles on state fairgrounds. This administrative regulation establishes requirements for regulating parked vehicles on state fairgrounds. [~~To regulate parked vehicles within Kentucky State Fair Grounds and Exhibition Center.~~]***

Section 1. ***A[~~No~~]*** person shall ***not*** park a vehicle within the Kentucky State Fair Grounds or the Exhibition Center in any area designated by signs to be a no parking area or a fire lane. Any vehicle parked in violation of the preceding provision may be removed from the area or lane in which ***it is*** parked and impounded until the owner or operator ***[~~thereof~~]*** pays the cost of the removal and impounding of ***the[~~said~~]*** automobile.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email carrie.bauer@kyvenues.com.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:015. Traffic flow.

RELATES TO: KRS 247.145, 247.154
STATUTORY AUTHORITY: KRS ***247.145,*** 247.154[~~KRS Chapter 13A~~]
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control. KRS 247.154 authorizes the board to promulgate administrative regulations establishing requirements for traffic control and parking of vehicles on state fairgrounds. This administrative regulation establishes requirements for regulating traffic flow within state fairgrounds.*** [~~To regulate traffic flow within the Kentucky State Fair Grounds.~~]

Section 1. ***A[~~No~~]*** person shall ***not*** operate a vehicle within the Kentucky State Fair Grounds in violation of "one way" traffic flow signs***[~~,~~]*** or "no vehicular traffic" signs.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email carrie.bauer@kyvenues.com.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:075. Conduct and operation of concessions and exhibits.

RELATES TO: KRS 247.145, 247.160
STATUTORY AUTHORITY: KRS 247.145
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control.*** KRS 247.160 grants to the Kentucky State Fair Board exclusive control of concessions, exhibitions, entertainment, and attractions at any place on the state fair grounds and exhibition center. ***[~~The purpose of~~]*** This administrative regulation ***establishes requirements[~~is~~]*** to regulate and control the conduct and operation of concessions and exhibits by prohibiting unauthorized persons from conducting them. ***[~~The regulation is authorized by KRS 247.145 because it allows the Kentucky State Fair Board to establish regulations for the operation, maintenance, or use of the Kentucky State Fair Board's property.~~]***

Section 1. ***A[~~No~~]*** person, except with authorization or permission from the Kentucky State Fair Board, shall ***not*** set up, conduct, carry on, operate or maintain***;[~~,~~]*** or make sales, sales promotions, or sales demonstrations from any booth, table, exhibit display***,*** or attraction of any sort on the grounds of the Kentucky Fair and Exposition Center or do any of the ***[~~foregoing~~]*** acts from any motor vehicle or other mobile apparatus on ***the[~~such~~]*** grounds.

Section 2. ***A[~~No~~]*** person, except with authorization or permit from the Kentucky State Fair Board, shall ***not*** operate any concession or offer for sale or sell any articles or objects of any sort on the grounds of the Kentucky Fair and Exposition Center.

Section 3. (1) ***A[~~No~~]*** person shall ***not*** carry on any commercial activity at the Kentucky Fair and Exposition Center without permission of the Kentucky State Fair Board***.[~~;~~]***
(2) ***A[~~No~~]*** person shall ***not*** post, distribute***,*** or display commercial signs, circulars***,*** or printed or written materials within the grounds of the Kentucky Fair and Exposition Center without permission of the Kentucky State Fair Board.

Section 4. ***A[~~No~~]*** person ***shall not be[~~is~~]*** licensed to enter or to remain upon the grounds of the Kentucky Fair and Exposition Center for the purpose of doing any of the acts described in Sections 1, 2, and 3 of this administrative regulation***,*** unless ***the[~~such~~]*** person has received authorization or permission from the Kentucky State Fair Board for such acts.

Section 5. ***(1)*** Authority to authorize or grant permission to do any of the acts described in Sections 1 and 2 of this administrative regulation ***shall be[~~is hereby~~]*** delegated to the Executive Director of the Kentucky State Fair Board***.***
(2) This authority[~~and~~] may be redelegated by him to other employees or agents of the Kentucky State Fair Board or, for specific events only, to the group or person conducting or sponsoring ***the event[~~such events~~]***.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email

carrie.bauer@kyvenues.com.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

RELATES TO: KRS 247.145
STATUTORY AUTHORITY: KRS 247.145 [~~KRS Chapter 13A~~]
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control. This administrative regulation establishes requirements relating to[~~To regulate~~]*** dissemination of material and demonstrations on the Kentucky State Fair and Exposition Center grounds.

Section 1. (1) ***The following shall be permitted on the grounds of the Kentucky Fair and Exposition Center at the locations designated on a diagram of the Kentucky Fair and Exposition Center and in accordance with the requirements of this section:***

(a) The peaceful noncommercial distribution of leaflets***;[~~,~~]***

(b) The setting up of tables***;[~~and,~~]***

(c) The peaceful holding of discussions with patrons of the Kentucky Fair and Exposition Center to aid in ***[~~that~~]*** distribution***; [~~,~~]*** and

(d) The peaceful carrying of placards***. [~~shall be permitted on the grounds of the Kentucky Fair and Exposition Center in the following manner at the locations designated on a diagram of the Kentucky Fair and Exposition Center, a copy of which is filed herein by reference. Copies may be obtained from the Kentucky State Fair Board, P. O. Box 21179, Louisville, Kentucky 40221.~~]***

(2) The following areas shall be designated for the activities referenced in subsection (1) of this section:

(a) Main Entrance to the Freedom Hall: Areas 1, 2
(b) Main entrance to East Hall: Area 3
(c) Main entrance North Wing: Areas 4, 5
(d) Main Entrance South Wing A: Area 6
(e) Main Entrance South Wing B: Area 7
(f) Main entrance South Wing C: Area 8
(g) Main Entrance to West Hall/Wing: Area 9
(h) Main Entrance to Broadbent Arena: Area 10
(i) Pavilion: Area 11, and
(j) New Market Hall: Area 12.
[~~(a) Main Entrance to the Coliseum: Areas A, B, C and D.~~
~~(b) Inside the Coliseum Building: Areas E and F.~~
~~(c) Main entrance to East Hall: Areas G and H.~~
~~(d) Inside East Hall Entrance: Areas J and K.~~
~~(e) Main Entrance to East Wing: Areas L and M.~~
~~(f) Inside Entrance to East Wing: Areas N and O.~~
~~(g) Main Entrance to West Hall: Areas P and Q.~~
~~(h) Inside Entrance to West Hall: Areas R and S.~~
~~(i) Main Entrance to West Wing: areas T and U.~~
~~(j) Inside Entrance to West Wing: Areas V and W.~~
~~(k) Main Entrance to Broadbent Arena: Areas X and Y.~~
~~(l) Inside Entrance to Broadbent Arena: Areas Z and Z-1.~~
~~(m) Entrance to Stadium: Areas AA through OO.~~
~~(n) Pavilion: Area Z-2.~~
~~(o) New Market Hall: Areas Z-3 and Z-4~~.
~~(p) In the event that functions are scheduled on the grounds of the Kentucky Fair and Exposition Center at locations with respect to which no areas for distributions and demonstrations have been above designated, the executive director shall designate such additional areas for such activities as he may deem appropriate.~~

~~(q)~~] One (1) table may be set up at all areas, other than Areas E and F, in order to aid distribution activities.

(k)[~~(r)~~] Placards shall be permitted at all areas other than Areas E and F.

(l)[~~(s)~~] Areas E and F shall be unavailable when control gates for admission charges***, [~~and/or~~]*** registration for an event***, or both,*** are set up at the main entrance to the Coliseum.

(3) The executive director may designate additional areas for activities listed in subsection (1) if functions are scheduled on the grounds of the Kentucky Fair and Exposition Center at locations that have not been designated for the activities in subsection (1).

(4)[~~(2)~~] Any person or group who wishes to conduct any of the above activities at the locations specified shall apply to the Executive Director of the Kentucky ***Fair[~~fair~~]*** and Exposition Center***.[~~on forms provided by him for this purpose.~~]*** Application shall be made not less than seventy-two (72[~~1~~]) hours nor more than two (2) weeks before commencement of the activities. The application shall set forth the type of activities to be conducted***; [~~,~~]*** the expected number of participants in ***the[~~such~~]*** activities***;[~~,~~]*** the time, location***,*** and duration of the activities***; [~~,~~]*** and the name, address***,*** and telephone number of the person making the application***. For[~~in the case of~~]*** a group***,*** it shall be sufficient to supply the name, address***,*** and telephone number of one (1) person who can be contacted if problems arise concerning the grant of the application.

(a) A deposit of twenty-five (25) dollars cash or money order shall be submitted with the application***[~~,~~]*** and shall be returned to the applicant within twenty-four (24) hours after the termination of the activities if there has been no extra cleanup time required by the Kentucky Fair and Exposition Center staff as a result of the litter created by the ***[~~aforesaid~~]*** activities.

(b) The executive director shall grant each application to engage in the activities permitted ***by this administrative regulation[~~hereunder~~]***, unless he and the President of the Kentucky State Fair Board determine that the proposed number of participants contained in ***an[~~and~~]*** application will unreasonable and substantially interfere with either:

1. The safety of patrons attending the Kentucky Fair and Exposition Center;

2. The orderly movement of vehicle and pedestrian traffic on the grounds of the Kentucky Fair and Exposition Center; or

3. The normal functions of the Kentucky Fair and Exposition Center.

(c) If[~~4. In the event that~~] the executive director and the president of the ***board [~~Kentucky State Fair Board~~]*** find that the proposed number of participants will create ***[~~such~~]*** unreasonable and substantial interference, the executive director, after consultation with the President of the ***board[~~Kentucky State Fair Board~~]***, shall grant the application subject to a reduced number of participants in the proposed activities, and shall notify the applicant in writing of the grounds for reducing the number of participants. ***1. If there are[~~In the event of~~]*** multiple applications for any given times and locations, the executive director ***may allocate[~~shall have discretion to~~]***:

a. ***The [~~Allocate such~~]*** locations, on a proportional basis, among the various applicants;

b. ***[~~Allocate~~]*** Times, on a proportional basis, during which the various applicants may conduct their activities; or

c. ***[~~Allocate~~]*** Any given period of time or location, on a proportional basis, among the various applicants***.[~~;~~]***

2.[~~d.~~] In exercising ***this[~~such~~]*** discretion, the executive director shall try, to the maximum extent possible, to accommodate the location and time requests of all applicants.

(d)[~~(c)~~] The grant of the application by the executive director shall be in the form of a permit***,*** which shall set forth the number of persons covered by the permit, the activities ***that[~~which~~]*** are permitted, the permitted time and duration of those activities, and the location at which the activities may be conducted.

(e)[~~(d)~~] The duration of each permit issued shall not be in excess of two (2) days. Any person or group may renew a permit

for successive two (2) day periods. Renewal applications shall be made on the same form as new applications and shall be processed as if they were new applications.

(5)[(3) No] Signs, leaflets, placards***,*** or other material shall ***not*** be affixed to the building facilities. ***[No]*** Leaflets or other material shall ***not*** be distributed by leaving them unattended throughout the Kentucky Fair and Exposition Center.

(6)[(4) No] Voice amplification equipment of any kind shall ***not*** be used by any person or group to aid in the conducting of any of the activities permitted ***by this administrative regulation[hereunder]***.

(7)[(5) No] Signs, leaflets, placards or other material distributed shall ***not*** contain any obscene, subversive, salacious, or libelous material.

(8) (a)[(6)] The executive director may suspend any permit already granted ***if[in the event that]*** the conduct of the applicant or any of his agents or associates unreasonably and substantially interferes with either:

1.[(a)] The safety of patrons attending the Kentucky Fair and Exposition Center;

2.[(b)] The orderly movement of vehicle and pedestrian traffic on the grounds of the Kentucky Fair and Exposition Center; or

3.[(c)] The normal functions of the Kentucky Fair and Exposition Center***.[;]***

(b) If[(d) Or in the event of the failure of] the applicant or any of his agents or associates ***fail*** to comply with any of the provisions set forth in this section***,[.]*** the executive director shall suspend the permit by ***providing written*** notice ***[in writing]*** to the applicant***. This[; and such]*** notice shall state the grounds for the suspension.

(9)[(7)] A[No] person shall ***not*** engage in the activities permitted ***by this administrative regulation[hereunder]*** without first securing a permit pursuant to the provisions of this section.

Section 2. The provisions of this administrative regulation shall not apply to the Kentucky Fair and Exposition Center grounds during the annual Kentucky State Fair.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Kentucky State Fair and Exposition Center Diagram", November 2021; and

(b) "Kentucky State Fair and Exposition Center Activity Permit Application", November 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209, Monday through Friday, 8:00 a.m. to 4:30 p.m.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email carrie.bauer@kyvenues.com.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:090. Exhibit Center[;] dissemination of material; demonstrations.

RELATES TO: KRS 247.145
STATUTORY AUTHORITY: KRS 247.145 [KRS Chapter 13A]
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control. This administrative regulation establishes requirements relating to the[To regulate]*** dissemination of material and demonstrations at the Exhibition Center.

Section 1. (1) The peaceful noncommercial distribution of leaflets, the setting up of tables and the peaceful holding of discussions with patrons of the Exhibition Center to aid in this distribution, and the peaceful carrying of placards shall be permitted in ***accordance with this section[the following manner]*** at the ***following*** locations***:***

(a)[of] The main entrances to the lobby at the corners of Jefferson and Fourth, Market and Fourth and the entrance on Fourth***;[,]*** and

(b) Inside the Lobby designated on a diagram of the Exhibition Center***[, a copy of which is herein filed by reference. Copies may be obtained from the Kentucky State Fair Board, P. O. Box 21179, Louisville, Kentucky 40221]***.

(2)[(a)] Main Entrance to the Lobby.

(a) 1. Area A. Two (2) persons shall be permitted to peacefully***:***

a. Distribute leaflets***;[and/or]***

b. Carry placards***; and[and/or]***

c. Hold discussions with patrons of the Exhibition Center.

2. A[No] table shall ***not*** be permitted in this area.

(b)[2.] Area B. Two (2) persons shall be permitted to peacefully***:***

1. a. Distribute leaflets***;[and/or]***

b. Carry placards***; and[and/or]***

c. Hold discussions with patrons of the Exhibition Center.

2. A[No] table shall ***not*** be permitted in this area.

(c)[3.] Area C. Two (2) persons shall be permitted to peacefully***:***

1. a. Distribute leaflets***;[and/or]***

b. Carry placards***; and[and/or]***

c. Hold discussions with patrons of the Exhibition Center.

2. Additionally, these persons may set up one (1) table at this location to aid in ***this [such]*** distribution.

(d)[4.] Area D. Two (2) persons shall be permitted to peacefully***:***

1. a. Distribute leaflets***;[and/or]***

b. Carry placards***; and[and/or]***

c. Hold discussions with patrons of the Exhibition Center.

2. Additionally, these persons may set up one (1) table at this location to aid in ***this [such]*** distribution.

(3)[(b)] Inside the Lobby.

(a)[1.] Area E.

1. One (1) person shall be permitted to distribute leaflets and hold discussions with patrons.

2. [No] Placards ***and tables*** shall ***not*** be permitted ***[nor shall a table be permitted]*** in this area.

3. This area shall be unavailable when control gates for admission charges***, [and/or]*** registration for an event***, or both,*** are set up in the Lobby.

(b)[2.] Area F.

1. One (1) person shall be permitted to distribute leaflets and hold discussions with patrons.

2. [No] Placards ***and tables*** shall ***not*** be permitted ***[nor shall a table be permitted]*** in this area.

3. This area shall be unavailable when control gates for admission charges***, [and/or]*** registration for an event***, or both,*** are set up in the Lobby.

(4)[(2)] Any person or group who wishes to conduct any of the above activities at the locations specified shall apply to the Manager of the Exhibition Center on forms provided by ***the board***. Application shall be made not less than seventy-two (72) hours nor more than two (2) weeks before commencement of the activities. The application shall set forth the type of activities to be conducted***;[,]*** the time, location***,*** and duration of the activities***;[,]*** and the name, address***,*** and telephone number of the person making the application. ***For[In case of]*** a group, it shall be sufficient to supply the name, address***,*** and telephone number of one (1) person who can be contacted if problems arise concerning the grant of the application.

(a) A deposit of five (5) dollars cash or money order shall be submitted with the application***[,]*** and shall be returned to the

applicant within twenty-four (24) hours after the termination of the activities if there has been no extra cleanup time required by the Exhibition Center staff as a result of the litter created by the ***[aforesaid]*** activities.

(b) The manager shall grant all ***such*** applications on a first come, first served basis so long as the number of persons***;[,]*** the activities***;*** and the time, duration***,*** and location applied for are in compliance with the provisions set forth in paragraph (a) of this subsection.

(c) The grant of the application by the manager shall be in the form of a permit***,*** which shall set forth the number of persons covered by the permit, the activities which are permitted, the permitted time and duration of those activities, and the location at which the activities may be conducted.

(d) The duration of each permit issued shall not be in excess of two (2) days. Any person or group may renew a permit for successive two (2) day periods. Renewal applications shall be processed as if they were new applications.

(5)[(3) No] Signs, leaflets, placards or other material shall ***not*** be affixed to the building facilities. ***[No]*** Leaflets or other material shall ***not*** be distributed by leaving them unattached throughout the Exhibition Center.

(6)[(4) No] Voice amplification equipment of any kind shall ***not*** be used by any person or group to aid in the conducting of any of the above activities.

(7)[(5) No] Signs, leaflets, placards***,*** or other material distributed shall ***not*** contain any obscene, subversive, salacious***,*** or libelous material.

(8)[(6)] The manager may suspend any permit already granted ***if there is:***

(a)[in the event of] Violence caused by the applicant or his agents or associates***;[, or]***

(b)[in the event of] Any emergency ***that affects[which renders]*** the traffic flow in any of the areas covered by the permit ***in a way[such]*** that conduct of the activities would create a dangerous condition or substantially interfere with traffic at the Exhibition Center***;*** or

(c)[in the event of the] Failure of the applicant ***to comply with[or]*** any of the provisions set forth in this administrative regulation.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email carrie.bauer@kyvenues.com.

TOURISM, ARTS, AND HERITAGE CABINET
Kentucky State Fair Board
(As Amended at ARRS, December 9, 2021)

303 KAR 1:100. Exposition Center grounds; sales and dissemination of real property, fixtures and goods, solicitation of contribution or sales during annual State Fair; rental of space; use of sound amplification equipment.

RELATES TO: KRS 247.145

STATUTORY AUTHORITY: KRS 247.145[~~KRS Chapter 13A~~]

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 247.145 authorizes the Kentucky State Fair Board to promulgate administrative regulations as are necessary to maintain decency and good order; protect the peace or safety of the general public; protect the public interest, convenience, or necessity; or govern the operation, maintenance, or use of property under its custody and control. This administrative regulation establishes requirements relating to the[To regulate]*** sale and dissemination of real property, fixtures and goods, solicitation of contributions and sales, and use of sound amplification equipment on the Kentucky Fair and Exposition Center grounds during the annual Kentucky State Fair in order to insure orderly movement of crowds***, insure[and]*** the safety and convenience of state fair patrons***,*** and provide exhibitors with equal and adequate access.

Section 1. Administrative Regulation 303 KAR 1:080 ***shall[will]*** not apply to the Kentucky Fair and Exposition Center grounds during the annual Kentucky State Fair.

Section 2. During the annual Kentucky State Fair, ***a[no]*** person shall ***not*** make sales or distribution of real property, fixtures or goods, including ***[but not limited to]*** all printed or written material***;[,]*** solicit for either contributions or sale***;[,]*** make sales promotions or sales demonstrations***;[,]*** carry placards***;[,]*** or post, distribute***,*** or display signs or any other printed or written materials, except from within the confines of a booth or fixed location rented from the***:***

(1) [Kentucky State Fair] Board***;*** or

(2) The[, in the case of locations in the carnival midway area, from the Fair] board's lessee of the carnival midway area.

Section 3. A rental ***shall[will]*** be charged for each booth or fixed location assigned and leased from the ***[Fair]*** board in accordance with this administrative regulation, and ***the[such]*** rental shall be set according to the size***;[,]*** location***;[,]*** and use***, such as [(]***sales, nonsales commercial, or nonprofit***,[)]*** of the space assigned.

Section 4. The spaces available from the ***[Fair]*** board for booths or fixed locations ***shall[will]*** be assigned on a first come, first served basis after May 1 of each year, except that:

(1) ***(a)*** The sponsor of an event during the state fair may be authorized by his contract with the ***[Fair]*** board to sell or distribute ***[his]*** goods specified in the contract from locations in the area of the event ***that[which]*** are specified in the contract;

(b)[(2)] The ***[Fair]*** board ***may[reserves the right to]*** limit the assignment of booths and locations in designated "theme" areas of the state fair***:***

1. To applicants whose proposed design and use of the booths or locations conform to the ***[Fair]*** board's specifications and theme for the respective theme areas***;[,]*** and

2. For[, in the case of] the Made in Kentucky Showcase, to applicants displaying goods of the required origin; ***and***

(c)[(3)] The ***[Fair]*** board ***may[reserves the right to]*** limit to the civic midway area the number and location of vendors who will sell ***items that are*** substantially the same***. [items;]***

(2)[(4)] In order to attract and maintain high-quality concessions and exhibits, the executive vice president may annually, at a time on or before April 30 of each year, extend to the renters of space from the prior year's state fair the opportunity to renew their space rental contracts for the next state fair***. This renewal shall be[on the basis of a renewal]*** for the same space, purpose, and ownership as in the prior year. ***If[Even when]*** renewals are ***[so]*** offered to renters from the prior year, the ***[Fair]*** board ***shall not be required [reserves the right not]*** to renew any space rental contract ***with a[where the]*** renter ***who*** has violated any administrative regulation of the ***[Fair]*** board or any state or federal law in previous use of the booth.

Section 5. ***[No]*** Sales or distribution of food or drink shall ***not*** be made from booths or fixed locations rented from the ***[Fair]*** board under this administrative regulation***,*** unless the rental contract specifically allows ***these types of[such]*** sales or distribution.

Section 6. Unless specifically authorized by the ***[Fair]*** board, ***a[no]*** person shall ***not*** use ***[on the grounds of the Kentucky Fair and Exposition Center during the state fair]*** any sound amplification equipment or any device with a speaker emitting loud sound ***on the grounds of the Kentucky Fair and Exposition Center during the state fair***.

CONTACT PERSON: Carrie Bauer, General Counsel, Kentucky State Fair Board, 937 Phillips Lane, Louisville, Kentucky 40209; phone 502-367-5244; fax 502-367-5109; email

carrie.bauer@kyvenues.com.

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(As Amended at ARRS, December 9, 2021)

502 KAR 12:010. Sexual assault forensic-medical examination protocol.

RELATES TO: KRS 15A.160, 16.132, Chapter 49, 72.020, 209.020(4), 209.030, 209A.020[(4)], 209A.030, 209A.100, 209A.110, 209A.130, 211.600, 216B.015(27), 216B.400, 216B.990(3), 314.011(14), 403.707, [~~Chapter 346,~~] 421.570, 510.010-510.140, 524.140, 529.010(2), 529.010(13), 529.100, 530.020, 530.064(1)(a), 531.310, 600.020, 620.030, 34 U.S.C. 10449[~~42 U.S.C. 3796gg-4~~], 45 C.F.R. 164.512

STATUTORY AUTHORITY: KRS 15A.160, 216B.400

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 ***authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations for the administration of all laws and functions which are vested in the cabinet, except laws and functions vested in the Department of Public Advocacy. KRS*** ***[~~and~~]*** 216B.400[(~~2~~)] ***requires[~~authorize~~]*** the cabinet to promulgate administrative regulations developing a statewide medical protocol for sexual assault examinations. This administrative regulation establishes the procedures to be followed by medical staff before, during, and after the examination of a victim of a sexual assault.

Section 1. Definitions. (1) "Basic treatment" means basic medical care provided to victims of sexual offenses***,*** including a medical screening, an examination for medical injuries, treatment for sexually transmitted infections, and, if appropriate, delivery of postexposure HIV prophylaxis.

(2) "Designated storage facility" means an examination facility, local law enforcement agency, or other agency that has an agreement with an examination facility to provide secure storage for samples collected during sexual assault forensic-medical examinations that are not immediately reported to law enforcement.

(3) "Examination Facility" means a sexual assault examination facility as defined in KRS 216B.015(27)[(~~26~~)].

(4) "Qualified medical professional" means any physician's assistant or advanced practice registered nurse whose training and scope of practice include performance of speculum examinations.

(5) "Rape crisis center advocate" means a victim advocate who:

(a) Has met the requirements of KRS 421.570; and

(b) Works or volunteers for a rape crisis center regulated by the Cabinet for Health and Family Services, pursuant to KRS 211.600 and 922 KAR 8:010. [~~920 KAR 2:010.~~]

(6) "Victim" means a person who may have suffered direct, threatened, or attempted physical or emotional harm from the commission or attempted commission of:

(a) A sexual offense, pursuant to KRS 510.010 to 510.140;

(b) Incest, pursuant to KRS 530.020; or

(c) An offense relating to:

1. The use of a minor in a sexual performance, pursuant to KRS 531.310; ***[~~or~~]***

2. An unlawful transaction with a minor, pursuant to KRS 530.064(1)(a); or[~~.~~]

3. Human trafficking for commercial sexual activity, pursuant to KRS 529.010(2), 529.010(13), and 529.100.

Section 2. Preforensic-Medical Examination Procedure. If a person seeking treatment as a victim arrives at an examination facility, the appropriate staff at the facility prior to conducting the forensic-medical examination shall comply with the following ***requirements.[~~:~~]***

(1) Reporting to the Rape Crisis Center Advocate. ***The examination facility staff shall:***

(a) Contact the rape crisis center to inform the on call advocate that a victim has arrived at the examination facility for an examination; and

(b) Upon arrival of the advocate, ask if the victim wishes to have a rape crisis center advocate present for the examination or otherwise available for consultation***.[~~;~~]***

(2) Limited Mandatory Reporting to the Cabinet for Health and Family Services.

(a) If the victim is less than eighteen (18) years old***, the examination facility staff shall***:

1. Assess whether the victim may be an abused, neglected, or dependent child, as defined in KRS 600.020. ***If[~~In cases of suspected~~]*** child abuse, neglect, or dependency ***is suspected***, medical personnel shall immediately report the incident to the Cabinet for Health and Family Services***,[~~;~~]*** a local or state law enforcement agency***,[~~;~~]*** or the Commonwealth's attorney or county attorney in accordance with KRS 620.030; and

2. If a report is made, consult with the Cabinet for Health and Family Services or law enforcement to determine whether referral to a regional children's advocacy center or other specialized treatment facility is in the best interest of the child***.[~~; and~~]***

(b) If the victim is eighteen (18) years old or older***, the examination facility staff shall***:

1. ***[~~The examination facility shall~~]*** Not contact law enforcement or release any information to law enforcement without the victim's authorization***.[~~;~~]***

2. [~~Determine whether a mandatory reporting law addressing spouse abuse or abuse of a vulnerable adult applies:~~

~~a. Assess whether the victim may be an adult as defined in KRS 209A.020(4); and~~

~~b. Assess whether the victim may be an adult as defined in KRS 209A.020(4); and~~

~~3.~~] If the victim may be an adult as defined in KRS 209.020(4)[~~subparagraph 2.a or 2.b of this paragraph applies~~], immediately report the incident to the Cabinet for Health and Family Services and notify the victim of the report***.[~~;~~]***

(3) Optional Reporting to Law Enforcement. ***The examination facility staff shall:***

(a) Ask if the victim [~~whether she or he~~] wants to report the incident to law enforcement;

(b) If the victim chooses to report the incident to law enforcement, obtain the victim's consent for treatment and authorization for release of information, and contact law enforcement; and

(c) If the victim chooses not to report to law enforcement, ***keep*** information or samples ***from release[~~shall not be released~~]*** to law enforcement, unless the victim has specifically authorized the release of information or samples***.[~~;~~]***

(4) Mandatory Reporting to Law Enforcement. Any professional, as defined by KRS 209A.020, who learns of the death of a victim with whom he or she had a professional interaction, shall immediately notify law enforcement if the professional believes domestic or dating violence or abuse caused, contributed, or is related to the victim's death, in accordance with KRS 209A.110.

(5)[(~~4~~)] ***Examination facility staff shall:***

(a) Inform the victim that all statements made during the interview and the sample collection process to physicians, nurses, other hospital personnel, or law enforcement officers are not privileged and may be disclosed;

(b)[~~(6)~~][(~~5~~)] Provide a detailed explanation of the forensic-medical examination, the reasons for conducting the forensic-medical examination***,*** and the effect on a criminal prosecution if a forensic examination is not performed or reported to law enforcement;

(c)[~~(7)~~][(~~6~~)] Advise the victim that photographs and other documentation, if released to law enforcement, may be used as evidence and that the photographs may include the genitalia;

(d)[~~(8)~~][(~~7~~)] Advise the victim that the forensic-medical examination, including basic treatment, shall be conducted free of charge, but costs related to additional medical treatment may be incurred;

(e)[(9)][(8)] Inform the victim that consent for the forensic sample collection process may be withdrawn at any time during the examination;

(f)[(10)][(9)] Inform the victim of the need for a physical examination due to the risk of sexually transmitted infections, including HIV, pregnancy, injury, or other medical problems whether or not the victim chooses to have the evidence collected;

(g)[(11)][(10)] Obtain documented consent from the victim prior to conducting the forensic-medical examination; and

(h)[(12)][(11)] Document that the procedures established in this section are completed.

Section 3. The Forensic-Medical Examination. (1) A physical examination may be conducted for basic treatment and to collect samples in all cases of sexual assault, regardless of the length of time that may have elapsed between the time of the assault and the examination itself.

(2) If the reporting patient is a child, ***examination facility staff shall*** refer to the "Kentucky Medical Protocol for Child Sexual Assault/Abuse Evaluation" developed by the Sexual Assault Response Team Advisory Committee for guidance in conducting the forensic evidence exam.

(3)[(2)] If the sexual assault occurred within ninety-six (96) hours prior to the forensic-medical examination, a Kentucky State Police Sexual Assault Evidence Collection Kit shall be used. The examination facility shall enter the kit information into the sexual assault forensic evidence kit tracking portal, as prescribed by KRS 16.132.[This kit consists of:

(a) Instructions;

(b) Evidence envelope;

(c) Comb; and

(d) Swabs.]

(4)[(3)] Personnel in attendance during the forensic examination shall be limited to the following persons:

(a) Examining physician, sexual assault nurse examiner, as defined in KRS 314.011(14), or qualified medical professional;

(b) Attending nurse and additional nursing personnel;

(c) Rape crisis center advocate; and

(d) Other persons who are:

1. Dictated by the health needs of the victim; or

2. Requested by the victim.

(5)[(4)] Photographs, including photographs of the genitalia, may be taken if the appropriate equipment is available at the examination facility, precautions are taken to ensure confidential storage, and the victim has consented to having photographs taken.

(6)[(5)] The following types of samples may be collected during the examination:

(a) Hairs from the head or pubic region;

(b) Fingernail cuttings, swabs, or scrapings;

(c) Clothing fibers, or other trace evidence;

(d) Bodily fluids, including:

1. Semen;

2. Blood;

3. Sweat; and

4. Saliva;

(e) Clothing; and

(f) Other samples that may be presented as evidence at a trial.

(7)[(6)] Samples shall not be collected if the victim is unconscious unless the collection is consistent with appropriate and necessary medical treatment.

(8)[(7)] The collection of samples shall cease immediately if the victim dies during the process.

(9)[(8)] The coroner shall be contacted if the victim dies during the sexual assault medical-forensic examination, and the samples ***processed[process]*** and the evidence collected up to that time shall be delivered to the coroner or the coroner's designee***.[,]*** Collection of samples may be completed by medical personnel if requested by the coroner.

(10)[(9)] The coroner shall be notified in accordance with KRS 72.020 and samples shall not be collected if the victim is deceased upon arrival at the examination facility.

Section 4. Postforensic Examination Procedures. At the conclusion of the forensic-medical examination the appropriate personnel at the examination facility shall provide the victim with:

(1) Information regarding follow-up procedures and appointments concerning:

(a) Sexually transmitted infections, including HIV;

(b) Pregnancy;

(c) Urinary tract or other infections; and

(d) Similar assault related health conditions;

(2) Information regarding the availability of follow-up counseling and support services available from a rape crisis center or other mental health agency;

(3) Information from the law enforcement officer regarding who to contact about the prosecution of the offense in cases reported to law enforcement;

(4) A garment or other appropriate clothing to wear in leaving the examination facility, or assistance in obtaining other personal clothing;

(5) Information about:

(a) The Office of Claims and Appeals [Crime Victim's Compensation Board], as established in KRS Chapter 49[346]; and

(b) The following administrative regulations providing aid to a crime victim:

1. 802 KAR 3:010[107 KAR 1:005];

2. 802 KAR 3:020[107 KAR 1:010];[

3. 107 KAR 1:015;

4. 107 KAR 1:025;

5. 107 KAR 1:040;] and

(6) The appropriate educational materials, as described in KRS 209A.130, if it has been determined that the patient may be a victim of dating or domestic violence and abuse, as defined in KRS 209A.020.

(7)[(6)] If the victim chooses not to report to law enforcement, information about:

(a) Length of time samples will be stored;

(b) Whom the victim may contact to file a report or authorize the release of samples; and

(c) Whether the samples will be automatically destroyed or transferred for extended storage if the victim does not request release of samples to law enforcement within the specified period.

Section 5. Storage and Transfer of Samples. (1) Chain of custody documentation shall be maintained throughout all storage and transfer procedures.

(2) All samples shall be stored under circumstances that restrict access to reduce the likelihood of tampering and protect the chain of custody. The number of individuals with access to the storage area shall be limited to the minimum number possible.

(3) The following information shall be maintained for each sample stored:

(a) Patient identifier;

(b) Date collected;

(c) Description of sample;

(d) Signature of the collecting medical professional;

(e) Date and time entered into storage and signature of person receiving; and

(f) Date and time removed from storage, signature of person removing, and purpose of removal.

(4) If the victim chooses to report the incident to law enforcement as a crime or has authorized the release of samples to local law enforcement for secure storage, the appropriate law enforcement agency shall be notified of the report within twenty-four (24) hours of the examination. The examination facility shall transfer samples to local law enforcement officials within five (5) days.[as soon as possible.]

(5) Law enforcement officials shall comply with the storage requirements prescribed within KRS 524.140.

(6) Law enforcement officials shall submit the kit for analysis to the Kentucky State Police Forensics Laboratories within thirty (30) days.

(7) If the victim chooses not to report the incident to law

enforcement as a crime when the examination is performed, the examination facility shall arrange for the samples to be stored securely for at least a period of one (1) year. [~~ninety (90) days~~] An agency that elects to maintain custody of an unreported kit shall continue to maintain custody of the kit for at least one (1) year from the collection date.

(8)[~~(6)~~] The examination facility may either store samples or transfer samples to a designated storage facility.

(9)[~~(7)~~] The examination facility shall maintain documentation regarding transfers of samples.

(10)[~~(8)~~] Facilities or agencies providing secure storage of samples under this section shall assure compliance with [~~subsections (5) and (6) of~~] this section and ensure ***that*** samples are stored within a locked or otherwise secure container in a limited-access location.

(11)[~~(9)~~] Storage agreements:

(a) May be long-term or case specific; and

(b) Shall designate sending and receiving facilities and certify compliance with subsections (1) through (9) of this section.

(12)[~~(10)~~] If the victim chooses not to report the incident to law enforcement as a crime when the examination is performed, samples shall not be released to a law enforcement agency**,** except if:

(a) The local law enforcement agency receiving samples has entered into an agreement to serve as a designated storage facility;

(b) The victim later chooses to file a delayed report; or

(c) Pursuant to court order.

Section 6. Removal of Samples from Secure Storage. Samples shall not be permanently removed from storage except if:

(1) The victim authorizes release of samples to a law enforcement agency or other entity;

(2) The time frame for storage has lapsed, as established by Section 5(6)[~~(5)~~] of this administrative regulation;

(3) The victim authorizes the destruction of the samples; or

(4) A court order has been issued for release or destruction.

Section 7. Destruction of Samples. (1) One (1) year [~~Ninety (90) days~~] after the sample was collected, the examination facility or designated storage facility may destroy the sample at any time in accordance with the facility's policy.

(2) Destruction shall be conducted using biohazard precautions.

(3) Destruction shall be documented by the examination facility or designated storage facility that stored the samples.

(4) Samples may be destroyed upon the request of a victim. The victim's request for destruction shall be documented by the examination facility and designated storage facility, if used.

Section 8. Incorporation by Reference. (1) Sexual Assault Response Advisory Committee Guidance "Kentucky Medical Protocol for Child Sexual Assault-Abuse Evaluation", 2021 edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Association of Sexual Assault Programs, Inc., 83-C Michael Davenport Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Children's Advocacy Centers of Kentucky Web site at https://cackentucky.org/.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(As Amended at ARRS, December 9, 2021)

502 KAR 14:010. Provision and maintenance of automated fingerprint identification system equipment and programs in detention centers. Submission of fingerprints by jailers to the Kentucky State Police.

RELATES TO: KRS 17.180, 441.046

STATUTORY AUTHORITY: KRS 17.180, 441.046

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.180 authorizes the Department of Kentucky State Police to promulgate administrative regulations concerning the automated fingerprint identification system equipment and programs to be required at every detention center in the Commonwealth. KRS 441.046 ***the department to promulgate administrative regulations establishing fingerprint submission requirements for jailers. This administrative regulation establishes requirements for the use of LiveScan fingerprint capture devices and for fingerprint submissions to the department.[~~requires jailers in the Commonwealth to submit fingerprints to the Department of Kentucky State Police in the manner and time required by the department through administrative regulation.~~]***

Section 1. Definitions. (1) "AFIS" means the Automated Fingerprint Identification System which is a computer-based array of systems maintained by the Kentucky State Police that is designed to capture, search, and store fingerprint images and arrest data.

(2) "Fingerprints" mean graphical representations of the friction ridge skin found on the fingers between the first joint and the fingertip.

(3) "Fingerprint card" means the ink and paper criminal fingerprint records on standard FBI fingerprint cards (FBI form FD-249) or the KSP-22 fingerprint card.

(4) "LiveScan fingerprint capture devices" means computer-based devices designed for the electronic capture and transmission of criminal arrest data and fingerprints of subjects taken into custody for criminal offenses.

(5) "Mug shot" means a photograph of an individual taken as part of the arrest and booking process.

(6) "Rolled fingerprints" means all friction ridge skin captured from the first joint of the finger to the end of each digit from fingernail to fingernail for all ten (10) fingers of the subject, containing as much of the geographical surface area of the area described above by rolling the finger from fingernail to fingernail.

(7) "Palm print" means the friction ridge skin found from the base of the fingers to the wrist, including the edge of the palm.

Section 2. (1) The Department of Kentucky State Police shall provide and maintain LiveScan fingerprint capture devices in every detention center in the Commonwealth.

(2) All communication equipment associated with LiveScan fingerprint capture devices**,** ***[(]***including routers, Channel Service Units, Data Service Units, and telecommunication lines***[~~) deemed~~]*** necessary to transmit criminal arrest fingerprint records to the Department of Kentucky State Police repository shall be supplied by the department.

(3) Depending on factors**,** such as cost, volume, and site environmental issues, the Department of Kentucky State Police may equip certain LiveScan fingerprint capture devices with laser printers, palm print scanners, digital mug shot cameras, and associated lighting and backdrops to ensure National Institute of Science and Technology (NIST) compliant mug shot packet collection during the booking process.

Section 3. (1) The following required data elements shall be entered into the LiveScan fingerprint capture devices during the booking process:

(a) First name;

(b) Last name;

(c) Date of birth;
(d) Sex;
(e) Race;
(f) Height;
(g) Weight;
(h) Place of birth;
(i) Skin tone;
(j) Arresting officer name;
(k) Arresting officer badge or unit number;
(l) Arresting agency Originating Agency Identifier (ORI);
(m) Fingerprinting agency Originating Agency Identifier (ORI);
(n) Date of arrest;
(o) Whether mug shot was taken;
(p) Whether DNA was taken;
(q) Whether palm prints were taken;
(r) Violation (UOR) code;
(s) KRS citation of offense;
(t) Citation number; and
(u) Date of offense.
(2) The fourteen (14) fingerprint images shall consist of:
(a) Rolled fingerprints;
(b) Simultaneous impressions of the left and right hand four fingers (index, middle, ring, and little) taken in a "straight down" or "flat" method; and
(c) Simultaneous impressions of the right and left thumbs taken in a "straight down" or "flat" method.
(3) Image specifications shall be in compliance with the Federal Bureau of Investigation's electronic fingerprint transmission specifications, "Electronic Biometric Transmission Specification (EBTS), ***in effect at the time of transmission that may be located on the FBI's biometric specification Web site.[Version 10.0.8]***[8.0]."

Section 4. Jailers shall electronically submit the fingerprints taken pursuant to KRS 441.046 to the Department of Kentucky State Police via a LiveScan fingerprint capture device. If the LiveScan fingerprint capture device is not functioning due to damage, power failure, or other circumstance beyond the control of the jailer, fingerprints shall be placed on a fingerprint card and sent***[,]*** [postage prepaid,] via U.S. mail, to: AFIS Section, Criminal Identification and Records Branch, Kentucky State Police, 1266[1250] Louisville Road, Frankfort, Kentucky 40601.

Section 5. Fingerprints and criminal arrest data shall be sent to the Department of Kentucky State Police as soon as feasible after the arrest. Fingerprints on a LiveScan fingerprint capture device shall be completed and submitted prior to the subject's release from incarceration. Fingerprints on fingerprint cards may be mailed to the Department of Kentucky State Police on a weekly or semiweekly basis, except the jailer shall not retain fingerprint cards more than thirty (30) days prior to mailing.

Section 6. LiveScan fingerprint capture devices shall be kept in a climate controlled area in a standard office environment that minimizes exposure to foreign substances**,** such as dust, smoke, and dirt. Electrical circuits for LiveScan fingerprint capture devices shall not have any large ampere draw equipment**,** such as air conditioners, refrigerators, copy machines, or laser printers on the same circuit. LiveScan fingerprint capture devices shall not be located in an area exposed to weather elements. Users of LiveScan fingerprint capture devices shall report system problems immediately to the Department of Kentucky State Police.

Section 7. Incorporation by Reference. (1) **[*The following material is incorporated by reference:***
(a)] "Federal Bureau of Investigation fingerprint card", FD-249, 5/11/99***, is incorporated by reference.[***;
(b) KSP Form 22, "Kentucky State Police fingerprint card"] [, KSP-22, 1/87]***[; and***
(c) "Federal Bureau of Investigation Electronic Biometric Transmission Specification (EBTS)", Version 10.0.8][8.0]***[, September 30]***[24]***[, 2017]***[2007]***[.]***

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(As Amended at ARRS, December 9, 2021)

502 KAR 20:020. Detection of deception examiners.

RELATES TO: KRS 329.010 -329.030[, 42 U.S.C. 3796gg-8]
STATUTORY AUTHORITY: KRS 15A.160, 329.030
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 and 329.030(6) require the Secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations establishing professional standards for detection of deception examiners. This administrative regulation establishes the practice requirements for detection of deception examiners.

Section 1. Definitions. (1) "Detection of deception examiner" is defined by KRS 329.010(1).
(2) "Secretary" is defined by KRS 329.010(5).
(3) "Sex crime" means an offense or attempt to commit an offense defined in:
(a) KRS Chapter 510;
(b) KRS 530.020;
(c) KRS 530.064(1)(a);
(d) KRS 531.310; or
(e) KRS 531.320.

Section 2. Advertising, soliciting, and discrimination are prohibited as follows:
(1) An examiner shall not advertise in any manner ***that[which]*** would tend to deceive or defraud the public.
(2) An examiner shall not publish or circulate any fraudulent, false, or misleading statements as to the skill or method of practice of any person or examiner.
(3) An examiner shall not claim superiority over other examiners as to skill or method of practice.
(4) An examiner shall not divide fees**,**[,] or agree to split or divide ***[the]*** fees received for detection of deception services with any person for bringing or referring a client.
(5) An examiner shall not attempt to solicit business as a result of information or statements obtained from an examinee relating to the examinee's past employment or employer.
(6) An examiner shall not refuse to render detection of deception services to or for any person solely on account of the race, color, creed, sex, or national origin of the person.

Section 3. (1) The examiner shall inform the prospective examinee that taking the detection of deception examination is a voluntary act and the examiner shall obtain the written consent of the examinee to undergo the examination.
(2) The examiner shall not conduct an examination on any person whom the examiner believes, through observation or any other credible evidence, to be physically or psychologically unfit for the examination at that time.
(3) The examiner shall, immediately upon request of the examinee, terminate an examination in progress.
(4) The examiner shall not render a verbal or written opinion based on chart analysis, until the examinee has had a reasonable opportunity to explain any reactions to pertinent questions.
(5) The examiner shall not interrogate or conduct an examination of an examinee's sexual behavior, or ask any questions that can be construed as being sexually oriented or

personally embarrassing to the examinee, regardless of marital status, unless the topic is a specific issue or unless it refers to the basic matter pertinent to the examination.

(6) The examiner shall not conduct an examination if the examiner has reason to believe the examination is intended to circumvent or defy the law.

(7) The examiner shall not knowingly issue, or permit an employee to issue, a polygraph examination report ***that[~~which~~]*** is misleading, biased, or falsified in any way. Each report shall be a factual, impartial, and objective account of the pertinent information developed during the examination and the examiner's professional conclusion, based on analysis of the polygraph charts.

(8) The examiner shall not conduct a polygraph examination without first reviewing ***with the examinee*** the***:***

(a) Issues to be covered during the examination***;*** and

(b) ***[~~the~~]*** General content of the questions to be asked during the examination***[~~with the examinee~~]***.

(9)(a) During deception tests, the examiner shall not render a conclusive truthful or deceptive decision, based on chart analysis, without presenting the same relevant test questions to the examinee three (3) or more times.

1. If the examinee has submitted to fewer than three (3) presentations of each relevant question, the results shall be recorded as no opinion.

2. The fact of the examinee's refusal shall be noted in the verbal or written report of the examination.

(b) An examiner may terminate an examination in progress at the examiner's discretion if, in the examiner's opinion, the examinee has become physically or psychologically unfit, or has become uncooperative to the point that it would be useless to continue the examination.

(10)(a) All questions and answers asked during a polygraph examination shall be marked on the polygraph charts at the appropriate place on the chart where the question was asked and the answer given.

(b) If a question sheet with numbered questions is used, the number of the asked question along with the answer given shall be noted and the question sheet shall be attached to the polygraph chart and made a part of the examinee's file.

(c) Each polygraph chart shall be identified as to the person being examined, the examiner, time and date of the examination, and the chart number.

(11)(a) The examiner shall not, unless professionally qualified to do so, include in any written report any statement purporting to be a medical, legal, or psychiatric opinion or which would infringe upon areas under the cognizance of professionals in those fields.

(b) The examiner may describe the appearance or behavior of the examinee, if:

1. The information is pertinent to the examination; and

2. The examiner refrains from offering any diagnosis ***that[~~which~~]*** the examiner is professionally unqualified to make.

(12)(a) The examiner shall not offer testimony concerning the charts or conclusions presented by another examiner unless the examiner is thoroughly familiar with the techniques and procedures used by the other examiner.

(b) An examiner may testify concerning the examiner's independent examination of the same examinee.

(13) An examiner shall report to the cabinet any action or misconduct on the part of another examiner which would be in violation of the provisions of KRS Chapter 329 or 502 KAR Chapter 20.

Section 4. Detection of Deception Examinations of Victims of Sex Crimes. (1) The victim of a sex crime has the right to refuse examination and shall be informed of this right.

(2) An examination shall not be requested, required, or conducted of a sex crime victim as a condition for proceeding with the investigation of the crime.

(3) Except as provided by subsection (4) of this section, examination of a sex crime victim shall not be conducted unless:

(a) The victim's consent to the examination is in writing and received by the examiner before the examination begins;

(b) 1. The suspect has declined examination, has passed an examination***,*** or has been found unsuitable for an examination; or

2. After an investigation, the suspect cannot be identified or located;

(c) There is a clear issue to test on based on:

1. Interviewing the victim, any witnesses, any potential witnesses, and the suspect, if possible;

2. Submitting any evidence to the laboratory***,*** if appropriate; and

3. Pursuing any leads identified during the investigation; and

(d) Before the examination, the investigating officer has provided the examiner with a signed, written document:

1. Describing any inconsistencies in the victim's allegation;

2. Stating if any inconsistency can be substantiated by existing physical or testimonial evidence;

3. Listing investigative strategies that have been used in the case;

4. Declaring that the victim has not been told that the investigation would cease if the victim refuses to consent to an examination; and

5. Containing no reference to whether the victim is behaving like a typical sexual assault victim.

(4)(a) A sex crime victim may request examination. The investigator may arrange for the requested examination and the examination may be conducted if:

1. The request is voluntary and at the victim's own initiative;

2. It is documented in writing that the request is by the victim;

3. The written request is signed by the victim;

4. The written request is received by the examiner before the examination begins; and

5. The victim has an opportunity to consult with a victims' advocate prior to the examination.

(b) An examination shall not be considered to be at the victim's request if the victim agrees to the examination in response to a request by the investigator to take an examination.

(5) Every reasonable attempt shall be made to avoid visible and audio contact between the victim and suspect during the examination process. If contact is made, the examination shall be postponed and rescheduled for another date and time.

(6) The victim shall be advised that at the victim's request, a victim's advocate shall be allowed to watch the examination from a two (2) way mirror or by closed circuit television in real time. The examiner and the victim shall be the only two (2) individuals inside the examination room during the entire examination process, except if a language interpreter is required.

(7) At the beginning of the examination, the examiner shall advise the victim that the examination is a stressful experience and that if the victim feels uncomfortable at any time with the polygraph process, it shall be terminated immediately.

(8) The victim shall not be interrogated under any circumstance. A post-examination debriefing shall be conducted to give the victim the opportunity to explain any unresolved responses on the examination. The victim shall be advised that upon the victim's request, a victim's advocate shall be allowed to watch the debriefing session from a two (2) way mirror or closed circuit television.

(9) The testing format utilized shall be a researched comparison/control question format (CQT). The relevant questions shall be answered with a "yes" ***or "no"*** answer.

(10) An irrelevant/relevant question format shall not be utilized on any sex crime victim.

(11) Past sexual history of the victim shall not be explored by the examiner.

(12) Sex related comparison/control questions shall not be asked of the victim. Lie comparison questions***,*** excluding sex***,*** shall be used on sex crime victims.

(13) At the end of the examination, the examiner shall advise the victim of the results.

(14) Quality control of the examination shall be conducted in writing and maintained with the polygraph file at least until after adjudication of the case.

(15) The entire examination shall be videotaped with adequate

picture and sound from the time the victim walks into the testing room until the victim leaves the testing room for the last time. There shall not be a break in the videotaping of the process. The videotape shall be maintained as evidence ***[~~until~~]*** at least ***until*** the investigation is adjudicated.

Section 5. (1) The examiner shall maintain on file for at least two (2) years all records, papers, polygraph charts, consent to examination forms, notes, question lists or sheets, and reports of polygraph examinations that the examiner conducted.

(2)(a) Except as provided in paragraph (b) of this subsection, an examiner who leaves the employment of another examiner, agency, firm, or company shall be allowed access, after showing reasonable cause, to the files of examinations that the examiner conducted during the two (2) year period prior to the date of the request.

(b) Without the approval of the employing examiner, agency, firm, or company, the examiner shall not remove any of the material contained in the file or make notes of any of the information contained ***in the file[~~therein~~]***.

(3) The cabinet shall, if there is just cause, inspect the records, reports, polygraph charts, and all paperwork connected with an examination to determine if an examiner is conducting examinations in accordance with the provisions of KRS Chapter 329 and 502 KAR Chapter 20.

Section 6. Continuing Education Requirements. (1) Each examiner shall complete at least twenty (20) hours of instruction in subject matter relating directly to the polygraph profession during the licensing year. Acceptable polygraph training for purposes of this requirement shall be:

(a) Polygraph seminars, courses, or other training sponsored by any national polygraph association, state polygraph association, or American Polygraph Association accredited polygraph school;

(b) Any training in polygraphy sponsored by a law enforcement training academy approved by the secretary or his or her designee if the instructor is certified by the Kentucky Law Enforcement Council;

(c) Training received during the course of internship established in 502 KAR 20:030 and approved by the Secretary in writing; or

(d) Any training directly relating to polygraph subject material ***that is sponsored by individuals who are nationally recognized as experts in the profession or is otherwise shown to be high quality training in the field and[~~which~~]*** has been preapproved by the secretary or ***the secretary's[~~his~~]*** designee in writing.

(2) Each examiner submitting a request to renew the examiner's license for the following year shall also submit proof of completion of the required instruction**,** such as a copy of the diploma, certificate, or other documentation confirming instruction and attendance.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(As Amended at ARRS, December 9, 2021)

502 KAR 31:020. Sex Offender Registration System.

RELATES TO: KRS 17.500-17.540, 42 U.S.C. 14071

STATUTORY AUTHORITY: KRS 15A.160, 17.500(6), 17.510, 17.520(5)[~~, 42 U.S.C. 14071~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 17.510 requires[~~and 42 U.S.C. 14071 require~~] the Justice and Public Safety Cabinet to develop and implement a Sex Offender Registration System. This administrative regulation establishes the definitions, defines the processes, and establishes the forms necessary for the administration of the Sex Offender Registration System.

Section 1. Definitions.

(1) "Authorizing Official" means an official identified in KRS 17.510(3), (4), and (5).

(2) "[~~Cabinet" is defined in KRS 17.500(2).~~

~~(3) "~~]Department" means the Department of Kentucky State Police.

(3)[~~(4)~~] "LINK" means the Law Information Network of Kentucky.

(4)[~~(5)~~] "NCIC" means the National Crime Information Center.

(5)[~~(6)~~] "Registrant" is defined by KRS 17.500(5).

(6)[~~(7)~~] "Registrant information" means the specific information set forth in KRS 17.500(6)**,** as well as the name and address of any place where the registrant is a student.

(7)[~~(8)~~] "SOR" means the Sex Offender Registry.

Section 2. Sex Offender Duty to Register Notification Form.

(1) A registrant shall provide the information required to complete the Sex Offender Duty to Register Notification Form #P:227.

(2) Completion of Sex Offender Duty to Register Notification Form #p:227.

(a) The Division of Probation and Parole shall complete the Sex Offender Duty to Register Notification Form #P:227 for the sentencing court.

(b) A registrant shall, in the presence of the sentencing judge, sign the Sex Offender Duty to Register Notification Form #P:227 on the registrant's signature line, in ink.

(c) A copy of the completed form shall be provided to the registrant.

Section 3. Kentucky Sex Offender Registrant Responsibility Form[~~if Registrant is Incarcerated~~].

(1) [~~If incarcerated,~~] A registrant shall provide the information required to complete Kentucky Sex Offender Registrant Responsibility form.

(2) Completion of Kentucky Sex Offender Registrant Responsibility form.

(a) An authorizing official shall complete the Kentucky Sex Offender Registrant Responsibility form.

(b) A registrant shall, in the presence of an authorizing official, sign the Kentucky Sex Offender Registrant Responsibility form on the [~~inmate~~] signature line, in ink or electronically.

(c) An authorizing official shall sign and date the Kentucky Sex Offender Registrant Responsibility form**,** in ink or electronically.

Section 4. SOR Registration Forms.

(1) The following Sex Offender Registry Forms have been established:

(a) The Kentucky Sex Offender Registry Entry and Modification Form #P:225 shall be completed by all persons required to register pursuant to KRS 17.510(2) as follows:

1. Persons initially registering with the Sex Offender Registry; and

2. Persons changing registrant information; and

(b) The Kentucky Sex Offender Registry Move-In Form (#P:226) shall be completed by all parties required to register pursuant to KRS 17.510(6) or (7).

(2) Completion of the #P:225 and the P#:226.

(a) The #P:225 and #P:226, as appropriate, shall be completed ***[~~either~~]*** in the presence of or by the authorizing official and shall include:

1. The date of release from custody;

2. Maximum discharge date of supervised release, or serve out date, whichever is later;

3. [~~Initial date of registry expiration;~~

4.]Name of person completing the form, if registrant is assisted;

4.[~~5.~~] Office phone number of the releasing entity; and

5.[~~6.~~] The date the form is signed.

(b) The registrant shall read the #P:225 or #P:226, as appropriate, in the presence of the authorizing official.

(c) The registrant shall sign the #P:225 or #P:226, as appropriate, on the registrant's signature line of the form, in ink or electronically.

(d) The authorizing official shall sign the #P:225 or #P:226, as appropriate, on the authorizing official signature line.

(e) The authorizing official shall mail one (1) copy of the completed #P:225 or #P:226 to the department on the day the form is submitted electronically[~~completed~~].

(3) A #P:225 or #P:226 shall not be ***[~~considered~~]*** complete if:

(a) It does not contain the registrant information required by KRS 17.500(6) and this administrative regulation;

(b) It contains erroneous or false information;

(c) An item on the form cannot be read or understood; or

(d) The registrant or authorizing official fails to sign the appropriate line.

(4) If the department determines that a #P:225 or #P:226 is incomplete, the department shall notify the submitting authorizing official, of:

(a) The reason the #P:225 or #P:226 Entry Form was determined to be incomplete; and

(b) The action required to complete the #P:225 or #P:226.

(5) Once[~~When~~] the deficiencies of an incomplete #P:225 or #P:226 are corrected, the department shall enter the corrected information into the SOR, LINK, and NCIC.

(6) The department shall enter correct information from an incomplete #P:225 or #P:226 into SOR, LINK, and NCIC.

Section 5. Sex Offender Registry Address Verification Forms. A registrant shall verify the accuracy of the registrant information contained in the appropriate Sex Offender Registry Address Verification Form (#SOR 1T, #SOR 1L, #SOR 1WL, and #SOR 1WT) mailed to him or her by the department.

(1) Annually, the department shall mail, during the birth month of each ten (10) or twenty (20) year registrant that resides in Kentucky, an Address Verification Form #SOR 1T to the last known address of the registrant.

(2) Annually, the department shall mail, during the birth month of each ten (10) or twenty (20) registrant that resides in another state, but has entered Kentucky for employment, to carry on a vocation, or as a student, an Address Verification Form (#SOR 1WT) to the last known address of the registrant.

(3) At least once every ninety (90) days, the department shall mail an Address Verification Form (#SOR 1L) to the last known address of each lifetime registrant that resides in Kentucky.

(4) At least once every ninety (90) days, the department shall mail to the last known address of each lifetime registrant that resides in another state, but has entered Kentucky for employment, to carry on a vocation, or as a student, an Address Verification Form (#SOR 1WL).

(5) Completion of Sex Offender Registry Address Verification Forms. A registrant shall:

(a) Complete each item in the Address Verification Form;

(b) Sign the Address Verification Form on the signature line in ink; and

(c) Mail the completed Address Verification Form to the department on the day the form is completed.

(6) An Address Verification Form shall not be ***[~~considered~~]*** complete if:

(a) It does not contain the information required;

(b) It contains erroneous or false information;

(c) An item on the form cannot be read or understood; or

(d) The registrant fails to sign on the appropriate line.

(7) If the department determines that an Address Verification Form is incomplete, the department shall return the form to the submitting registrant, notifying the submitting registrant of:

(a) The reason the Address Verification Form was returned; and

(b) The action required by the registrant to properly complete the Address Verification Form prior to validation thereof.

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

(a) "Sex Offender Duty to Register Form #P:227", June 2006;

(b) "Sex Offender Registry Entry and Modification Form #P:225", December 2017[~~June 2006~~];

(c) ***"***~~"~~Form #P:226", December 2017[~~June 2006~~];

(d) "Sex Offender Registry Address Verification Form #SOR 1T", December 2018[~~May 2009~~];

(e) "Sex Offender Registry Address Verification Form #SOR 1L", December 2018[~~May 2009~~];

(f) "Sex Offender Registry Address Verification Form #SOR 1WT", December 2018[~~May 2009~~];

(g) "Sex Offender Registry Address Verification Form #SOR 1WL", December 2018[~~May 2009~~]; and

(h) "Kentucky Sex Offender Registrant Responsibility Form", ***July 2020[~~January 2019~~]***[~~July 2006~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of State Police, Data Processing Section, 1266[~~1250~~] Louisville Road, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(As Amended at ARRS, December 9, 2021)

502 KAR 40:010. Law Information Network of Kentucky.

RELATES TO: KRS 16.060, 17.110

STATUTORY AUTHORITY: KRS 16.060, 16.080[~~, 17.080~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.060 ***requires[~~mandates that~~]*** the Commissioner of the Department of ***Kentucky*** State Police ***to[~~shall~~]*** collect, classify, and maintain information useful for the detection of crime and the identification, apprehension, and conviction of criminals. KRS 17.110 ***requires[~~provides that~~]*** city and county police ***to[~~shall~~]*** file felony arrest reports with the Justice Cabinet, Department of ***Kentucky*** State Police. [~~KRS 17.080 provides that the Secretary of Justice may adopt rules and administrative regulations necessary to carry out the functions vested in the cabinet by KRS Chapter 17.~~] KRS 16.080 ***authorizes[~~provides that~~]*** the Commissioner of the Department of ***Kentucky*** State Police ***to promulgate[~~may adopt such rules and~~]*** administrative regulations necessary to carry out the responsibilities of the department[~~Department of State Police as outlined in KRS 16.010 to 16.170~~]. This administrative regulation establishes the definitions to be used in the administration of the Law Information Network of Kentucky.

Section 1. ***Definitions.*** ***[~~As employed in 502 KAR 40:010 through 502 KAR 40:040, unless the context requires otherwise:~~]*** (1) ***"Administration of criminal justice" means the detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of Criminal History Record Information (CHRI). [~~"Law Information Network of Kentucky," hereafter referred to as LINK, shall be defined as the system, including hardware, software, equipment; facilities, procedures, agreements and organizations thereof responsible for the timely acceptance, processing, and subsequent dissemination of criminal justice information.~~]***

(2) ***"Criminal justice agency" means a governmental agency, or a subunit thereof, which performs administration of criminal justice pursuant to a statute, regulation, ordinance, or executive order, and which allocates a substantial part of its***

annual budget to the administration of criminal justice. Criminal justice agency includes the Office of Attorney General, sheriff departments, law enforcement agencies of a county or municipality, coroner, jailer, prosecuting attorney, probation officer, parole officer, warden or superintendent of a prison, reformatory, or correctional school, State Police, State Fire Marshal, Board of Alcohol Beverage Control, Justice and Public Safety Cabinet, and any other criminal justice agency engaged in the administration of criminal justice.]~~"Criminal justice information," hereafter referred to as CJI, shall be defined as information collected by criminal justice agencies that is needed for performance of their legally authorized, required function. This includes: wanted person information; stolen property information; criminal history information; information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred, including information on identifiable individuals; and information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity.]~~

(3) ***"Criminal justice information" or "CJI" means information collected by criminal justice agencies that is needed for performance of their legally authorized, required function. Criminal justice information includes wanted person information, stolen property information, criminal history information, information compiled in the course of investigation of crimes that are known or believed on reasonable grounds to have occurred including the information on identifiable individuals, and information on identifiable individuals compiled in an effort to anticipate, prevent, or monitor possible criminal activity.]~~"Criminal justice agency" shall be defined as: a governmental agency or a subunit thereof which performs administration of criminal justice pursuant to a statute, regulation, ordinance, or executive order, and which allocates a substantial part of its annual budget to the administration of criminal justice. The term criminal justice agency shall be inclusive of but not limited to: the Attorney General, sheriff departments, law enforcement agencies of a county or municipality, coroner, jailer, prosecuting attorney, probation officer, parole officer; warden or superintendent of a prison, reformatory, correctional school, State Police, State Fire Marshal, fire department, Board of Alcohol Beverage Control, Justice and Public Safety Cabinet and every other criminal justice agency engaged in the administration of criminal justice.]***

(4) ***"Law Information Network of Kentucky" or "LINK" means the system, including hardware, software, equipment, facilities, procedures, agreements, and organizations thereof, responsible for the timely acceptance, processing, and subsequent dissemination of criminal justice information. ["Administration of criminal justice" shall be defined as the performance of any of the following activities: detection, apprehension, detention, pretrial release, posttrial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage and dissemination of Criminal History Record Information (CHRI).]***

(5) "Satellite agency" ***means [shall be defined as]*** a nonterminal agency accessing the LINK System through a terminal agency.

(6) "Terminal agency" ***means [shall be defined as]*** an agency that has direct access to the LINK System via automated means.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(As Amended at ARRS, December 9, 2021)

502 KAR 50:010. Admissibility of evidence.

RELATES TO: KRS 16.140
STATUTORY AUTHORITY: KRS 16.140(8)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 16.140 establishes a trial board within the Department of ***Kentucky*** State Police to hear charges against officers. KRS 16.140(8) ***authorizes [provides that]*** the commissioner ***to [may]*** promulgate ***[reasonable rules and]*** administrative regulations governing the procedure before the trial board. This administrative regulation ***establishes [is necessary to define the]*** standards for the admissibility of evidence in proceedings before the trial board.

Section 1. Presiding Officer. The designated members of the trial board ***shall[will]***, prior to the beginning of a trial, select one (1) of its members as the presiding officer. The presiding officer may[~~, if desired,~~] have the assistance of counsel in order to rule on evidentiary or procedural matters. The presiding officer shall not vote or otherwise participate in the trial board's determination of guilt or innocence or in the setting of the punishment, if any.

Section 2. Strict Rules of Evidence Not to Apply. Any evidence which would be admissible under the statutes of the Commonwealth of Kentucky and under the rules of evidence followed by circuit courts of the Commonwealth of Kentucky shall be admitted in hearings before the trial board; however, the presiding officer may admit evidence that would be inadmissible in the courts if the evidence is of the type commonly relied upon by a reasonable, prudent person [~~men~~] in the conduct of ***the person's[their]*** affairs. Irrelevant, immaterial, or unduly repetitious evidence may be excluded and the presiding officer shall give effect to the rules of privilege recognized by the laws of the Commonwealth of Kentucky.

Section 3. Discovery. Any officer against whom trial board charges have been filed may discover evidence. Discovery may be accomplished by use of the Open Records Law. Requests for documents shall be directed to the official custodian of records for the Kentucky State Police. Accused officers may also request the commissioner or presiding officer issue a subpoena for documents held by the agency that are relevant to an accused officer's defense. Discovery privileges, including the deliberation process and work product rule, shall be observed.

Section 4. Judicial Notice. The presiding officer may take judicial notice of matters of common knowledge that are beyond reasonable dispute, statutes, and official court records.

Section 5. Interrogation of Witnesses. The rules of law that apply to state court proceedings concerning the manner and scope of examination and cross-examination of witnesses shall apply to trial board proceedings.

Section 6. Impeachment of Witnesses. The rules of law concerning the impeachment of witnesses that apply to state court proceedings shall apply to trial board proceedings.

Section 7. Continuances. (1) A continuance of a scheduled hearing may be granted by the commissioner for good cause.
(2) A request for a continuance shall:
(a) Be made in writing;
(b) State the reason for the request;
(c) Include proposed dates for rescheduling the hearing;
(d) Be filed with the commissioner; and
(e) Be mailed to all parties at least ten (10) days prior to the scheduled hearing.
(3) An objection to a request for a continuance shall:
(a) Be made in writing;

(b) State the reason for the objection to the request for continuance;

(c) Be filed with the commissioner; and

(d) Be mailed to all parties at least five (5) days prior to the scheduled hearing.

(4)(a) The commissioner shall transmit to all parties an order either granting or denying the request for ***a*** continuance.

(b) If the continuance is granted, the order shall state the date on which the hearing has been rescheduled or that the hearing has been continued generally.

CONTACT PERSON: Amy Barker, Assistant General Counsel, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

503 KAR 1:060. Definitions for 503 KAR Chapter 1.

RELATES TO: KRS 15.310, 15.315, 15.320, 15.325, 15.330, 15.334, 15.335, 15.340, 15.350, 15.360, 15.370, 15.380, 15.382, 15.384, 15.386, 15.388, 15.390, 15.391, 15.392, 15.394, 15.396, 15.3971, 15.3973, 15.3975, 15.3977, 15.3979, 15.398, 15.400, 15.402, 15.404, 15.430, [~~15.330,~~] 15.450(1)

STATUTORY AUTHORITY: KRS 15.330(1)(h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(h) authorizes the Kentucky Law Enforcement Council to promulgate reasonable administrative regulations to implement KRS 15.310 through 15.404. This administrative regulation defines terms used in 503 KAR Chapter 1.

Section 1. Definitions. (1) "Applicant" means an individual seeking certification [~~pursuant to KRS 15.380 to 15.404~~] from the council [~~as a peace officer through a law enforcement agency~~].

(2) "Approval" means the act of the council in deciding that the requirements for a law enforcement officer, school, or instructor, pursuant to KRS 15.310 to 15.515 and 15.990 to 15.992, have been met.

(3) "Certification" means:

(a) Approval by the council; and

(b) Issuance of a certificate from the council as evidence of its approval.

(4) "Council" means the Kentucky Law Enforcement Council as established pursuant to KRS 15.315***.[;]***

(5)[~~(4)~~] "DOCJT" means the Department of Criminal Justice Training.

(6)[~~(5)~~] "Fund" means the Law Enforcement Foundation Program Fund of the Kentucky Justice and Public Safety Cabinet as established in KRS 15.430.

(7)[~~(6)~~] "Fund administrator" means the person responsible for administering the Law Enforcement Foundation Program Fund.

(8)[~~(7)~~] "In-service" means a training course that is available to a certified officer who has previously completed a KLEC approved basic training academy.

(9)[~~(8)~~] "KLEC[~~POPS~~]" means the Kentucky Law Enforcement Council as established pursuant to KRS 15.315[~~Executive Director of the Office of Peace Officer Professional Standards, an administrative branch of the council, located at the Funderburk Building, Eastern Kentucky University, 521 Lancaster Road, Richmond, Kentucky 40475-3102~~].

(10)[~~(9)~~] "KLEC office" means the Office of Kentucky Law Enforcement Council Support as created by Executive Order 2016-0902 and confirmed by 2017 Kentucky Acts ch. 38, § 3;

(11) "Recognized school" means a school that has not been certified by the council (for example, an out-of-state school), but is considered to provide training equal to or greater than similar training offered by the department.

(12)[~~(10)~~] "Recruit" means a person attending a [~~the~~] basic training course approved by the KLEC [~~conducted by the basic training section of the Department of Criminal Justice Training~~].

(13)[~~(11)~~] "Significant life change" means divorce, change in employment, death of a family member, change of residence, bankruptcy or other economic hardship, or other modification which has substantial impact on an individual.

(14)[~~(12)~~] "Submit" means transmission by mail, [~~transmit by~~] facsimile, or [~~transmit via~~] electronic means**,** and is completed upon receipt by the person to whom it was directed.

(15)[~~(13)~~] "Trainee" means a person attending a law enforcement training course (other than the law enforcement basic training course), as approved by the KLEC[~~conducted by a training section of the Department of Criminal Justice Training~~].

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

503 KAR 1:090. Approval of course curriculums.

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

STATUTORY AUTHORITY: KRS 15.330(1)(a), (h)

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

Section 1. Submission Requirements. [~~In order f~~]For the council to adequately determine the merits of a proposed course curriculum or proposed revision [~~curriculum amendment~~] to a previously approved curriculum, the [~~a~~] proposed curriculum or proposed revision [~~amendment to a previously approved curriculum~~] shall:

(1) Be submitted to [~~received by~~] the council at least forty-five (45)[~~thirty (30)~~] days prior to the date of anticipated review;

(2) Be submitted [~~taught~~] by a ***recognized school or a*** school certified by the council ***[or a recognized school]*** [~~instructors or instructors whose certification has been waived~~];

(3) Be taught [~~submitted~~] by one ***(1)*** or more[~~a~~] certified instructors or instructors whose certification has been waived by the Kentucky Law Enforcement Council[~~school~~];

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

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

(6) Include a course description;

(7) Include a description of the method of student learning evaluation;

(8) Include a bibliography;

(9) Include a schedule indicating the number of hours for each block of instruction; and

(10) Indicate and justify a ***["]***passing***["]*** performance level on all student learning evaluations.

Section 2. School Endorsement. A proposed course curriculum or proposed curriculum revision[~~amendment~~] submitted by a school shall be endorsed by the director of the school or the director's designee.

Section 3. Approval Procedure. Upon review of the merits of a proposed course curriculum or proposed curriculum revision[~~amendment~~] in accordance with Section 1 of this administrative regulation, the council shall vote whether to approve, approve with stipulations[~~subject to stated conditions~~], or disapprove. Course curriculum approval shall last for only three (3) years. Curriculums that[~~which~~] are to be continued shall be resubmitted for approval at least forty-five (45)[~~thirty (30)~~] days before the council meeting that[~~which~~] occurs last before the expiration of the three (3) year period.

Section 4. Notification of Council Action. Within sixty (60) days of the council's vote, the council shall complete KLEC Form 33 and notify in writing the school that[~~which~~] submitted the curriculum, whether the curriculum or curriculum revision[~~amendment~~] was approved.

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

(a) KLEC Form 31, "Curriculum Development Form", 2021[~~June 2014~~]; and

(b) KLEC Form 33, "Curriculum Development Approval Form", 2021[~~June 2014~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Law Enforcement Council, 4449 Kit Carson Drive [~~Funderburk Building, 521 Lancaster Avenue~~], Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Council's Web site at https://klecs.ky.gov/.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

503 KAR 1:100. Certification of instructors.

RELATES TO: KRS 15.330(1)(a), (b), (e), (h)

STATUTORY AUTHORITY: KRS 15.330(1)(a), (b), (e), (h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(a), (b), and (e) authorize the Kentucky Law Enforcement Council to certify instructors at certified schools and to revoke certifications. This administrative regulation establishes standards and procedures for certification of instructors and revocation of instructor certifications.

Section 1. Application for Certification. (1) Applications for instructor certification, additional certification, and [~~for~~] certification renewal shall be made to the council.

(2) An [~~The~~] application for instructor certification form, KLEC Form 1; [~~the~~] application for additional certification, KLEC Form 6; or [~~and the~~] application for certification renewal, KLEC Form 5, shall be submitted to the Kentucky Law Enforcement Council at least forty-five (45) days prior to the date of the anticipated review.[~~, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102.~~]

(3) To become certified, an applicant shall***[meet the following requirements]***:

(a) Have at least three (3) years of law enforcement experience or experience in the specific field, subject matter, or academic discipline to be taught;

(b) Have earned a high school diploma or its equivalent as determined by the council; and

(c) Have successfully completed an instructors' course approved by the council.

Section 2. Waivers. The council may waive any training requirements for instructors who are licensed as professionals, including attorneys, physicians, or nurses. The council may also waive any training requirements for other experts if the reasons for waiver and the individual's qualifications are supported by a current resume or curriculum vitae and stated in the council's minutes. The application for waiver, KLEC Form [~~form~~] 8, shall be submitted to the Kentucky Law Enforcement Council at least forty-five (45) days prior to the date of the anticipated review[~~, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102~~].

Section 3. Application Process. Applications for instructor certification, additional certification, [~~application for~~] waivers, and renewal of certification shall be reviewed by the council. The council, at its first regular meeting after the review has been completed, shall vote whether to approve the application.

Section 4. Granting of Certification. If the council grants certification to an applicant, the council shall notify the applicant in writing within fifteen (15) days of the council's action.

Section 5. Instructor Certificate. (1) Instructor certificates shall be issued to instructors only upon initial certification.

(2) Upon approval of an application, t[~~T~~]he council shall issue an instructor [~~a~~] certificate stating that the instructor [~~person~~] has been approved to instruct.

Section 6. Denial, Revocation, and Reinstatement of Certification. The council shall deny certification to an applicant who fails to meet the requirements and shall revoke certification for demonstrated incompetence, immoral conduct, or other good cause, as determined by the council. Any instructor who fails to instruct during the five (5) year period of certification shall be required to request reinstatement of certification by submitting a completed KLEC Form 5 to the council and supplying a current KLEC monitor evaluation. [~~in writing.~~] When the council denies certification to an applicant, [~~or~~] revokes certification, or denies recertification or reinstatement of certification to an instructor, the council shall notify the person of the council's action in writing within fifteen (15) days.

Section 7. Length of Certification. Certification shall be for a period of five (5) years. At the end of the five (5) year period, certification may be renewed by the council if the instructor has instructed for a minimum of five (5) hours in an approved course provided by a certified school during that five (5) year period and [~~if~~] the instructor is [~~has been~~] recommended by the director of that [~~the~~] certified school. The instructor shall provide a report certifying that he or she has been monitored by a KLEC monitor.

Section 8. Monitoring of Instructors. The council may monitor each instructor during the first year of certification and biennially thereafter to determine if the instructor is teaching to the stated goals and objectives of the course and is meeting generally accepted standards of the teaching profession.

Section 9. Instructor Directory. Each certified instructor shall be listed in an official directory of the council which shall identify each subject that the instructor has been certified to instruct. The directory shall be published [~~in the form of a notebook~~], allowing for changes through the use of supplements. The council shall publish annual supplements to the directory within fifteen (15) days after each quarterly council meeting, [~~by December 31 of each year~~] and the supplements shall include all certification changes, including additions, deletions, and renewals[~~,~~] for the year. The council shall provide each certified school [~~and the fund administrator~~] with a copy of the directory.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) KLEC Form 1, "Application for Instructor Certification", 2021[~~June 2014~~];

(b) KLEC Form 5, "Instructor - Continued Certification", 2021[June 2014];

(c) KLEC Form 6, "Request for Additional Certification", 2021[June 2014]; and

(d) KLEC Form 8, "Request for Waiver", 2021[June 2014].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Law Enforcement Council, 4449 Kit Carson Drive [Funderburk Building, 521 Lancaster Avenue], Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Council's Web site at https://klecs.ky.gov/.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

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

RELATES TO: KRS 15.330(1)(c), (f), 15.386(1), 15.404(1), 15.440(1)(d)

STATUTORY AUTHORITY: KRS 15.330(1)(c), (f), (h), 15.334(4), 15.440(1)(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(f) and (h) authorize the Kentucky Law Enforcement Council to approve law enforcement officers as having met the requirements for completion of law enforcement training and to promulgate administrative regulations to implement that requirement. This administrative regulation establishes requirements for graduation from the Department of Criminal Justice Training basic training course, which meets the requirements[required] for peace officer certification and participation in the Kentucky Law Enforcement Foundation Program Fund, and for maintenance of basic training records.

Section 1. Peace Officer Basic Training Graduation Requirements. To graduate from the department's basic training course, a recruit shall:

(1) Successfully complete a minimum of 800 hours of training, based upon the curriculum approved by the Kentucky Law Enforcement Council [(KLEC)] in accordance with KRS 15.330 and 503 KAR 1:090;

(2) Pass [Attain a minimum passing score on] all assessments or examinations as outlined in the current KLEC-approved curriculum; and

(3) Successfully complete all other assignments, exercises, and projects included in the course. After-hours assignments may be required, and shall be successfully completed ***[in order]*** to pass the training segment for which they were assigned.

Section 2. Physical Training Requirements. A recruit who is required to complete basic training ***[in order]*** to fulfill the peace officer certification provisions established in KRS 15.380 to 15.404 shall meet the physical training entry and graduation requirements established in this section.

(1) Physical training entry requirements.

(a) Within five (5) days from the first date of the basic training course, the recruit shall be tested***[, at a minimum,]*** in all physical training areas set forth in 503 KAR 1:140 Section 4(4)(a), as instructed and evaluated by qualified department instructors; and the evaluation standards for those tests shall meet or exceed the standards required for peace officer precertification status under KRS 15.386.[in the following events, in the order listed, as instructed and evaluated by qualified department instructors:

1. Bench press;

2. Sit-ups;

3. 300 meter run;

4. Push-ups; and

5. One and five-tenths (1.5) mile run.

(b) A recruit shall pass the physical training entry requirements if he or she achieves a score of fifty (50) points or more, based upon the following scoring of the physical training events listed in paragraph (a) of this subsection:

1. Bench Press, based upon a percentage of the recruit's body weight:

a. 9 points - Recruit shall bench press at least fifty-five and three-tenths (55.3) percent of body weight;

b. 9.5 points - Recruit shall bench press at least fifty-nine and seven-tenths (59.7) percent of body weight;

c. 10 points - Recruit shall bench press at least sixty-four (64) percent of body weight;

d. 10.5 points - Recruit shall bench press at least sixty-eight and five-tenths (68.5) percent of body weight; and

e. 11 points - Recruit shall bench press at least seventy-three (73) percent or more of body weight;

2. Sit-ups:

a. 9 points - Recruit shall complete at least thirteen (13) repetitions in one (1) minute;

b. 9.5 points - Recruit shall complete at least sixteen (16) repetitions in one (1) minute;

c. 10 points - Recruit shall complete at least eighteen (18) repetitions in one (1) minute; and

d. 11 points - Recruit shall complete nineteen (19) repetitions or more in one (1) minute;

3. 300 meter run:

a. 9 points - Recruit shall complete in sixty-eight (68) seconds or less;

b. 9.5 points - Recruit shall complete in sixty-seven (67) seconds or less;

c. 10 points - Recruit shall complete in sixty-five (65) seconds; and

d. 11 points - Recruit shall complete in less than sixty-five (65) seconds;

4. Push-ups:

a. 9 points - Recruit shall complete at least fourteen (14) repetitions in two (2) minutes;

b. 9.5 points - Recruit shall complete at least seventeen (17) repetitions in two (2) minutes;

c. 10 points - Recruit shall complete at least twenty (20) repetitions in two (2) minutes;

d. 10.5 points - Recruit shall complete at least twenty-three (23) repetitions in two (2) minutes; and

e. 11 points - Recruit shall complete twenty-five (25) repetitions or more in two (2) minutes; and

5. One and five-tenths (1.5) mile run:

a. 9 points - Recruit shall complete in 1,076 seconds (17:56) or less;

b. 9.5 points - Recruit shall complete in 1,054 seconds (17:34) or less;

c. 10 points - Recruit shall complete in 1,032 seconds (17:12) or less;

d. 10.5 points - Recruit shall complete in 1,004 seconds (16:44) or less; and

e. 11 points - Recruit shall complete in 975 seconds (16:15) or less.

(c) A recruit shall:

1. Not be awarded more than eleven (11) points or less than nine (9) points in any one (1) of the five (5) physical ability events; and

2. Be deemed to have failed the physical ability test if he or she fails to achieve at least:

a. A total score of fifty (50) points; or

b. Nine (9) points on any one (1) physical training event.

(b)[(d)] Retest.

1. A recruit ***who[that]*** fails to meet the lowest performance level in a test event, thus earning a zero point value for that event, shall be granted a retest opportunity in that event without having to

retest in the other events for which a point value was obtained, except that a retest shall not be granted unless the maximum value of eleven (11) points would allow the applicant to meet the required overall fifty (50) point minimum.

2. A recruit ***who[~~that~~]*** obtains a point value for each event, but does not obtain an overall score of fifty (50), shall be retested on the physical training entry test again, in its entirety.

3. A retest shall not occur any sooner than forty-eight (48) hours or any later than seventy-two (72) hours from the date of the initial test attempt.

4. All failed events shall be retested on the same date.

5. If the recruit passes all previously failed events on the date of the retest, the recruit shall have met the [~~physical training~~] entry requirements.

6. If the recruit does not pass all previously failed events on the date of the retest, the recruit shall be unqualified to participate in the department's basic training course for which he is currently enrolled, and may reapply to participate in a future department basic training course. The recruit shall receive no credit for the part of the basic training course which he has completed.

(2) Physical training graduation requirements. (a) To [~~In order to~~] graduate, the recruit shall successfully complete [~~each of~~] the [~~following~~] physical ability requirements in 503 KAR 1:140 Section 4(4)(b) within ten (10) [~~five (5)~~] days of graduation from law enforcement basic training, which, except for the entry test score requirements in subsection (1)(a)[~~(b)~~] of this administrative regulation, shall be administered in the same order and in conformity with the KLEC Physical Fitness Testing Protocols, incorporated by reference in 503 KAR 1:140, as instructed and evaluated by qualified department instructors.[~~:~~

~~1. Bench press. One (1) repetition of maximum (RM) bench press equal to seventy-three (73) percent of the recruit's body weight;~~

~~2. Sit-ups. Eighteen (18) sit-ups in one (1) minute;~~

~~3. 300 meter run in sixty-five (65) seconds;~~

~~4. Push-ups. Twenty-five (25) push-ups; and~~

~~5. One and five-tenths (1.5) mile run in sixteen (16) minutes, fifteen (15) seconds.~~]

(b) If a recruit passes all events when participating in the physical training graduation test, the recruit shall have met the physical training graduation requirements.

(c) Retest. If a recruit fails to pass all events when participating in the physical training graduation test:

1. The recruit shall retest in the failed events no earlier than forty-eight (48) hours after the date of the graduation test, but not later than the last scheduled date of the basic training course;

2. All failed events shall be retested on the same date;

3. If the recruit passes all previously failed events on the date of the retest, the recruit shall have met the physical training graduation requirements; and

4. If the recruit does not pass all previously failed events on the date of the retest, the recruit shall fail basic training.

(3) A physical training midpoint assessment[~~test~~] shall be administered to the recruits at the midpoint of the basic training course for purposes of reporting their progress to their respective law enforcement agencies.

Section 3. Removal and Repetition of Basic Training. (1) Failure of Training.

(a) A recruit that is removed from basic training due to a training segment failure pursuant to Section 5 of this administrative regulation shall:

1. Be removed from the basic training class;

2. Reenter basic training in a subsequent class that has the first available vacancy;

3. Start the training at the beginning of the training segment that the recruit did not successfully complete; and

4. Pay all applicable fees for the repeated basic training course in accordance with 503 KAR 3:030.

(b) Upon the recruit's return, the recruit shall attend and participate at the beginning of the segment failed.

1. In accordance with 503 KAR 3:030, Section 6(2), the recruit's hiring agency shall prepay to the department the full tuition, room, and board costs of repeating the training segment which was failed. The hiring agency may recover these costs of repeating the training segment from its recruit; and

2. If the training segment is successfully completed, the recruit shall continue with the remainder of the basic training course.

(c) A recruit who is permitted to return to basic training in accordance with this section and is removed due to failure a second time shall:

1. Be required to repeat basic training in its entirety; and

2. Pay all costs of repeating the entire basic training course in accordance with 503 KAR 3:030.

(2) Failure of the physical training graduation requirements. A recruit who fails the physical training graduation requirement in Section 2(2) of this administrative regulation:

(a) Shall not graduate with the recruit's basic training class;

(b) Shall be permitted to retest with the ***[very]*** next basic training class; and

(c) Upon successful completion, may graduate with that class.

(3) A recruit who is permitted to return to basic training in accordance with this section and is removed due to failure a second time shall:

(a) Be required to repeat basic training in its entirety; and

(b) Pay all costs of repeating the entire basic training course in accordance with 503 KAR 3:030.

Section 4. Basic Training Curriculum. (1) The basic training curriculum shall consist of training segments and topics listed in the current KLEC-approved curriculum. Each training segment shall ***[at a minimum]*** include one (1) or more of the topics listed in subsection (2) of this section. All topics listed in subsection (2) of this section shall be covered to qualify for graduation.

(2) Basic Training Topics.

(a) Legal subjects;

(b) Physical training;

(c) Defensive tactics;

(d) Patrol;

(e) Vehicle operations;

(f) Firearms;

(g) Criminal investigation;

(h) D.U.I./Field sobriety testing;

(i) Breath testing; or

(j) Practical evaluation/testing.

Section 5. Practical Test and Examinations.[~~Assessments.~~] (1) Scheduled practical tests ***or [and/or]*** examinations[~~assessments~~] shall be administered to recruits at the completion of each segment of basic training identified in the law enforcement basic training curriculum that is currently approved by the Kentucky Law Enforcement Council. Each segment shall include ***[at a minimum]*** one (1) or more of the topics listed in Section 4 of this administrative regulation.

(2) A recruit shall be permitted one (1) re-test[~~reassessment~~] per practical ***test[tests] or[and/or] examination[examinations]***[~~assessment~~] failed during basic training, but shall not exceed a total of two (2) re-tests[~~reassessments~~] during basic training.

(3) A recruit who fails a practical test ***or[and/or]*** examination[~~an assessment~~] shall not be re-tested[~~reassessed~~]:

(a) Earlier than forty-eight (48) hours from the original test or examination; or

(b) Later than:

1. Five (5) days after the original test or examination. A recruit may submit a written request to the training director or his designee for an additional five (5) days in which to re-take[~~take~~] the practical ***test[tests] or[and/or] examination[examinations]*** [~~reassessment~~]; and

2. The last scheduled day of the basic training course.

(4) A recruit shall fail basic training if the recruit fails:

(a) A practical test ***or[and/or]*** examination[~~An assessment~~] and fails to complete the re-take[~~take a reassessment~~] as authorized by this section;

(b) A practical test ***or[~~and/or~~]*** examination re-take[~~reassessment~~]; or

(c) A practical test ***or[~~and/or~~]*** examination[~~An assessment~~] after taking two (2) re-takes[~~reassessments~~] in accordance with subsection (2) of this section.

Section 6. Absence. (1) A recruit may have excused absences from the course with approval of the director of the certified school or his designee.

(2) An excused absence from the course which causes a recruit to miss any of the required hours of basic training shall be made up through an additional training assignment.

Section 7. Circumstances Preventing Completion of Basic Training. (1) If a recruit is prevented from completing the basic training course due to extenuating circumstances beyond the control of the recruit, including injury, illness, personal tragedy, or agency emergency, he shall be permitted to complete the unfinished areas of the course within 180 days immediately following the termination of the extenuating circumstance, if the:

(a) Extenuating circumstance preventing completion of basic training does not last for a period longer than one (1) year; and

(b) Failure to complete is not caused by a preexisting physical injury or preexisting physiological condition.

(2) If a recruit is prevented from completing the basic training course due to being called for active duty in the Kentucky National Guard or other branches of the United States Armed Forces, the recruit shall be permitted to complete the unfinished ***areas*** of the course within 180 days immediately following his or her return from active duty service.

Section 8. Termination of Employment while Enrolled. If, while enrolled in the basic training course, a recruit's employment as a police officer is terminated by dismissal, and the recruit is unable to complete the course, the recruit shall complete the remaining training within one (1) year of reemployment as an officer. The recruit shall repeat basic training in its entirety if:

(1) The break in employment exceeds one (1) year; or

(2) The termination of employment is a result, directly or indirectly, of disciplinary action taken by the department against the recruit while enrolled in the basic training course.

Section 9. Maintenance of Records. (1) At the conclusion of each basic training course, the department shall forward a final roster indicating the pass or fail status of each recruit to the council.

(2) All training records required for fund purposes shall be retained by the department, but a copy of pertinent facts shall be sent to the fund administrator upon written request.

(3) All training records shall be:

(a) Available to the council, the secretary, and the fund administrator for inspection or other appropriate purposes; and

(b) Maintained in accordance with applicable provisions of KRS Chapter 171.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

503 KAR 1:120. Professional development in-service training: graduation requirements; recognized courses; records.

RELATES TO: KRS 15.330(1)(f), 15.404(2), 15.440(1)(e)

STATUTORY AUTHORITY: KRS 15.330(1)(h)

NECESSITY, FUNCTION, AND CONFORMITY: [~~KRS 15.440(1)(e) requires local units of government participating in the Law Enforcement Foundation Program Fund to require all police officers to successfully complete at least forty (40) hours of in-service training each calendar year at a school certified or recognized by the council.~~] KRS 15.330(1)(h) authorizes the Kentucky Law Enforcement Council to promulgate reasonable administrative regulations to implement KRS 15.310 through 15.404. KRS 15.404(2) requires all peace officers with active certification status to successfully complete forty (40) hours of annual in-service training certified or recognized by the council. KRS 15.440(1)(e) requires local units of government participating in the Law Enforcement Foundation Program Fund to require all police officers to successfully complete at least forty (40) hours of in-service training each calendar year at a school certified or recognized by the council. This administrative regulation establishes requirements for graduation from an in-service training course, maintenance of in-service training records, procedures for recognizing training at noncertified schools, and procedures for receiving in-service training credit for completion of college courses.

Section 1. In-service Training Graduation Requirements. (1) A trainee in an in-service training course:

(a) Shall participate in the minimum hours prescribed for the course; and

(b) May have excused absences from the course with approval of the director of the certified school or his or her designee.

(2) An excused absence which causes a trainee to miss any of the required hours of in-service training shall be made up through an additional training assignment. A trainee shall not be allowed excused absences from more than ten (10) percent of the hours of an in-service course.

(3) To successfully complete an in-service training course, a trainee shall:

(a) Participate in at least the minimum hours prescribed for the training course;

(b) Successfully complete a graded exercise, or pass the final examination or a reexamination;

(c) Successfully complete all graded training areas and all other assignments, exercises, and projects included in the course; and

(d) Comply with all rules and administrative regulations of the certified school, the fund, and the council.

(4) Final examinations.

(a) In a course that requires a final examination as a part of the curriculum, if a trainee fails to attain a minimum score of seventy (70) percent on a final examination in an in-service course, the trainee may request a second examination.

(b) The request for the second examination shall be made within seven (7) calendar days from the date a notice of failure was mailed to the trainee.

(c) The second examination shall:

1. Contain a completely different set of questions from the first examination;

2. Be administered within twenty-one (21) days from the date of the request; and

3. Be administered at a time and location designated by the supervisor of the in-service program.

(d) A failure of a trainee to meet the minimum reexamination requirements shall constitute a course failure.

Section 2. In-service Training Courses at Recognized Schools. (1) The council may recognize schools providing in-service training that [which] are not certified by the council.

(2) [A trainee who desires to attend an in-service training course at a school that is not certified shall make a request to the council at least thirty (30) days prior to the first day of the course.

(3)] The council may grant a request made after the course has been attended only if the request is submitted before the next quarterly meeting of the council. [, but failure to submit the request at least thirty (30) days in advance of the course shall be justification for not recognizing the course.]

(3)[(4)] The council shall review the request and determine whether the school and the course shall be recognized based upon the following:

(a) The quality and reputation of the training school or institution;

(b) The relationship of the course to the officer's rank and responsibility; and

(c) The unavailability of the course at a certified school.

(4)[(5)] Upon determining[If, upon review of the request, the council determines] that the trainee may attend an in-service training course at a school or institution that is not certified, the council shall notify the trainee's agency and the fund administrator of its action.

(5)[(6)] A trainee who fails to meet requirements established by the council for attendance at the recognized course (which shall not be less than those prescribed herein for certified schools) shall not have met the requirements of KRS 15.440(1)(e).

Section 3. In-Service Training Credit for Completion of College Courses. The [To enhance the professional development of law enforcement officers in the Commonwealth, the council recognizes the benefit that college courses offer in verbal and written skills, and advancement of general knowledge. Therefore, the] council shall recognize a completed college course as in-service training upon a showing that [if] the conditions established in this section have been [are] met.

(1) The course shall be completed at an accredited college or university.

(2) The course shall be a minimum of three (3) semester credit hours.

(3) The officer shall successfully complete the course and receive a passing grade that is the equivalent of a seventy (70) percent or a letter grade of "C", or higher.

(4) The officer shall be an active fund participant or in active peace officer professional standards certification status as defined in KRS 15.386(2) while enrolled in the college course.

(5) The cost of the college course shall be the responsibility of the officer or his or her agency, and shall not be paid through the fund.

(6) An officer shall receive approval from his or her agency head prior to submitting an application to receive in-service training credit pursuant to this section. The agency head shall confirm his or her approval by signing Form 68-2, Application for In-service Training Credit for College Courses.

(7) An officer shall be eligible to receive in-service training credit pursuant to this section once every three (3) years.

(8) An officer who meets all requirements as established in this section shall receive forty (40) hours of in-service training designated with a ***["]***pass***["]*** score for the year in which the college course was completed.

(9) The receipt of in-service credit pursuant to this section shall not relieve an officer of mandatory training requirements pursuant to federal, state, or local law.

(10) The completed Form 68-2, Application for In-service Training Credit for College Courses shall be sent to the KLEC Executive Director, who shall forward a copy to the fund administrator and the DOCJT Records Section Supervisor.

Section 4. Maintenance of Records. (1) Each trainee who has successfully completed an in-service course conducted by a school recognized or certified by the council (other than the Department of Criminal Justice Training) shall, at the conclusion of the course, have the school complete Form 68-1, Application for Training Credit.

(2) The forms shall be sent to the council for verification and retention. [After verification by the council, one (1) copy of the form shall be sent to the:

(a) Fund administrator; and

(b) Trainee's agency.

(3) All training records required for fund purposes shall be retained by the certified school and a copy shall be sent to the fund administrator.]

(3)[(4)] All training records shall be available to the council, the secretary, and the fund administrator for inspection or other appropriate purposes.

(4)[(5)] All records shall be maintained in accordance with the state records retention and disposal schedules, incorporated by reference in 725 KAR Chapter 1.

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

(a) Form 68-1, "Application for Training Credit", 2021[June 2014]; and

(b) Form 68-2, "Application for In-service Training Credit for College Courses", 2021[June 2014].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Criminal Justice Training, 4449 Kit Carson Drive[521 Lancaster Avenue], Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Council's website at https://klecs.ky.gov/.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

503 KAR 1:140. Peace officer, telecommunicator, and court security officer professional standards.

RELATES TO: KRS Chapter 13B, 15.330(1)(f), 15.330(1)(h), 15.380, 15.382, 15.384(1), 15.392, 15.394(1), 15.396(1), 15.3971, 15.400(1), 15.440, 15.540, 15.565, 15.580

STATUTORY AUTHORITY: KRS 15.330(1)(f), 15.330(1)(h), 15.382, 15.440, 15.590

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(f) and (h) and 15.590 authorize the Kentucky Law Enforcement Council [(KLEC)] to promulgate reasonable administrative regulations to accomplish the purposes of KRS 15.310 to 15.404 and to approve law enforcement officers, telecommunicators, and other persons having met requirements under KRS 15.310 to 15.510, 15.530 to 15.590, and 15.990 to 15.592. KRS 15.440 authorizes the Council to promulgate administrative regulations for approval of basic training credit for out-of-state basic training and work experience. This administrative regulation establishes the guidelines and procedures necessary to implement and administer peace officer, telecommunicator, and court security officer certification.

Section 1. Approval of Agency's Validated Job Task Analysis and Associated Agency Testing. (1) Application. If an agency desires to use its own job task analysis and any associated agency testing, the agency shall submit to the KLEC office completed KLEC Forms J and Q ***along with[, and]*** a copy of the proposed job task analysis. The agency shall supply:

(a) The name of the entity that completed the analysis;

(b) The date on which the analysis was completed;

(c) A curricula vitae, resume, or company profile of the entity that completed the analysis; and

(d) A listing of all job task analyses previously completed by the person or entity, including the dates of the analyses.

(2) Criteria for assessment. The submitted job task analysis shall be assessed based upon the following criteria:

(a) Credentials and history of the entity conducting the analysis.

1. Education, with a preference given to degrees in law enforcement, statistics, or a related area.

2. Work experience, with a preference given to emphasis in law enforcement, statistics, or a related area.

3. Number and quality of job task analyses completed.

(b) Methodological approach.

1. Reasonable, standardized format of the study and the report.

2. Relative reliability and validity of the study's sampling techniques and practice.

3. Other considerations that reflect sound practice of the scientific method.

4. Specificity of the analysis. The job task analysis shall establish minimum entry qualifications, specific training requirements, and description of duties of officers.

(3) Initial review.

(a) Within five (5) business days of receipt of the application, the KLEC office ***shall*** notify [~~shall mail a notification to~~] the agency that***[either]***:

1. The application has been received and is complete; or

2. The application is incomplete. The notice that an application is incomplete shall identify [~~and~~] the specific information to [~~which shall~~] be supplemented ***[in order]*** to process the application. The agency shall submit [~~The KLEC office shall receive~~] the necessary information within ten (10) business days of the agency's receipt of the notice of insufficiency. If the agency fails to submit the supplementary information within the specified time period, the application shall be considered abandoned***[;]*** and the agency shall resubmit an application for consideration of its job task analysis and associated agency testing.

(b) The KLEC office recommendation. Within thirty (30) days of receipt of the completed application, the KLEC office shall forward the application to KLEC along with a recommendation to approve or reject the job task analysis and associated agency tests***[;]*** and the specific reasons supporting a recommendation to reject.

(c) KLEC review. The KLEC Professional Standards Committee shall review the application and recommendation of the KLEC office and forward its recommendation to KLEC for final review. Within sixty (60) days of their receipt of the application, KLEC shall issue written notice to the agency indicating whether the application has been approved or found to be insufficient or erroneous.

(d) If an application is found to be insufficient or erroneous, the KLEC shall notify the agency of:

1. The reasons for the finding; and

2. The requirement that the council file a declaratory action in accordance with KRS 15.394(1).

Section 2. Agency Testing Procedures. (1) Each agency participating in certification shall submit [~~The KLEC office shall receive~~] a completed KLEC Form Q or KLEC Form tele-Q to the KLEC office [~~from each agency participating in certification~~] prior to any applicant testing. [~~If an agency initiates participation in certification, KLEC Form Q or KLEC Form tele-Q shall be submitted to the KLEC office.~~] The KLEC office shall be notified of any changes in the Form Q or KLEC Form tele-Q within ten (10) days.

(2) Initial review. Within fifteen (15) business days of receipt of KLEC Form Q, the KLEC office shall notify [~~mail a notification to~~] the agency that the form:

(a) Has been received and is complete; or

(b) Is incomplete. The notice that an application is incomplete shall identify [~~and~~] the specific information to [~~which shall~~] be supplemented ***[in order]*** to process the form. The agency shall submit [~~The KLEC office shall receive~~] the necessary information within ten (10) business days of the agency's receipt of the notice of insufficiency. Applicants shall not be tested or certified by KLEC until the form is complete.

(3) The KLEC office review of requests for agency testing. Within thirty (30) days of receipt of the completed form, the KLEC office shall review requests for agency testing from those agencies without a validated job task analysis to determine if the proposed tests are consistent with the minimum standards for KLEC testing as established in Section 4 of this administrative regulation. The KLEC office shall notify [~~mail a notice to~~] the agency if the proposed testing is acceptable. If the KLEC office determines that the minimum standards are not met, it shall forward the form to KLEC***[;]*** along with the specific reasons supporting a recommendation to reject the agency testing.

(4) KLEC Review. The KLEC [~~Peace Officer~~] Professional Standards Committee shall review the form and the recommendation of the KLEC office and forward its recommendation to KLEC for final review. Within sixty (60) days of receipt of the form, KLEC shall issue written notice to the agency indicating whether the request for agency testing has been approved or rejected***[;]*** and the specific reasons supporting the rejection.

(5)(a) An agency may appeal a decision made by KLEC to reject an agency test by filing a written notice of appeal:

1. With the Secretary of the Justice and Public Safety Cabinet; and

2. Within thirty (30) days of receipt of the notice of rejection.

(b) The notice of appeal shall be submitted:

1. In writing [~~On KLEC Form S~~]; and

2. With a copy of the notice of rejection of agency testing attached.

(c) A copy of the notice of appeal shall also be mailed to the KLEC office by certified mail.

(d) The Secretary of the Justice and Public Safety Cabinet shall schedule a hearing within thirty (30) days of receipt of the notice of appeal.

(e) The administrative hearing shall be conducted in accordance with KRS Chapter 13B.

Section 3. Certification of peace officers, telecommunicators, and court security officers. (1) Officers exempted from certification requirements pursuant to KRS 15.380(5) who are requesting certification shall submit KLEC Form E to the KLEC office.

(2) State peace officers employed pursuant to KRS Chapter 18A who have had certification requirements adopted pursuant to KRS 15.380(2) shall submit KLEC Form E to the KLEC office.

(3) An agency may request that peace officers identified in KRS 15.380(4), who have completed law enforcement basic training, and part-time telecommunicators, who have completed the Telecommunications Academy, participate in certification by submitting KLEC Form E to the KLEC office.

(4) Peace officers, telecommunicators, and court security officers entitled to certified status pursuant to the grandfather provision of KRS 15.400(1), 15.3971, 15.560, or 15.565 shall submit KLEC Form C.[

~~(5) An agency may request certification for a peace officer that has completed a non-DOCJT law enforcement basic training by submitting KLEC Form B - Basic Training Previously Completed (non-DOCJT) to the KLEC Office.~~]

Section 4. Suitability Minimum Requirements: The minimum requirements and procedures established for KLEC testing by this section shall be followed. (1) The background investigation as specified in KRS 15.382(12) and 15.3971(1)(k) shall consist of the following minimum requirements, using the KLEC Form H-1 Background Investigation and personal history questionnaire***[:]***[~~Form H-2 Personal History Statement~~].

(a) Biographical history;

(b) Family history;

(c) Education;

(d) Employment history;

(e) Interview with the applicant's references;

(f) Criminal history including domestic violence protective orders; and

(g) Credit history.

(2) Fingerprinting. An applicant shall be fingerprinted and a criminal background check shall be conducted as specified in KRS 15.382(5), 15.3971(1)(e), and 15.540(1)(c) through the procedure established by this subsection.

(a) The applicant shall be fingerprinted by [~~The agency shall submit one (1) completed FD 258 FBI Fingerprint Card to~~] the Kentucky State Police, who shall input the fingerprints into the AFIS System and complete a state records check. The fingerprints shall also be sent to the FBI for a records check.

(b) The KSP shall forward the results of state and FBI records check to the employing agency.

(c) Final certification shall not be issued until results consistent with certification requirements and acceptable to the agency are received from the FBI.

(d) The agency may employ the peace officer, telecommunicator, or court security officer contingent upon the pending FBI results.

(3) Psychological screening***,*** as specified in KRS 15.382(15), 15.3971(1)(m), and 15.540(1)(d)***,*** shall consist of the minimum requirements established by this subsection.

(a) Screening shall measure a broad spectrum of abilities which are relevant to job related duties, including:

1. Cognitive abilities;

2. Personality characteristics; and

3. Related constructs, including:

a. Integrity; ***and***

b. Conscientiousness***.[;]*** [~~and~~

~~c. Vocational preference;~~]

(b) Screening shall contain a minimum of two (2) independent and objectively scored psychometric measures which shall be constructed and validated in accordance with the ***["]***Standards for Educational and Psychological Testing***["]***, American Educational Research Association, American Psychological Association, National Council on Measurement in Education, Joint Committee on Standards for Educational and Psychological Testing, 2014***.[;]***

(c) 1. Assessment results and predictions shall include a recommendation and summary statement regarding the applicant's overall suitability for employment as a peace officer, telecommunicator, or court security officer;

2. The summary statement shall classify applicants as:

a. Essentially suitable; [~~"Suitable";~~]

b. May be unsuitable; [~~"Not suitable";~~] or

c. Borderline suitability; and

3. If an applicant is classified as ***["]***borderline suitability***["]*** or ***["]***may be unsuitable***["]*** [~~not suitable~~], the report shall contain specific concerns and negative indicators for investigation and reconciliation by the employing agency***.[; and]***

(d) Screening shall be administered in accordance with the ***["]***Standards for Educational and Psychological Testing***["]***, American Educational Research Association, American Psychological Association, National Council on Measurement in Education, Joint Committee on Standards for Educational and Psychological Testing, 2014 .

(4) Physical ability testing as specified in KRS 15.382(16) shall consist of the minimum requirements established by this subsection.

(a) Precertification status.

1. To obtain precertification status under KRS 15.386(1), the applicant shall successfully complete each of the events in the following order as instructed and evaluated by KLEC personnel who shall administer the test in conformity with the KLEC Physical Fitness Testing Protocols:

a. Bench press;

b. Sit-ups;

c. 300 meter run;

d. Push-ups; and

e. One and five-tenths (1.5) mile run.

2. An applicant shall pass the physical ability test for precertification status if he or she achieves a ***cumulative*** score of fifty (50) points or more, based upon the following scoring of the physical training events listed in subparagraph 1 of this paragraph:

a. Bench press, based upon a percentage of the recruit's body weight:

(i) 9 points - Recruit shall bench press at least fifty-five and three-tenths (55.3) percent of body weight;

(ii) 9.5 points - Recruit shall bench press at least fifty-nine and seven-tenths (59.7) percent of body weight;

(iii) 10 points - Recruit shall bench press at least sixty-four (64) percent of body weight;

(iv) 10.5 points - Recruit shall bench press at least sixty-eight and five-tenths (68.5) percent of body weight; and

(v) 11 points - Recruit shall bench press at least seventy-three (73) percent or more of body weight;

b. Sit-ups:

(i) 9 points - Recruit shall complete at least thirteen (13) repetitions in one (1) minute;

(ii) 9.5 points - Recruit shall complete at least sixteen (16) repetitions in one (1) minute;

(iii) 10 points - Recruit shall complete at least eighteen (18) repetitions in one (1) minute; and

(iv) 11 points - Recruit shall complete nineteen (19) repetitions or more in one (1) minute;

c. 300 meter run:

(i) 9 points - Recruit shall complete in sixty-eight (68) seconds or less;

(ii) 9.5 points - Recruit shall complete in sixty-seven (67) seconds or less;

(iii) 10 points - Recruit shall complete in sixty-five (65) seconds; and

(iv) 11 points - Recruit shall complete in less than sixty-five (65) seconds;

d. Push-ups:

(i) 9 points - Recruit shall complete at least fourteen (14) repetitions in two (2) minutes;

(ii) 9.5 points - Recruit shall complete at least seventeen (17) repetitions in two (2) minutes;

(iii) 10 points - Recruit shall complete at least twenty (20) repetitions in two (2) minutes;

(iv) 10.5 points - Recruit shall complete at least twenty-three (23) repetitions in two (2) minutes; and

(v) 11 points - Recruit shall complete twenty-five (25) repetitions or more in two (2) minutes; and

e. One and five-tenths (1.5) mile run:

(i) 9 points - Recruit shall complete in 1,076 seconds (17:56) or less;

(ii) 9.5 points - Recruit shall complete in 1,054 seconds (17:34) or less;

(iii) 10 points - Recruit shall complete in 1,032 seconds (17:12) or less;

(iv) 10.5 points - Recruit shall complete in at least 1,004 seconds (16:44) or less; and

(v) 11 points - Recruit shall complete in [~~less than~~] 975 seconds (16:15) or less [~~seconds~~].

3. An applicant shall not be awarded more than eleven (11) points in any one (1) of the five (5) physical ability events.

4. An applicant shall fail the physical ability test for precertification status if he or she does not achieve***:***

a. A cumulative score of at least fifty (50) points for all five (5) events; and

b. At least nine (9) points on each physical training event.

5. At the sole discretion of the hiring agency, an applicant ***who [that]*** fails to meet the lowest performance level in a test event, thus earning a zero point value for that event, shall be granted a retest opportunity in that event without having to retest in the other events for which a point value was obtained, subject to the conditions established by this subparagraph.

a. A retest shall not be granted unless the maximum value of eleven (11) points would allow the applicant to meet the required ***cumulative [overall]*** fifty (50) point minimum.

b. A retest shall not occur any sooner than forty-eight (48)

hours or any later than sixty (60) days from the date of the initial test attempt.

6. If an applicant obtains a point value for each event, but does not obtain ***a cumulative*** ***[an overall]*** score of ***at least*** fifty (50) ***points***, the ***applicant*** ***[examinee]*** may attempt the test battery again, in its entirety. This shall be considered a second test administration and not ***[be considered]*** a retest.

7. An applicant may participate in the physical ability test for precertification status in its entirety, four (4) times in a one (1) year period, which shall be calculated from the first date of testing.

8. An applicant may participate in one (1) physical ability retest for each physical ability test taken for precertification status***[in its entirety]***.

(b) Certification status.

1. To obtain certification status under KRS 15.386(2), the applicant shall successfully complete each of the following physical ability requirements within ten (10) [five (5)] days of graduation from law enforcement basic training, which***[, except for the precertification test score requirements,]*** shall be administered in the same order and in conformity with the KLEC Physical Fitness Testing Protocols:

a. Bench press. One (1) repetition of maximum (RM) bench press equal to seventy-three (73) percent of the applicant's body weight;

b. Sit-ups. Nineteen (19)[Eighteen (18)] sit-ups in one (1) minute;

c. 300 meter run in less than sixty-five (65) seconds;

d. Push-ups. Twenty-five (25) push-ups; and

e. One and five-tenths (1.5) mile run in sixteen (16) minutes, fifteen (15) seconds.

2. If an applicant passes all events when participating in the physical ability test in its entirety, the applicant shall have met the physical ability minimum requirements for certification status.

3. Retest. If an applicant fails to pass all events when participating in the physical ability test for certification status during the [:] training graduation test:

a. The applicant shall not retest in the failed events earlier than forty-eight (48) hours after the date the test is originally administered;

b. All failed events shall be retested on the same date; and

c. If the applicant passes all previously failed events on the date of the retest, the applicant shall have met the physical ability test requirements for certification status.

(5) Medical screening as specified in KRS 15.382(10) shall consist of the minimum requirements established by this subsection.

(a) The applicant shall complete KLEC Form G-2, Medical History Statement, which**,** along with KLEC Form G-3, Medical Screening Guidelines Implementation Manual, shall be provided to the physician**,** nurse practitioner**,** or physician's assistant, duly licensed to practice in the Commonwealth of Kentucky, who shall examine the applicant in conformity with the guidelines.

(b) The agency shall provide the examining physician**,** nurse practitioner**,** or physician's assistant with a copy of the KLEC Form T-1a, Physician's Medical Release Form.

(c) The physician**,** nurse practitioner**,** or physician's assistant shall complete KLEC Form G-1, Medical Examination Report, and forward it to the employing agency.

(6) Drug screening as specified in KRS 15.382(11), 15.3971(1)(j), and 15.540(1)(f) shall consist of the minimum requirements established by this subsection.

(a) The applicant shall execute KLEC Form K-1 and submit a urine sample that shall be screened and if necessary confirmed using the guidelines as outlined in the ***["]***Mandatory Guidelines for Federal Workplace Drug Testing Programs,***["]*** 82 Fed. Reg. 7920-1 (Jan. 23, 2017). The screening and confirmatory cutoff concentrations are as follows:

SCREENING	
Marijuana metabolites	50 ng/mL
Cocaine metabolite (Benzoylecgonine)	150 ng/mL
Codeine / Morphine	2,000 ng/mL
Hydrocodone / Hydromorphone	300 ng/mL
Oxycodone / Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL
Phencyclidine (PCP)	25 ng/mL
Amphetamine / Methamphetamine	500 ng/mL
MDMA / MDA	500 ng/mL

CONFIRMATION	
THC/THCA	15 ng/mL
Benzoylecgonine	100 ng/mL
Codeine	2,000 ng/mL
Morphine	2,000 ng/mL
Hydrocodone	100 ng/mL
Hydromorphone	100 ng/mL
Oxycodone	100 ng/mL
Oxymorphone	100 ng/mL
6-Acetylmorphine	10 ng/mL
Phencyclidine (PCP)	25 ng/mL
Amphetamine	250 ng/mL
Methamphetamine	250 ng/mL
MDMA	250 ng/mL
MDA	250 ng/mL

[using gas chromatography/mass spectrometry (G.C.M.S.) for the following drugs and thresholds for positive indications:

1. THC (marijuana), 20 ng/ML, 5 GC/MS;

2. Amphetamines, to include Methamphetamine and Methylenedioxymethamphetamine, 300 ng/ML, 100 GC/MS;

3. Cocaine, 150 ng/ML, 50 GC/MS;

4. Opiates, 300 ng/ML, 150 GC/MS;

5. Barbiturates, 200 ng/ML, 100 GC/MS;

6. Phencyclidine (PCP), 25 ng/ML, 25 GC/MS;

7. Methadone, 300 ng/ML, 100 GC/MS;

8. Oxycodone (Oxycontin), 100 ng/ML, 100 GC/MS;

9. Benzodiazepines, 200 ng/ML, 100 GC/MS; and

10. Propoxyphene, 300 ng/ML, 200 GC/MS;]

(b) The integrity of the urine sample shall be documented on KLEC Form K-2, Drug Screening through Urinalysis Chain of Custody.

(7) For the polygraph examination as specified in KRS 15.382(17), 15.3971(1)(n), and 15.540(1)(e), the applicant shall complete KLEC Form I-1, Consent for Pre-employment Polygraph Examination, and KLEC Form I-2, Pre-employment Polygraph Questionnaire, which shall be provided to the polygraph examiner, duly licensed in the commonwealth of Kentucky, who shall perform a polygraph examination of the applicant[, using the questions in the KLEC Form I-3, Pre-employment Polygraph Background/Criminal Questions].

(8) The agency shall ensure that the applicant receives and has read KLEC Form L-1, Code of Ethics and KLEC Form L-2, Canon of Ethics.

(9) High school diploma.

(a) The high school graduate requirement of KRS 15.382(3), 15.3971(1)(c), or 15.540(1)(b) shall be met by:

1. Submission of a copy of a diploma or transcript from a public high school; or

2. Submission of a diploma or transcript from a private high school that:

a. Is certified by or recognized by the Kentucky Department of Education; or

b. Has complied with all provisions of Kentucky law relating to private or other non-public secondary schools as applicable, including days and hours of attendance and course curriculum. The applicant shall also submit a completed Applicant Education Verification form [affidavit or documentary proof of compliance upon request of the KLEC].

(b) A document purporting to be a high school or college diploma and obtained through the internet or by mail order shall not satisfy the requirement of KRS 15.382(3), 15.3971(1)(c), or 15.540(1)(b).

Section 5. KLEC Administered Testing Procedures. (1) An applicant shall execute all releases required for KLEC testing,

including:

(a) KLEC Form I-1 - Consent for Pre-employment Polygraph Examination;

(b) KLEC Form K-1 - Drug Screening through Urinalysis Applicant Consent Form;

(c) KLEC Form T-1 - Medical Release - Phase I Testing; and

(d) KLEC Form T-2 - Liability Waiver - Phase I Testing.

(2) Testing schedule.

(a) The KLEC office shall publish online or otherwise make available[~~mail~~] to all law enforcement and telecommunications agencies in the commonwealth a list of sites and dates for KLEC administered testing.

(b) Testing sites shall be statewide and accommodations shall be made where reasonable to ensure testing sites are accessible based upon need.

(c) Advance notice of the schedule shall be made public prior to the testing.

(d) The KLEC office shall reschedule testing if cancellation is necessary due to inclement weather or other unforeseen circumstances. Emergency testing shall be made available if possible at the Department of Criminal Justice Training as needed.

(3) Registration for KLEC administered testing. The KLEC office shall receive KLEC Form A from the employing agency at least five (5) business days prior to testing.

(a) Applicants shall provide current photographic identification when the testing is administered.

(b) The KLEC office shall receive the completed polygraph questionnaire KLEC Form I-2 when the testing is administered.

Section 6. Test Reporting by KLEC. (1) Results of tests provided by or through the KLEC office shall be forwarded to the employing agency head.

(2) The agency shall certify that the applicant has met all suitability requirements by submitting KLEC Form D. The information from the completed form shall be provided to DOCJT for Kentucky Law Enforcement Foundation Program Fund and training authorization purposes.

(3) Length of test result validity.

(a) Physical ability for precertification status***[:]*** results shall be considered current and valid one (1) year from the passing date of the test.

(b) Suitability screening***[:]*** results shall be considered current and valid for one (1) year from the date of the screening. If the applicant experiences a significant life change during the one (1) year period, for example, a divorce or the death of a close family member or friend, the applicant shall notify the employing agency who shall schedule a new suitability screening for the applicant.

(c) Polygraph examination***[:]*** results shall be considered current and valid for a period of one (1) year from the date of the examination. If the applicant experiences a significant life change during the one (1) year period, for example, a divorce or the death of a close family member or friend, the applicant shall notify the employing agency who shall schedule a new polygraph examination for the applicant.

(d) Drug screening***[:]*** results shall be considered current and valid only for the agency that requested or performed the test and only during that employment process. An applicant ***who*** ***[that]*** leaves and reenters the testing process for preselection screening shall submit to another drug screening.

(4) Updating test results. The employing agency shall update test results if necessary by submitting KLEC Form D to the KLEC office.

(5) Agency access to prior test results.

(a) It shall be at the applicant and individual agency's discretion to allow another employing agency access and use of the initial agency's certification testing which is still current and valid.

(b) If agencies enter into an agreement with the written permission of the applicant, the new employing agency shall receive the medical, suitability, and polygraph results directly from the agency that initially requested testing of the applicant.

(c) Costs incurred for duplicate KLEC test results shall be the responsibility of the agency obtaining the results.

Section 7. Test Reporting by Agency. (1) An agency that performs physical ability testing based upon the requirements in Section 4 of this administrative regulation shall report all test results by submitting a POPS Form PT-1, Physical Agility Test Session Report, to the KLEC within ten (10) days of administering the test.

(2) An agency that performs physical ability testing based upon its own validated job task analysis in accordance with KRS 15.382(16), shall report the test results of every applicant tested in writing to the KLEC office within ten (10) days of administering the test.

(3) Physical ability test results shall be reported to the KLEC office regardless of whether the applicant:

(a) Passes or fails the test; or

(b) Performs or completes every component of the physical ability test.

Section 8. KLEC Administered Testing Costs. (1) The employing agency shall reimburse KLEC within sixty (60) days of receipt of the invoice for the cost of KLEC administered testing provided at the agency's request as follows:

(a) Sixty-five (65) dollars for each psychological screening;

(b) $100 for each polygraph examination; and

(c) Sixteen (16) dollars for each drug screening.

(2) If an agency has scheduled KLEC testing for an applicant who fails to appear or complete the testing, the agency shall be responsible for fifty (50) percent of the cost of the test had it been completed.

(3) Financial hardship.

(a) Application. An employing agency may apply for a waiver of costs for KLEC testing pursuant to KRS 15.384(1) by demonstrating undue financial hardship. The agency shall submit to the KLEC office:

1. The actual approved budget of the governmental unit for the current and the preceding year;

2. The number of certification applicants for the current and preceding year;

3. The actual revenue receipts of the governmental unit for the current and the preceding year; and

4. A detailed explanation of why the governmental unit cannot meet the cost of providing the testing, including the reason that adequate funding was not budgeted to cover the cost of testing.

(b) Initial review. Within five (5) business days of receipt of the application, the KLEC office shall mail a notification to the agency that ***[either]***:

1. The application has been received and is complete; or

2. The application is incomplete and ***shall identify*** the specific information ***to*** ***[which shall]*** be supplemented ***[in order]*** to process the application. The KLEC office shall receive the necessary information within ten (10) business days of the agency's receipt of the notice of insufficiency. If the agency fails to submit the supplementary information within the specified time period, the application shall be considered abandoned and the agency shall resubmit an application for financial hardship.

(c) Recommendation. Within thirty (30) days of their receipt of the completed application, the KLEC office shall forward the application to KLEC***[,]*** along with a recommendation to approve or reject the application for financial hardship***[,]*** and the specific reasons supporting a recommendation to reject.

(d) KLEC review.

1. The KLEC Committee on Professional Standards[~~Certification~~] shall review the application and the recommendation of the KLEC office and forward their recommendation to KLEC for final review.

2. Within sixty (60) days of their receipt of the application**,** KLEC shall issue written notice to the agency indicating whether the application has been approved or rejected***[,]*** and ***shall provide*** the specific reasons supporting the rejection.

(e) Appeal.

1. An agency may appeal a decision made by KLEC to reject

an agency's application for financial hardship by filing a written notice of appeal to the Secretary of the Justice and Public Safety Cabinet.

2. The notice shall be filed within thirty (30) days of receipt of the notice of rejection.

3. The notice of appeal shall be submitted on KLEC POPS Form S with a copy of the notice of rejection of financial hardship attached.

4. A copy of the notice of appeal shall be delivered to the KLEC office by certified mail[~~, to the following address, Kentucky Law Enforcement Council, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102~~].

5. The Secretary of the Justice and Public Safety Cabinet shall render an opinion within sixty (60) days of receipt of the notice of appeal.

(4) If an agency knowingly employs or appoints a person who fails to meet minimum certification standards pursuant to KRS 15.396(1) the KLEC office shall immediately notify DOCJT.

Section 9. Employment Changes. (1) Pursuant to KRS 15.392 and 15.580 if a certified peace officer, telecommunicator, or court security officer leaves an agency, the agency shall submit KLEC Form F.

(2) If the peace officer, telecommunicator, or court security officer is reemployed by another agency the employing agency shall submit KLEC Form F within five (5) business days of the employment or appointment. Additionally, the agency shall submit KLEC Form D-1 for returning peace officers or court security officers.

(3) Information from completed KLEC Forms F shall be provided to DOCJT for Kentucky Law Enforcement Foundation Program Fund and training authorization purposes.

Section 10. Out-of-state, Military, and Federal Law Enforcement and Telecommunications Basic Training. (1) An applicant to a Kentucky law enforcement or telecommunications agency who has graduated from a basic training course or academy in another state may be certified by the KLEC if:

(a) The basic training course or academy was equal to or exceeded the course content and number of hours required for Kentucky peace officers, telecommunicators, or court security officers when the course was completed by the applicant, as determined by the executive director of the Office of Kentucky Law Enforcement Support [~~KLEC~~];

(b) The basic training course or academy is a single, stand-[ ]alone course;

(c) The peace officer, telecommunicator, or court security officer has been employed in a full-time capacity in the state of graduation for a period of at least one (1) year before applying with the Kentucky agency; and

(d) The peace officer completes the following courses presented by the Department of Criminal Justice Training within one (1) year of his or her hiring by the Kentucky law enforcement agency. For purposes of meeting the hourly requirement in paragraph (a) of this subsection, the number of hours of these courses shall be added to the number of hours taken in the out-of-state basic training course:

1. The twenty-four (24) hour legal update Penal Code course;

2. The sixteen (16) hour legal update constitutional procedure course;

3. On-line Federal Emergency Management Agency ICS 100, ICS 200, and IS 700 courses (or current equivalent). A Certificate of Completion or official transcript shall satisfy this requirement; and

4. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment:

a. Basic officer skills;

b. Orientation for new police chiefs; or

c. Mandatory duties of the sheriff.

(2) An applicant to a Kentucky law enforcement agency who has graduated from a basic training course or academy in another state may be certified by the KLEC if:

(a) The basic training course or academy was at least 300 hours, but less than the number of hours required for Kentucky peace officers;

(b) The peace officer has been employed in a full-time capacity as a peace officer for three (3) or more years with at least one (1) year in the state in which he or she completed his or her basic training course or academy;

(c) The basic training course or academy is a single, stand-[ ]alone course; and

(d) [~~A basic training credit of fifty (50) hours for each year of his full-time, peace officer service together with the basic training course hours allows compliance with the total hours required by KRS 15.440, 503 KAR 1:110, or another administrative regulation modifying the hours; and~~

~~(e)~~] The peace officer completes the courses as required in subsection (1)(d) of this section with the number of hours of these courses added to the number of hours taken in the out-of-state basic training course in subsection (2)(a) of this section.

(3) An applicant to a Kentucky law enforcement or telecommunications agency who has graduated from a law enforcement or telecommunications basic training course or academy while serving in the United States military may be certified by the KLEC if:

(a) 1. The basic training course or academy corresponded with or exceeded the course content and number of hours required for Kentucky peace officers, telecommunicators, or court security officers at the time the course was completed by the applicant, as determined by the Executive Director of the Office of Kentucky Law Enforcement Support [~~KLEC~~]; or

2. ***[If]*** The basic training course or academy did not correspond with or exceed the course content and number of hours required for Kentucky peace officers, telecommunicators, or court security officers at the time the course was completed by the applicant, a basic training credit of fifty (50) hours for each year of his or her full-time***[,]*** peace officer service together with the basic training course hours shall be granted to allow compliance with the total hours required by KRS 15.440, 503 KAR 1:110, or another administrative regulation modifying the hours; and

(b) The basic training course or academy was a single, stand-alone course.

(4) An applicant to a Kentucky law enforcement agency who has graduated from one (1) of the following Federal law enforcement basic training courses may be certified by the KLEC:

(a) Federal Bureau of Investigation;

(b) Bureau of Alcohol, Tobacco, and Firearms;

(c) Drug Enforcement Administration; or

(d) United States Secret Service.

(5) The KLEC shall not approve a basic training course or academy that consists of two (2) or more courses added together to meet the minimum number of basic training hours for a Kentucky peace officer, telecommunicator, or court security officer.

(6) An agency may request certification for a peace officer ***who*** ***[that]*** has completed an out-of-state law enforcement basic training by submitting for the applicant:

(a) A [~~His~~] certificate of completion or other official documentation showing completion of basic training;

(b) A [~~His~~] transcript of classes for basic training with individual class hours specified; and

(c) ***A*** letter from an employing agency signed by the chief or a direct supervisor of the applicant certifying, or other official documentation showing, that the applicant was employed in a full-time capacity as a peace officer for:

1. At least one (1) year; or

2. ***[For]*** Three (3) or more years with at least one (1) year in the state in which he or she completed his or her basic training course or academy.

(7) An applicant to a Kentucky law enforcement or telecommunications agency seeking certification under this section shall not be certified unless he or she has worked in a full-time capacity as a peace officer within five (5) years of applying for certification in Kentucky.

Section 11. Records. (1) Records retention. The KLEC office shall retain all certification records in electronic or original medium consistent with the Records Retention Schedule established by the Kentucky Department of Library and Archives, pursuant to 725 KAR 1:030.

(2) Security. The KLEC office and employing agencies shall maintain records in a manner to ensure their security. ***[In order]*** To properly maintain the confidentiality of certification records as required by KRS 15.400(3) and 15.540(2), a law enforcement or telecommunications agency shall ***keep all records relating to certification in a file separate from any personnel file maintained by the hiring authority.[;***

(a) Keep all records relating to certification in a file separate from any personnel file maintained by the hiring authority; and]

(3)[(b)] For KLEC audit purposes, an agency that has a separate human resources or personnel department may complete and maintain in the agency file a KLEC FORM POPS P, Certification of Peace Officer Professional Standards Testing Procedures, KLEC Form Q-3 – Drug Screening Approval, KLEC Form Q-4 – Polygraph Approval, and KLEC Form Q-5 – Suitability Screener[Psychological Examination] Approval, indicating that the following testing procedures have been completed:

(a)[1.] Polygraph;

(b)[2.] Suitability screening;

(c)[3.] Drug screen; and

(d)[4.] Medical examination or history statement.

(4)[(3)] Agencies shall retain all documentation pertaining to certification for five (5) years following the cessation of certification of the peace officer, telecommunicator, or court security officer regardless of where the certified peace officer, telecommunicator, or court security officer is employed in the commonwealth.

(5)[(4)] An agency that knowingly discloses confidential information in violation of KRS 15.400(3) and 15.540(2) may be denied participation in KLEC polygraph examinations and psychological examinations.

Section 12. Applicant Conduct and Behavior. (1) An applicant who has engaged in behavior constituting dishonesty, cheating, falsification of documents, or any other fraudulent behavior for the purpose of wrongfully receiving certification shall be removed from the testing process and, subject to an administrative hearing in accordance with KRS Chapter 13B, may be barred from further consideration for certification.

(2) Use of alcohol or other intoxicants.

(a) An applicant shall not possess, consume, ***or [nor]*** be under the influence of alcoholic beverages, controlled substances, or other intoxicating substances not therapeutically prescribed by a physician while participating in the testing process.

(b) An applicant shall advise the KLEC test administrator in writing of the use of a controlled substance or medication whether or not it has been prescribed by a physician.

(c) An applicant shall not participate in physical ability testing if:

1. The applicant has taken:

a. A controlled substance as prescribed by a physician; or

b. Any other medication, whether prescribed or not; and

2. The applicant is under the influence of the controlled substance or medication to the extent that the applicant may be impaired or is a danger to self or others.

(3) Termination of a dangerous or disruptive situation. If the conduct or condition of an applicant constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of ***testing***, or is an immediate threat to be disruptive of testing, a KLEC staff member may take all reasonable steps necessary to terminate the situation, including removal of the applicant from testing.

(4) The KLEC shall notify [A copy of KLEC Form R shall be mailed to] the applicant and the employing agency within five (5) days following the removal stating that the applicant has been removed or barred from testing.[,] The notice shall state the supporting reasons and circumstances of the removal***[,]*** and whether the agency may reschedule testing.

Section 13. Compliance. (1) Inspection. Test results, testing procedures, and all other certification documentation shall be retained by the agency and be available for inspection and audit at any time by agents authorized by KLEC.

(2) KLEC may initiate an inspection and audit of an agency's certification documentation randomly to assure routine compliance or to investigate a specific complaint.

(3) KLEC shall have access to the services of the DOCJT Compliance and Audit Section, as coordinated through the DOCJT Commissioner, ***[in order]*** to audit specific applicants and agencies to ensure compliance with certification requirements.

(4) If during the course of an audit conducted by the DOCJT Compliance and Audit Section a violation of certification is detected, the DOCJT Compliance and Audit Section shall report the possible violation to KLEC.

(5) Denial of participation in Kentucky Law Enforcement Foundation Program Fund (KLEFPF). If KLEC determines that an agency has knowingly employed or appointed a person who fails to meet minimum certification standards, KLEC shall immediately notify the administrator of KLEFPF.

Section 14. Issuance of Certification. All identification cards issued to a peace officer, telecommunicator, or court security officer verifying certification remain the property of KLEC and shall be returned to the KLEC office upon loss of certification.

Section 15. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Standards for Educational and Psychological Testing", American Educational Research Association, American Psychological Association, National Council on Measurement in Education, Joint Committee on Standards for Educational and Psychological Testing, 2014;

(b) "KLEC Form A - Testing Registration - Attesting to Minimum Standards", 2021[June 2014];

(c) "KLEC Form C - Grandfather Information", 2021[July 2006];

(d) "KLEC Form D - All Standards Met", 2021[June 2014];

(e) "KLEC Form D-1 – All Standards Met – Inactive to Active Status", 2021[June 2014];

(f) "KLEC Form E - Request for Certification for Exempt Officers***"***, March 1, 1999;

(g) "KLEC Form F - Status Update", 2021[June 2014];

(h) "KLEC Form G-1 - Medical Examination Report", 2021[June 2014];

(i) "KLEC Form G-2 - Medical History Statement", 2021[June 2014];

(j) "KLEC Form G-3 - Medical Screening Guidelines Implementation Manual", 2021[June 2014];

(k) "KLEC Form H-1 - Background Investigation", 2021[June 2001];

(l)["KLEC Form H-2 - Personal History Statement", January 19, 1999;

(m)] "KLEC Form I-1 - Consent for Pre-employment Polygraph Examination", 2021[June 2014];

(m)[(n)] "KLEC Form I-2 - Pre-employment Polygraph Questionnaire", 2021[June 2014];

(n)[(o) "KLEC Form I-3 – Pre-employment Polygraph Background/Criminal Questions", October 11, 2005;

(p)] "KLEC Form J - JTA Submission", January 19, 1999;

(o)(q)] "KLEC Form K-1 - Drug Screening Through Urinalysis Applicant Consent Form", 2021[July 2006];

(p)[(r)] "KLEC Form K-2 - Drug Screening Through Urinalysis Chain of Custody Form", 2021[July 2006];

(q)[(s)] "KLEC Form L-1 - Code of Ethics", 2021[June 2014];

(r)[(t)] "KLEC Form L-2 - Canon of Ethics", 2021[June 2014];

(s)[(u)] "KLEC Form Q - Agency Submission Form", 2021[October 2006];

(t)[(v)] "KLEC Form Q-3 - Drug Screening Approval", 2021[July 2006];

(u)[(w)] "KLEC Form Q-4 - Polygraph Approval", 2021[July 2006];

(v)[~~(x)~~] "KLEC Form Q-5 – Suitability Screener[~~Psychological Examination~~] Approval", 2021[~~July 2006~~];

(w)[~~(y)~~] "KLEC Form tele-Q - Agency Submission Form", 2021[~~June 2014~~];[

~~(z) "KLEC Form R - Removal from Testing", January 19, 1999;~~

~~(aa) "KLEC POPS Form S - Notice of Appeal", January 19, 1999;~~]

(x)[~~(bb)~~] "KLEC Form T-1 - Medical Release - Phase I Testing", 2021[~~June 2014~~];

(y)[~~(cc)~~] "KLEC Form T-1a - Physician's Medical Release Form", 2021[~~June 2014~~];

(z)[~~(dd)~~] "KLEC Form T-2 - Liability Waiver - Phase I Testing", 2021[~~July 2001~~];

(aa)[~~(ee)~~] "POPS Form PT-1 - Physical Agility Test Session Report", 2021[~~January 2003~~];

(bb)[~~(ff)~~] "POPS Form P - Certification of Peace Officer Professional Standards Testing Procedures", July 2004;

(cc)[~~(gg)~~] "KLEC Physical Fitness Testing Protocols", 2021[~~December 2009~~]; and

(dd)[~~(hh)~~] "KLEC Education Form - Applicant Education Verification", 2021[~~July 2017~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Law Enforcement Council, 4449 Kit Carson Drive [~~Office Funderburk Building, Eastern Kentucky University~~], Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Council's website at https://klecs.ky.gov/.

CONTACT PERSON: Katherine George, Staff Attorney, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-3801, fax (859) 622-5027, email katie.george@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Kentucky Law Enforcement Council
(As Amended at ARRS, December 9, 2021)

503 KAR 1:170. Career Development Program.

RELATES TO: KRS 15.310

STATUTORY AUTHORITY: KRS 15.330(1)(d), (h)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.330(1)(d) authorizes the Kentucky Law Enforcement Council [~~(KLEC)~~] to establish and prescribe minimum standards and qualifications for voluntary career development programs for certified peace officers and telecommunicators (public safety dispatchers). This administrative regulation establishes a Career Development Program for Kentucky certified peace officers and telecommunicators (public safety dispatchers).

Section 1. Definitions. (1) "Chief executive" means the highest level position in a law enforcement agency with direct operational and administrative responsibility for the policies and performance of the agency.

(2) "Conceptual skills course" means a course that emphasizes planning, organization, goal setting abilities, strategic orientation, or provides material related to higher order abstractions that force conceptual thinking.

(3) "Executive" means a position in the immediate line of authority under the chief executive who has the delegated responsibility for operational and administrative functions of the agency or division.

(4) "Human skills course" means a course relating to cultural diversity, problem solving, leadership, interpersonal communication, group communication, or training abilities.

(5) "KLEC" means the Kentucky Law Enforcement Council.

(6) "Manager" means a position within law enforcement or public safety dispatch:

(a) Between the executive and supervisor positions; and

(b) Which is responsible for the supervision of supervisory employees, and possibly involving planning, organization, public relations, discipline, or general administrative work.

(7) "Public Safety Dispatch" means telecommunications as described in KRS 15.530-15.590.

(8) "Public Safety Dispatcher" means a telecommunicator as described in KRS 15.530-15.590.

(9) "Supervisor" means a position which is responsible:

(a) For the direct supervision of nonsupervisory personnel; and

(b) Possibly for line duties in law enforcement or public safety dispatch.

(10) "Technical skills course" means a course relating to operational or tactical abilities.

Section 2. Skill Area Determination. (1) Based on the definitions in Section 1 of this administrative regulation, the KLEC shall determine whether a law enforcement or public safety dispatch course is categorized as a:

(a) Conceptual skills course;

(b) Human skills course; or

(c) Technical skills course.

(2) If a new course is approved or recognized by the KLEC, pursuant to 503 KAR 1:090 and 503 KAR 1:120, the council shall categorize the course in accordance with subsection (1) of this section.

(3) A law enforcement or public safety dispatch course may be categorized in up to two (2) different categories.

Section 3. Application for Career Development Program. A peace officer or public safety dispatcher who wishes to apply for a particular career step certificate shall:

(1) Complete a "Form 1 Participant Commitment Form", which shall include the following:

(a) Applicant's name and agency;

(b) Social Security number and date of birth;

(c) Current rank and full time employee status;

(d) The program to which the applicant wishes to commit;

(e) Signature of the applicant; and

(f) Signature of the applicant's agency head;

(2) Submit one (1) of the following application forms for the specific career development step for which the participant wishes to apply:

(a) Intermediate Law Enforcement Officer;

(b) Advanced Law Enforcement Officer;

(c) Law Enforcement Officer Investigator;

(d) Law Enforcement Traffic Officer;

(e) [~~Advanced Deputy Sheriff;~~

~~(f)~~] Law Enforcement Supervisor;

(f)[~~(g)~~] Law Enforcement Manager;

(g)[~~(h)~~] Law Enforcement Executive;

(h)[~~(i)~~] Intermediate Public Safety Dispatcher;

(i)[~~(j)~~] Advanced Public Safety Dispatcher;

(j)[~~(k)~~] Public Safety Dispatcher Supervisor;

(k)[~~(l)~~] Public Safety Dispatcher Manager/Director;

(l)[~~(m)~~] Law Enforcement Chief Executive;

(m)[~~(n)~~] Law Enforcement Training Officer;

(n)[~~(o)~~] Law Enforcement Officer Advanced Investigator;

(o)[~~(p)~~] Crime Scene Processing Officer;

(p)[~~(q)~~] Communications Training Officer; [~~or~~]

(q)[~~(r)~~] Crime Scene Technician;

(r) School Resource Officer I;

(s) School Resource Officer II;

(t) School Resource Officer III;

(u) Law Enforcement Tactical Officer;

(v) Law Enforcement Canine Officer;

(w) Sheriff Supervisor;

(x) Sheriff Manager;

(y) Sheriff Executive;

(z) Sheriff Chief Executive; or

(aa) Investigative Public Safety Dispatcher***;[.]***

(3) Include the following information on the application form:

(a) Applicant's name and agency;

(b) Social Security number and date of birth;

(c) Date of employment with current agency;

(d) Current rank or title and date of promotion to that position;
(e) Employment history;
(f) Training history;
(g) Educational history;
(h) Signature of program applicant; and
(i) College and training credit hours applied to the requirements of the particular program to which the applicant wishes to apply; and
(4) Submit an official copy of a transcript or other documentation showing that the applicant has successfully completed the required:
(a) KLEC-approved or recognized courses; and
(b) College courses.

Section 4. In-service Training, College, Out-of-state Work Experience, Retroactive Credit.
(1) The KLEC shall approve in-service training before it is applied toward a career development step.
(2) A program participant shall not receive more than one (1) program credit for an in-service training course.
(3) Retroactivity. Participants in the Career Development Program may be granted credit for college courses and KLEC-approved training received prior to the implementation of the program.
(4) Fifteen (15) hours of KLEC-approved classroom training may be substituted for one (1) hour of college credit by program participants.
(5) A program participant may apply out-of-state work experience toward the requirements of a career development step. To receive credit, the participant shall submit a written request describing the past experience and any supporting documentation to the KLEC for approval.

Section 5. Intermediate Law Enforcement Officer Certificate. To demonstrate proficiency in the Intermediate Law Enforcement Officer Career Step, a peace officer shall:
(1) Have active peace officer certification in accordance with KRS 15.386(2);
(2) Earn 160 additional hours of KLEC-approved or recognized in-service training, of which:
(a) Sixty (60) percent (ninety-six (96) hours) shall be in technical skills development; and
(b) Forty (40) percent (sixty-four (64) hours) shall be in human skills development; and
(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Two (2) years of experience and a bachelor's degree;
(b) Four (4) years of experience and an associate's degree;
(c) Four (4) years of experience and ninety-five (95) hours of college credit;
(d) Five (5) years of experience and eighty (80) hours of college credit;
(e) Six (6) years of experience and sixty-five (65) hours of college credit;
(f) Seven (7) years of experience and fifty (50) hours of college credit; or
(g) Eight (8) years of experience and thirty-five (35) hours of college credit.

Section 6. Advanced Law Enforcement Officer Certificate. To demonstrate proficiency in the Advanced Law Enforcement Officer Career Step, a peace officer shall:
(1) Complete the Intermediate Law Enforcement Career Step;
(2) Earn 160 additional hours of KLEC-approved or recognized in-service training, of which:
(a) Forty (40) percent (sixty-four (64) hours) shall be in technical skills development;
(b) Forty (40) percent (sixty-four (64) hours) shall be in human skills development; and
(c) Twenty (20) percent (32 hours) shall be in conceptual skills development; and
(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Four (4) years of experience and a master's degree;
(b) Six (6) years of experience and a bachelor's degree;
(c) Eight (8) years of experience and an associate's degree;
(d) Eight (8) years of experience and 110 hours of college credit;
(e) Nine (9) years of experience and ninety-five (95) hours of college credit;
(f) Ten (10) years of experience and eighty (80) hours of college credit;
(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or
(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 7. Law Enforcement Supervisor Certificate. To demonstrate proficiency in the Law Enforcement Supervisor Career Step, a peace officer shall:
(1) Have active peace officer certification in accordance with KRS 15.386(2);
(2) Earn a minimum of 160 additional hours of KLEC-approved or recognized in-service training as follows:
(a) Forty (40) hours of technical skills development courses;
(b) Forty (40) hours of conceptual skills development courses; and
(c) Eighty (80) hours in one (1) of the following options of courses:
1. Academy of Police Supervision;
2. The forty (40) hour basic supervisor’s course and forty (40) hour advanced supervisor’s course; or
3. A KLEC-approved or recognized equivalent course; and
(3) Have one (1) of the following combinations of full-time supervisory law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Two (2) years of experience and a master's degree;
(b) Four (4) years of experience and a bachelor's degree;
(c) Six (6) years of experience and an associate's degree;
(d) Six (6) years of experience and ninety-five (95) hours of college credit;
(e) Seven (7) years of experience and eighty (80) hours of college credit;
(f) Eight (8) years of experience and sixty-five (65) hours of college credit; or
(g) Nine (9) years of experience and fifty (50) hours of college credit.

Section 8. Law Enforcement Manager Certificate. To demonstrate proficiency in the Law Enforcement Manager Career Step, a peace officer shall:
(1) Have active peace officer certification in accordance with KRS 15.386(2);
(2) Complete the:
(a) [~~Department of Criminal Justice Training~~] Criminal Justice Executive Development Course;
(b) [~~Department of Criminal Justice Training~~] School for Strategic Leadership;
(c) Federal Bureau of Investigation (FBI) National Academy;
(d) University of Louisville Southern Police Institute Administrative Officers Course;
(e) Northwestern University School of Police Staff and Command;
(f) Police Executive Leadership College; or
(g) Another management leadership course recognized and approved by the KLEC as equal to one (1) of the above courses; and
(3) Have one (1) of the following combinations of full-time law enforcement management experience and credits from an

accredited College or University, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a master's degree;

(b) Four (4) years of experience and a bachelor's degree;

(c) Six (6) years of experience and an associate's degree;

(d) Six (6) years of experience and ninety-five (95) hours of college credit;

(e) Seven (7) years of experience and eighty (80) hours of college credit;

(f) Eight (8) years of experience and sixty-five (65) hours of college credit; or

(g) Nine (9) years of experience and fifty (50) hours of college credit.

Section 9. Law Enforcement Executive Certificate. (1) To demonstrate proficiency in the Law Enforcement Executive Career Step, a peace officer shall:

(a) Have active peace officer certification in accordance with KRS 15.386(2);

(b) Successfully complete:

1. Orientation for New Chiefs[~~, offered by the Department of Criminal Justice Training~~];

2. Mandatory Duties of the Sheriff[~~, offered by the Department of Criminal Justice Training~~];

3. [~~Department of Criminal Justice Training~~] School for Strategic Leadership;

4. Three (3) Police Executive Command courses[~~, offered by the Department of Criminal Justice Training~~];

5. Three (3) Current Leadership Issues for Mid-level Executives (CLIMES) courses; or

6. Another executive leadership course recognized and approved by the KLEC as equal to one (1) of the courses listed in subparagraphs 1 through 5 of this paragraph;

(c) Successfully complete one (1) of the following:

1. 120 hours of training in conceptual or human skills development; or

2. Law Enforcement Management Career Step, plus forty (40) hours training in conceptual or human skills development; and

(d) Have one (1) of the following combinations of full-time executive law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

1. Two (2) years of experience and a bachelor's degree;

2. Three (3) years of experience and sixty (60) hours of college credit; or

3. Four (4) years of experience and thirty (30) hours of college credit.

(2) Points earned from in-service training courses shall not be used to substitute for college credit in the Law Enforcement Executive Career Step.

Section 10. Law Enforcement Chief Executive Certificate. (1) To demonstrate proficiency in the Law Enforcement Chief Executive Career Step, a peace officer shall:

(a) Successfully complete:

1. Orientation for New Chiefs[~~, offered by the Department of Criminal Justice Training~~];

2. Mandatory Duties of the Sheriff[~~, offered by the Department of Criminal Justice Training~~];

3. [~~Department of Criminal Justice Training~~] School for Strategic Leadership;

4. Three (3) Police Executive Command courses[~~, offered by the Department of Criminal Justice Training~~];

5. Three (3) Current Leadership Issues for Mid-level Executives (CLIMES) courses; or

6. Another executive leadership course recognized by the KLEC as equal to one (1) of the courses listed in subparagraphs 1 through 5 of this paragraph;

(b) Successfully complete one (1) of the following:

1. 120 hours of training in conceptual or human skills development; or

2. Law Enforcement Management Career Step, plus forty (40) hours training in conceptual or human skills development; and

(c) Have one (1) of the following combinations of full-time executive law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

1. Two (2) years of experience and a bachelor's degree;

2. Three (3) years of experience and sixty (60) hours of college credit; or

3. Four (4) years of experience and thirty (30) hours of college credit.

(2) Points earned from in-service training courses shall not be used to substitute for college credit in the Law Enforcement Chief Executive Career Step.

Section 11. Law Enforcement Officer Investigator Certificate. To demonstrate proficiency in the Law Enforcement Investigator Career Step, a peace officer shall:

(1) Have active peace officer certification in accordance with KRS 15.386(2);

(2) Complete 200 hours of KLEC-approved or recognized in-service training, consisting of:

(a) Eighty (80) hour Criminal Investigations I course or KLEC-approved or recognized equivalent; and

(b) 120 training hours in investigative courses identified by the KLEC; and

(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Four (4) years of experience and a master's degree;

(b) Six (6) years of experience and a bachelor's degree;

(c) Eight (8) years of experience and an associate's degree;

(d) Eight (8) years of experience and 110 hours of college credit;

(e) Nine (9) years of experience and ninety-five (95) hours of college credit;

(f) Ten (10) years of experience and eighty (80) hours of college credit;

(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or

(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 12. Law Enforcement Traffic Officer Certificate. To demonstrate proficiency in the Law Enforcement Traffic Career Step, a peace officer shall:

(1) Have active peace officer certification in accordance with KRS 15.386(2);

(2) Complete 200 hours of in-service training, consisting of:

(a) Forty (40) hour Collision Investigation Techniques course or a KLEC-approved equivalent; and

(b) 160 training hours in traffic courses identified by the KLEC; and

(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Four (4) years of experience and a master's degree;

(b) Six (6) years of experience and a bachelor's degree;

(c) Eight (8) years of experience and an associate's degree;

(d) Eight (8) years of experience and 110 hours of college credit;

(e) Nine (9) years of experience and ninety-five (95) hours of college credit;

(f) Ten (10) years of experience and eighty (80) hours of college credit;

(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or

(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 13. [~~Advanced Deputy Sheriff Certificate. To~~

~~demonstrate proficiency in the Advanced Deputy Sheriff Career Step, a peace officer shall:~~

~~(1) Have active peace officer certification in accordance with KRS 15.386(2);~~

~~(2) Earn 160 additional hours of KLEC-approved or recognized in-service training, of which:~~

~~(a) Eighty (80) hours shall be in topics specific to sheriffs' responsibilities;~~

~~(b) Forty (40) hours shall be in technical skills development; and~~

~~(c) Forty (40) hours shall be in human skills development; and~~

~~(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:~~

~~(a) Four (4) years of experience and a master's degree;~~

~~(b) Six (6) years of experience and a bachelor's degree;~~

~~(c) Eight (8) years of experience and an associate's degree;~~

~~(d) Eight (8) years of experience and 110 hours of college credit;~~

~~(e) Nine (9) years of experience and ninety-five (95) hours of college credit;~~

~~(f) Ten (10) years of experience and eighty (80) hours of college credit;~~

~~(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or~~

~~(h) Twelve (12) years of experience and fifty (50) hours of college credit.~~

~~Section 14.~~] Communications Training Officer Certificate. To demonstrate proficiency in the Communications Training Officer Career Step, a person shall:

(1) Have active certification as a:

(a) CJIS telecommunicator in accordance with KRS 15.565; or

(b) Non-CJIS telecommunicator in accordance with KRS 15.560;

(2) Complete the following courses:

(a) Forty (40) hour Communications Training Officer course;

(b) Sixteen (16) hour Communications Training Officer: Developing a Training Program course;

(c) Eight (8) hour Ethics course; and

(d) A sixteen (16) hour Cultural Awareness course; and

(3) Have one (1) of the following combinations of full-time telecommunications experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a bachelor's degree;

(b) Three (3) years of experience and ***[either]*** twenty (20) hours of college credit or an associate's degree;

(c) Four (4) years of experience and fifteen (15)[~~forty-five (45)~~] hours of college credit;

(d)[~~(b)~~] Five (5) years of experience and ten (10)[~~forty (40)~~] hours of college credit; ***or***

(e)[~~(c)~~] Six (6) years of experience and five (5)[~~thirty-five (35)~~] hours of college credit***[; or***

(d) Seven (7) years of experience and thirty (30) hours of college credit][;

~~(e) Eight (8) years of experience and twenty-five (25) hours of college credit; or~~

~~(f) Nine (9) years of experience and twenty (20) hours of college credit~~].

Section 14.[~~Section 15.~~] Intermediate Public Safety Dispatcher Certificate. To demonstrate proficiency in the Intermediate Public Safety Dispatcher Career Step, a person shall:

(1) Have active certification as a[~~:~~

~~(a) CJIS~~] telecommunicator in accordance with KRS 15.560 or KRS 15.565; [~~or~~

~~(b) Non-CJIS telecommunicator in accordance with KRS 15.560;~~]

(2) Complete fifty-six (56) hours of KLEC-approved public safety dispatch courses; and

(3) Have one (1) of the following combinations of full-time telecommunications experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a bachelor's degree;

(b) Three (3) years of experience and ***[either]*** twenty (20) [~~thirty (30)~~] hours of college credit or an associate's degree;

(c) [~~(b)~~] Four (4) years of experience and ten (10) [~~twenty-five (25)~~] hours of college credit; ***or***

(d) [~~(c)~~] Five (5) years of experience and five (5) [~~twenty (20)~~] hours of college credit;[

~~(d) Six (6) years of experience and fifteen (15) hours of college credit;~~

~~(e) Seven (7) years of experience and ten (10) hours of college credit; or~~

~~(f) Eight (8) hours of experience and five (5) hours of college credit~~].

Section 15.[~~Section 16.~~] Advanced Public Safety Dispatcher Certificate. To demonstrate proficiency in the Advanced Public Safety Dispatcher Career Step, a person shall:

(1) Have active certification as a[~~:~~

~~(a) CJIS~~] telecommunicator in accordance with KRS 15.560 or KRS 15.565**;**[~~; or~~

~~(b) Non-CJIS telecommunicator in accordance with KRS 15.560;~~]

(2) Complete the Intermediate Public Safety Dispatcher Career Step;

(3) Complete fifty-six (56) hours of KLEC-approved public safety dispatch courses; and

(4) Have one (1) of the following combinations of full-time telecommunications experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a bachelor's degree;

(b) Three (3) years of experience and ***[either]*** twenty (20) hours of college credit or an associate's degree;

(c) Four (4) years of experience and fifteen (15) [~~forty-five (45)~~] hours of college credit;

(d) [~~(b)~~] Five (5) years of experience and ten (10) [~~forty (40)~~] hours of college credit; ***or***

(e) [~~(c)~~] Six (6) years of experience and five (5) [~~thirty-five (35)~~] hours of college credit[~~;~~

~~(d) Seven (7) years of experience and thirty (30) hours of college credit;~~

~~(e) Eight (8) years of experience and twenty-five (25) hours of college credit; or~~

~~(f) Nine (9) years of experience and twenty (20) hours of college credit~~].

Section 16.[~~Section 17.~~] Public Safety Dispatcher Supervisor Certificate. To demonstrate proficiency in the Public Safety Dispatcher Supervisor Career Step, a person shall:

(1) Have active certification as a[~~:~~

~~(a) CJIS~~] telecommunicator in accordance with KRS 15.560 or KRS 15.565; [~~or~~

~~(b) Non-CJIS telecommunicator in accordance with KRS 15.560~~]***[;]***

(2) Complete the Advanced Public Safety Dispatcher Career Step;

(3) Successfully complete [~~Leadership 911 or~~] eighty (80) hours of KLEC-approved public safety dispatch leadership courses; and

(4) Have one (1) of the following combinations of full-time public safety dispatch experience in a supervisory position and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a bachelor's degree [~~an associate's degree~~];

(b) Three (3) years of experience and ***[either]*** twenty-five (25) [~~fifty-five (55)~~] hours of college credit or an associate's degree;

(c) Four (4) years of experience and twenty (20) [~~fifty (50)~~]

hours of college credit;

(d) Five (5) years of experience and fifteen (15) [~~forty-five (45)~~] hours of college credit;

(e) Six (6) years of experience and ten (10) [~~forty (40)~~] hours of college credit; ***or***

(f) Seven (7) years of experience and five (5) [~~thirty-five (35)~~] hours of college credit[~~; or~~

~~(g) Eight (8) years of experience and thirty (30) hours of college credit~~].

Section 17.[~~Section 18.~~] Public Safety Dispatcher Manager/Director Certificate. To demonstrate proficiency in the Public Safety Dispatcher Manager/Director Career Step, a person shall:

(1) Have active certification as a[~~:~~

~~(a) CJIS~~] telecommunicator in accordance with KRS 15.560 or KRS 15.565; [~~or~~

~~(b) Non-CJIS telecommunicator in accordance with KRS 15.560;~~]

(2) Obtain the Public Safety Dispatcher Supervisor Certificate;

(3) Successfully complete [~~Telecommunications~~] Executive Development I, II, and III or eighty (80)[~~120~~] hours of KLEC-approved public safety dispatch leadership courses; and

(4) Have one (1) of the following combinations of full-time telecommunications experience in a management position and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a bachelor's degree;

(b) Three (3) [~~Four (4)~~] years of experience and ***[either]*** twenty-five (25) hours of college credit or an associate's degree;

(c) Four (4) years of experience and twenty (20) hours of college credit;

(d) Five (5) years of experience and fifteen (15) [~~sixty (60)~~] hours of college credit;

(e)[~~(d)~~] Six (6) years of experience and ten (10) [~~fifty-five (55)~~] hours of college credit; ***or***

(f)[~~(e)~~] Seven (7) years of experience and five (5) [~~fifty (50)~~] hours of college credit[~~;~~

~~(f) Eight (8) years of experience and forty-five (45) hours of college credit;~~

~~(g) Nine (9) years of experience and forty (40) hours of college credit; or~~

~~(h) Ten (10) years of experience and thirty-five (35) hours of college credit~~].

Section 18.[~~Section 19.~~] Law Enforcement Training Officer. To demonstrate proficiency in the Law Enforcement Training Career Step, a peace officer shall have:

(1) Active peace officer certification in accordance with KRS 15.386(2);

(2) Have successfully completed the following:

(a) Intermediate Law Enforcement Officer Certificate;

(b) Advanced Law Enforcement Officer Certificate; and

(c) 120 hours of in-service training, which shall include:

1. Police Training Officer course;

2. Field Instructor course; and

3. Crisis Intervention Training or Law Enforcement Response to Special Needs Population; and

(3) One (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Four (4) years of experience and a master's degree;

(b) Six (6) years of experience and a bachelor's degree;

(c) Eight (8) years of experience and an associate's degree;

(d) Eight (8) years of experience and 110 hours of college credit;

(e) Nine (9) years of experience and ninety-five (95) hours of college credit;

(f) Ten (10) years of experience and eighty (80) hours of college credit;

(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or

(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 19.[~~Section 20.~~] Law Enforcement Officer Advanced Investigator. To demonstrate proficiency in the Law Enforcement Officer Advanced Investigator Career Step, a peace officer shall have:

(1) Active peace officer certification in accordance with KRS 15.386(2);

(2) Successfully completed the following:

(a) Law Enforcement Officer Investigator Certificate; and

(b) 160 hours of electives in investigations courses approved or recognized by the Kentucky Law Enforcement Council; and

(3) One (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Four (4) years of experience and a master's degree;

(b) Six (6) years of experience and a bachelor's degree;

(c) Eight (8) years of experience and an associate's degree;

(d) Eight (8) years of experience and 110 hours of college credit;

(e) Nine (9) years of experience and ninety-five (95) hours of college credit;

(f) Ten (10) years of experience and eighty (80) hours of college credit;

(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or

(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 20.[~~Section 21.~~] Crime Scene Processing Officer. To demonstrate proficiency in the Crime Scene Processing Officer career step, a peace officer shall have:

(1) Active peace officer certification in accordance with KRS 15.386(2);

(2) Successfully completed the Kentucky Criminalistics Academy or the National Forensic Academy; and

(3) One (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Four (4) years of experience and a master's degree;

(b) Six (6) years of experience and a bachelor's degree;

(c) Eight (8) years of experience and an associate's degree;

(d) Eight (8) years of experience and 110 hours of college credit;

(e) Nine (9) years of experience and ninety-five (95) hours of college credit;

(f) Ten (10) years of experience and eighty (80) hours of college credit;

(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or

(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 21.[~~Section 22.~~] Crime Scene Technician. To demonstrate proficiency in the Crime Scene Technician career step, a peace officer shall have:

(1) Active peace officer certification in accordance with KRS 15.386(2);

(2) Successfully completed the Crime Scene Technician portion of the Kentucky Criminalistics Academy or have completed any of the following courses to equal not less than 200 hours:

(a) Bloodstain Pattern Recognition;

(b) Forensic Mapping;

(c) CAD Zone;

(d) Fingerprint Pattern Recognition and Comparison Techniques;

(e) Digital Photography;

(f) Advanced Latent Fingerprints;

(g) Crime Scene Investigation; or
(h) Any KLEC-approved course equivalents; and
(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Four (4) years of experience and a master's degree;
(b) Six (6) years of experience and a bachelor's degree;
(c) Eight (8) years of experience and an associate's degree;
(d) Eight (8) years of experience and 110 hours of college credit;
(e) Nine (9) years of experience and ninety-five (95) hours of college credit;
(f) Ten (10) years of experience and eighty (80) hours of college credit;
(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or
(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 22. School Resource Officer I Certificate. To demonstrate proficiency in the School Resource Officer I Career Step, a peace officer shall:
(1) Have active peace officer certification in accordance with KRS 15.386(2) and active school resource officer I certification in accordance with KRS 158.4414;
(2) Earn 160 additional hours of KLEC-approved or recognized in-service training, of which:
(a) Sixty (60) percent (ninety-six (96) hours) shall be in technical skills development; and
(b) Forty (40) percent (sixty-four (64) hours) shall be in human skills development; and
(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Two (2) years of experience and a bachelor's degree;
(b) Four (4) years of experience and an associate's degree;
(c) Four (4) years of experience and ninety-five (95) hours of college credit;
(d) Five (5) years of experience and eighty (80) hours of college credit;
(e) Six (6) years of experience and sixty-five (65) hours of college credit;
(f) Seven (7) years of experience and fifty (50) hours of college credit; or
(g) Eight (8) years of experience and thirty-five (35) hours of college credit.

Section 23. School Resource Officer II Certificate. To demonstrate proficiency in the School Resource Officer II Career Step, a peace officer shall:
(1) Complete the School Resource Officer I Career Step;
(2) Have active certification in accordance with KRS 15.386(2) and active school resource officer I and II certification in accordance with KRS 158.4414;
(3) Earn 160 additional hours of KLEC-approved or recognized in-service training, of which:
(a) Forty (40) percent (sixty-four (64) hours) shall be in technical skills development;
(b) Forty (40) percent (sixty-four (64) hours) shall be in human skills development; and
(c) Twenty (20) percent (thirty-two (32) hours) shall be in conceptual skills development; and
(4) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Four (4) years of experience and a master's degree;
(b) Six (6) years of experience and a bachelor's degree;
(c) Eight (8) years of experience and an associate's degree;
(d) Eight (8) years of experience and 110 hours of college credit;
(e) Nine (9) years of experience and ninety-five (95) hours of college credit;
(f) Ten (10) years of experience and eighty (80) hours of college credit;
(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or
(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 24. School Resource Officer III Certificate. To demonstrate proficiency in the School Resource Officer III Career Step, a peace officer shall:
(1) Complete the School Resource Officer I and II Career Step;
(2) Have active certification in accordance with KRS 15.386(2) and active school resource officer I, II and III certification in accordance with KRS 158.4414;
(3) Earn 160 additional hours of KLEC-approved or recognized in-service training, of which:
(a) Forty (40) percent (sixty-four (64) hours) shall be in technical skills development;
(b) Forty (40) percent (sixty-four (64) hours) shall be in human skills development; and
(c) Twenty (20) percent (32 hours) shall be in conceptual skills development; and
(4) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Four (4) years of experience and a master's degree;
(b) Six (6) years of experience and a bachelor's degree;
(c) Eight (8) years of experience and an associate's degree;
(d) Eight (8) years of experience and 110 hours of college credit;
(e) Nine (9) years of experience and ninety-five (95) hours of college credit;
(f) Ten (10) years of experience and eighty (80) hours of college credit;
(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or
(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 25. Law Enforcement Tactical Officer Certificate. To demonstrate proficiency in the Law Enforcement Tactical Officer Career Step, a peace officer shall:
(1) Have active peace officer certification in accordance with KRS 15.386(2);
(2) Complete 200 hours of in-service training, consisting of KLEC approved tactical courses***; and[;]***
(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:
(a) Four (4) years of experience and a master's degree;
(b) Six (6) years of experience and a bachelor's degree;
(c) Eight (8) years of experience and an associate's degree;
(d) Eight (8) years of experience and 110 hours of college credit;
(e) Nine (9) years of experience and ninety-five (95) hours of college credit;
(f) Ten (10) years of experience and eighty (80) hours of college credit;
(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or
(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 26. Law Enforcement Canine Officer Certificate. To demonstrate proficiency in the Law Enforcement Canine Officer Career Step, a peace officer shall:
(1) Have active peace officer certification in accordance with

KRS 15.386(2);

(2) Complete 200 hours of in-service training, consisting of KLEC recognized canine courses***; and[:]***

(3) Have one (1) of the following combinations of full-time law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Four (4) years of experience and a master's degree;

(b) Six (6) years of experience and a bachelor's degree;

(c) Eight (8) years of experience and an associate's degree;

(d) Eight (8) years of experience and 110 hours of college credit;

(e) Nine (9) years of experience and ninety-five (95) hours of college credit;

(f) Ten (10) years of experience and eighty (80) hours of college credit;

(g) Eleven (11) years of experience and sixty-five (65) hours of college credit; or

(h) Twelve (12) years of experience and fifty (50) hours of college credit.

Section 27. Sheriff Supervisor Certificate. To demonstrate proficiency in the Sheriff Supervisor Career Step, a peace officer shall:

(1) Have active peace officer certification in accordance with KRS 15.386(2);

(2) Earn a minimum of 160 additional hours of KLEC-approved or recognized in-service training as follows:

(a) Forty (40) hours of technical skills development courses;

(b) Forty (40) hours of conceptual skills development courses; and

(c) Eighty (80) hours in one (1) of the following options of courses:

1. Duties of the Sheriff's Office;

2. The forty (40) hour basic supervisor's course and forty (40) hour advanced supervisor's course; or

3. A KLEC-approved or recognized equivalent course; and

(3) Have one (1) of the following combinations of full-time supervisory law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a master's degree;

(b) Four (4) years of experience and a bachelor's degree;

(c) Six (6) years of experience and an associate's degree;

(d) Six (6) years of experience and ninety-five (95) hours of college credit;

(e) Seven (7) years of experience and eighty (80) hours of college credit;

(f) Eight (8) years of experience and sixty-five (65) hours of college credit; or

(g) Nine (9) years of experience and fifty (50) hours of college credit.

Section 28. Sheriff Manager Certificate. To demonstrate proficiency in the Sheriff Manager Career Step, a peace officer shall:

(1) Have active peace officer certification in accordance with KRS 15.386(2);

(2) Complete the:

(a) Criminal Justice Executive Development Course; ***[or]***

(b) School for Strategic Leadership; ***[or]***

(c) Sheriff's Executive Command Course; ***[or]***

(d) Federal Bureau of Investigation (FBI) National Academy;

(e) University of Louisville Southern Police Institute Administrative Officers Course;

(f) Northwestern University School of Police Staff and Command;

(g) Police Executive Leadership College; or

(h) Another management leadership course recognized and approved by the KLEC as equal to one (1) of the above courses; and

(3) Have one (1) of the following combinations of full-time law enforcement management experience and credits from an accredited College or University, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a master's degree;

(b) Four (4) years of experience and a bachelor's degree;

(c) Six (6) years of experience and an associate's degree;

(d) Six (6) years of experience and ninety-five (95) hours of college credit;

(e) Seven (7) years of experience and eighty (80) hours of college credit;

(f) Eight (8) years of experience and sixty-five (65) hours of college credit; or

(g) Nine (9) years of experience and fifty (50) hours of college credit.

Section 29. Sheriff Executive Certificate. ***(1)*** To demonstrate proficiency in the Sheriff Executive Career Step a peace officer shall:

(a) Have active peace officer certification in accordance with KRS 15.386(2);

(b) Successfully complete:

1. Orientation for New Chiefs-Sheriffs***;[;]***

2. Mandatory Duties of the Sheriff***;[;]***

3. School for Strategic Leadership;

4. Three (3) Police Executive Command courses or three (3) Sheriff's Executive Command courses;

5. Three (3) Current Leadership Issues for Mid-level Executives (CLIMES) courses; or

6. Another executive leadership course recognized and approved by the KLEC as equal to one (1) of the courses listed in subparagraphs 1 through 5 of this paragraph;

(c) Successfully complete one (1) of the following:

1. 120 hours of training in conceptual or human skills development; or

2. Law Enforcement or Sheriff Management Career Step, plus forty (40) hours training in conceptual or human skills development; and

(d) Have one (1) of the following combinations of full-time executive law enforcement experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

1. Two (2) years of experience and a bachelor's degree;

2. Three (3) years of experience and sixty (60) hours of college credit; or

3. Four (4) years of experience and thirty (30) hours of college credit.

(2) Points earned from in-service training courses shall not be used to substitute for college credit in the Sheriff Executive Career Step.

Section 30. Sheriff Chief Executive Certificate. (1) To demonstrate proficiency in the Sheriff Chief Executive Career Step, a peace officer shall:

(a) Have active peace officer certification in accordance with KRS 15.386(2);

(b) Successfully complete:

1. Orientation for New Chiefs;

2. Mandatory Duties of the Sheriff;

3. School for Strategic Leadership;

4. Three (3) Police Executive Command courses;

5. Three (3) Current Leadership Issues for Mid-level Executives (CLIMES) courses; or

6. Another executive leadership course recognized and approved by the KLEC as equal to one (1) of the courses listed in subparagraphs 1 through 5 of this paragraph;

(c) Successfully complete one (1) of the following:

1. 120 hours of training in conceptual or human skills development; or

2. Law Enforcement Management Career Step, plus forty (40) hours training in conceptual or human skills development; and

(d) Have one (1) of the following combinations of full-time executive law enforcement experience and credits from an

accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

1. Two (2) years of experience and a bachelor's degree;

2. Three (3) years of experience and sixty (60) hours of college credit; or

3. Four (4) years of experience and thirty (30) hours of college credit.

(2) Points earned from in-service training courses shall not be used to substitute for college credit in the Sheriff Chief Executive Career Step.

Section 31. Investigative Public Safety Dispatcher Certificate. To demonstrate proficiency in the Investigative Public Safety Dispatcher Career Step, a dispatcher shall:

(1) Have active telecommunications certification in accordance with KRS 15.565 or 15.560;

(2) Have earned the Intermediate and Advanced Public Safety Dispatcher certificates***[;]*** and thirty-two (32) hours of KLEC approved public safety dispatch investigative courses***; and[.]***

(3) Have one (1) of the following combinations of full-time dispatch experience and credits from an accredited college or university, recognized by the Kentucky Council on Postsecondary Education:

(a) Two (2) years of experience and a bachelor's degree;

(b) Three (3) years of experience and an associate's degree;

(c) Three (3) years of experience and twenty (20) hours of college credit;

(d) Five (5) years of experience and ten (10) hours of college credit; ***or***

(e) Six (6) years of experience and five (5) hours of college credit.

Section 32.[~~Section 23.~~] Certificate of Completion. The KLEC shall issue a certificate and uniform lapel pin to a peace officer or telecommunicator upon completion of a career development step.

Section 33.[~~Section 24.~~] Maintenance of Records. All training records shall be maintained in accordance with applicable provisions of KRS Chapter 171.

Section 34.[~~Section 25.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Career Development Program Participant Commitment Form,***["]*** Form 1***"***, 2021[~~February 2013~~];

(b) "Intermediate Law Enforcement Officer***["]***, Form 2***"***, 2021[~~February 2013~~];

(c) "Advanced Law Enforcement Officer***["]***, Form 3***"***, 2021[~~February 2013~~];

(d) "Law Enforcement Officer Investigator***["]***, Form 4***"***, 2021[~~February 2013~~];

(e) "Law Enforcement Traffic Officer***["]***, Form 5***"***, 2021[~~February 2013~~];

(f) [~~"Advanced Deputy Sheriff", Form 6, February 2013;~~

~~(g)~~] "Law Enforcement Supervisor***["]***, Form 7***"***, 2021[~~February 2013~~];

(g)[~~(h)~~] "Law Enforcement Manager ***["]***, Form 8***"***, 2021[~~February 2013~~];

(h)[~~(i)~~] "Law Enforcement Executive***["]***, Form 9***"***, 2021[~~February 2013~~];

(i)[~~(j)~~] "Intermediate Public Safety Dispatcher***["]***, Form 11***"***, 2021[~~February 2013~~];

(j)[~~(k)~~] "Advanced Public Safety Dispatcher, ***["]*** Form 12***"***, 2021[~~February 2013~~];

(k)[~~(l)~~] "Public Safety Dispatcher Supervisor***["]***, Form 13***"***, 2021[~~February 2013~~];

(l)[~~(m)~~] "Public Safety Dispatcher Manager/Director***["]***, Form 14***"***, 2021[~~February 2013~~];

(m)[~~(n)~~] "Law Enforcement Chief Executive***["]***, Form 15***"***, 2021[~~February 2013~~];

(n)[~~(o)~~] "Law Enforcement Training Officer***["]***, Form 16***"***, 2021[~~February 2013~~];

(o)[~~(p)~~] "Law Enforcement Officer Advanced Investigator***["]***, Form 17***"***, 2021[~~February 2013~~];

(p)[~~(q)~~] "Crime Scene Processing Officer***["]***, Form 18***"***, 2021[~~February 2013~~];

(q)[~~(r)~~] "Communications Training Officer***["]***, Form 19***"***, 2021[~~February 2013~~]; [~~and~~]

(r)[~~(s)~~] "Crime Scene Technician, ***["]*** Form 20***"***, 2021;[~~February 2013~~]

(s) "School Resource Officer I***["]***, Form 21***"***, 2021;

(t) "School Resource Officer II***["]***, Form 22***"***, 2021;

(u) "School Resource Officer III***["]***, Form 23***"***, 2021;

(v) "Law Enforcement Tactical Officer***["]***, Form 24***"***, 2021;

(w) "Law Enforcement Canine Officer***["]***, Form 25***"***, 2021;

(x) "Sheriff Supervisor***["]***, Form 28***"***, 2021;

(y) "Sheriff Manager***["]***, Form 29***"***, 2021;

(z) "Sheriff Executive***["]***, Form 30***"***, 2021;

(aa) "Sheriff Chief Executive***["]***, Form 31***"***, 2021; and

(bb) "Investigative Public Safety Dispatcher***["]***, Form 32***"***, 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Law Enforcement Council[~~Department of Criminal Justice Training~~], Funderburk Building, Suite 401, 4449 Kit Carson Drive[~~Eastern Kentucky University, 521 Lancaster Road~~], Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Council's Web site at https://klecs.ky.gov/.

CONTACT PERSON: Katherine George, Staff Attorney, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-3801, fax (859) 622-5027, email katie.george@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 3:020. Law enforcement training course trainee requirements; misconduct;penalties; discipline procedures.

RELATES TO: KRS 15A.070(1), 15.440

STATUTORY AUTHORITY: KRS 15A.070[~~(5)~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) ***requires the[~~authorizes~~]*** Department of Criminal Justice Training to establish, supervise and coordinate training programs and schools for law enforcement personnel. This administrative regulation establishes conduct requirements for trainees attending in-service law enforcement training courses conducted by the Department of Criminal Justice Training, procedures for disciplinary action, and penalties for violations of conduct requirements.

Section 1. Removing a Trainee from the Course. (1) Unqualified trainee. If a trainee is not qualified to participate in training, he shall:

(a) Be removed from training by the:

1. Director;

2. Branch manager; or

3. Section supervisor; and

(b) Not receive credit for completed portions of training.

(2) A trainee shall be ***[~~considered~~]*** unqualified if:

(a) He or his agency files an incomplete or fraudulent application to attend the training course;

(b) He is not presently employed as a law enforcement officer and has not received special permission to attend;

(c) He arrives at the beginning of training physically unable to participate because of:

1. Physical injury; or

2. Being under the influence of alcohol or drugs (prescription or illegal);

(d) He has had prior disciplinary action while at DOCJT which would prevent participation (expelled or suspended from training),

or has a pending disciplinary action which was initiated during a previous DOCJT training course;

(e) He is unprepared to participate in training due to his arrival without the required equipment, license, uniform, or preparation;

(f) He failed to complete a prerequisite law enforcement training course; or

(g) He is not employed in a capacity for which the course is designed and has not received special permission to attend.

(3) If a trainee is removed from training, pursuant to subsection (1) of this section, within thirty (30) days of the removal, he may request in writing an administrative hearing, which shall comply with KRS Chapter 13B.

(4) Agency request. The department shall remove a trainee from training upon written request of the trainee's law enforcement agency. The trainee shall not receive credit for completed portions of the course.

Section 2. Gifts. A gift from trainees to department staff shall conform with the requirements of KRS 11A.040.

Section 3. Penalties for Misconduct. (1) The following penalties shall apply to a trainee's failure to meet conduct requirements of the department. The penalties are listed in order of decreasing severity.

(a) Expulsion. The trainee is dismissed from the course, [~~and~~] all privileges are terminated, no credit shall be awarded for the completed portion of the course, and the trainee ***shall[~~may~~]*** not return to the same course for a period of two (2) years unless he or she obtains permission from the commissioner.[

(b) Suspension. The trainee is suspended from the course and no credit shall be awarded for the completed portion of the course. The trainee ***shall[~~may~~]*** not return to the same course for a period of two (2) years unless he or she obtains permission from the commissioner.

~~(b) Loss of privileges. The trainee's privileges as specified in the imposed penalty are rescinded for a stated period of time. The trainee's participation in training activities is not affected.~~]

(c) Written reprimand. The trainee is reprimanded in writing for violating a conduct requirement.

(d) Verbal warning. The trainee is warned verbally that he has violated a conduct requirement.

(2) First violation. Depending upon the severity and egregiousness of the violative action, any penalty listed in ***subsection (1) of this section [~~Section 3 of this administrative regulation~~]*** may be imposed.

(3)[~~(2)~~] Second and subsequent violations.

(a) If a trainee has received a penalty for violating a conduct requirement, upon a second violation of any conduct requirement the next higher penalty shall be added to the list of penalties which may be imposed for the second violation.

(b) If a trainee has previously received two (2) penalties for violating two (2) conduct requirements, upon a third or subsequent violation of any conduct requirement the next two (2) higher penalties shall be added to the list of penalties which may be imposed for the third or subsequent violation.

(4) Actions held in abeyance. If a trainee voluntarily withdraws from a training course while a disciplinary action is pending, the department may hold the action in abeyance and resume prosecution of the disciplinary proceeding if the trainee returns to any training at the department within two (2) years.

(5)[~~(3)~~] Giving notice of disciplinary action to trainee and trainee's agency. The department shall give written notice to a trainee of any penalty imposed upon him. The trainee's agency shall be given written notice of any penalty imposed upon the trainee except a verbal warning, and shall be given verbal notice when a trainee has been charged with a violation of a conduct requirement and has requested a hearing.

(6)[~~(4)~~] Penalty records.

(a) The department shall keep a written record of any penalty imposed on a trainee.

(b) A copy of any penalty imposed on a trainee shall be placed in his training file.

(c) Only the department, the trainee, and the trainee's agency head shall have access to the penalty records in a trainee's training file unless broader access is required by law.

(d) Original disciplinary action documents shall be stored with the department's official records custodian in accordance with the department's records retention schedule.

Section 4. Termination of Dangerous or Disruptive Situation. If the conduct or condition of a trainee constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of**,** a department activity, a department staff member ***shall[~~may~~]*** take all reasonable steps necessary to terminate the situation, including removal of the trainee from the training course pending initiation of disciplinary action.

Section 5. Conduct Requirements. A trainee attending a training course shall meet the following conduct requirements:

(1) General conduct - chain of command. All communications shall follow chain of command of the department. Exceptions are the unavailability of a supervisor, or the trainee's complaint regarding a supervisor. [~~Penalty: verbal warning or written reprimand.~~]

(2) General conduct - insubordination. A trainee shall:

(a) Obey a lawful order from a department staff member. [~~Penalty: verbal warning, written reprimand, loss of privileges.~~]

(b) Refrain from vulgarity, rudeness, violent, threatening, or offensive confrontation, or other disrespectful conduct directed toward a department staff member, trainee**,** or other department trainee or guest. [~~Penalty: verbal warning, written reprimand.~~]

(3) General conduct - grooming. The trainee shall maintain a professional personal appearance in accordance with the department's dress code policy, which reflects favorably upon the trainee, the department, and the trainee's agency. [~~Penalty: verbal warning or written reprimand.~~]

(4) General conduct - alcoholic beverages and other intoxicants.

(a) A trainee shall not possess, consume***, or[~~nor~~]*** be under the influence of alcoholic beverages, controlled substances, or other intoxicating substances not therapeutically prescribed by a physician while attending a training course or bring alcoholic beverages***, controlled substances, or other intoxicating substances not therapeutically prescribed by a physician*** into the Thompson Residence Hall. [~~Penalty: written reprimand, loss of privileges, or expulsion.~~]

(b) If a trainee has taken a controlled substance as prescribed by a physician or has taken any other medication, whether prescribed or not, he shall not participate in any training activity if he is under the influence thereof to the extent that the trainee may be impaired or may endanger himself or other persons or property. A trainee shall advise the section supervisor in writing of the use of controlled substance or medication whether or not it has been prescribed by a physician. [~~Penalty: verbal warning, written reprimand.~~]

(c) Confiscation.

1. If a dormitory staff member, department instructor, section supervisor, or branch manager observes an unlawfully-possessed intoxicating substance, he shall immediately confiscate it.

2. Confiscated items shall be stored in a safe and secure facility of the department pending appropriate disposition.

(5) General conduct - weapons and other dangerous devices.

(a) A trainee may possess his regular service weapon or authorized off-duty weapon, including ammunition, on property used by the department. A trainee shall not possess any other deadly weapons (as defined in KRS 500.080), ammunition, destructive devices or booby trap devices (as defined in KRS 237.030), hazardous substances (as defined in KRS Chapter 224[~~.01-400~~]), fireworks, or instruments used by law enforcement for control purposes (such as batons, stun guns, Mace, and pepper spray) on property used by the department except under circumstances specifically authorized by the department. [~~Penalty: verbal warning, written reprimand, loss of privileges, or expulsion.~~]

(b) Confiscation.

1. If a dormitory staff member, department instructor, section supervisor, branch manager, director, or commissioner observes an unlawfully-possessed weapon or other dangerous device he shall immediately confiscate it.

2. Confiscated items shall be stored in a safe and secure facility of the department pending appropriate disposition.

(6) General conduct - department property.

(a) A trainee shall not negligently or intentionally damage, destroy, fail to return, or be wasteful of property of the department or any other facility used by the department. [~~Penalty: verbal warning, written reprimand, loss of privileges, or expulsion.~~]

(b) A trainee shall not have successfully completed training until he has returned all issued items or made satisfactory arrangements to pay for unreturned or damaged items.

(7) General conduct - conduct unbecoming a trainee. A trainee shall not:

(a) Engage in criminal activity, including acts which would constitute a felony, misdemeanor, or violation, while enrolled in a training class. [~~Depending on the nature of the conduct, the trainee shall be penalized by a verbal warning, written reprimand, loss of privileges, suspension or expulsion. Additionally,~~] In addition to any disciplinary action imposed by the department, the appropriate prosecutorial authority shall [~~may~~] be notified of the activity.

(b) Engage in conduct which creates a danger or risk of danger to the trainee or another, possess obscene material or private erotic matter as defined in KRS 531.010, engage in conduct which is unreasonably annoying, engage in fighting or in violent, tumultuous, or threatening conduct, engage in sexual harassment, or ***engage in*** conduct which is patently offensive. [~~Penalty: verbal warning, written reprimand, loss of privileges, or expulsion.~~]

(8) Training activities - absences.

(a) A trainee is absent if he is not physically present in a class or other required department activity for more than ten (10) minutes. A trainee shall give advance notice of an absence if possible. [~~Penalty for an unexcused absence: verbal warning or written reprimand; penalty for an unexcused tardiness: verbal warning or written reprimand.~~]

(b) All absences from training shall be approved by the section supervisor or branch manager. Absences shall only be excused for legitimate reasons including sickness, court appearances, and emergencies. Written notice shall be given prior to the absence, or if an unexpected absence, on the first day upon returning.

(c) If a trainee is absent ***for*** less than ten (10) percent of a subject area, excused or unexcused, he shall make up for the absence by completing a special assignment. The assignment shall be provided by the instructor who taught the missed subject area and shall be approved by the section supervisor. Failure to complete the assignment shall be deemed a failure for that subject area.

(d) A trainee shall repeat a subject area in which he has had an absence of ten (10) percent or more, excused or unexcused.

(e) A trainee shall not be allowed to repeat a test that occurs during the trainee's unexcusedabsence.

(9) Training activities - breaks. Trainees shall be allowed a ten (10) minute break per hour of instruction if possible. Breaks shall be taken only in areas designated by the department. [~~Penalty: verbal warning or written reprimand.~~]

(10) Training activities - general conduct.

(a) A trainee shall be attentive during training activities. [~~Penalty: verbal warning or written reprimand.~~]

(b) A trainee shall not use tobacco products during, or bring food or drink into, any department training activity, regardless of location, unless permitted by the branch manager. [~~Penalty: verbal warning or written reprimand.~~]

(c) A trainee shall not negligently or intentionally engage in conduct which creates or may create a risk of injury to others during a training session. [~~Penalty: verbal warning, written reprimand, loss of privileges, or expulsion.~~]

(11) Training activities - dishonesty. A trainee shall not cheat or attempt to cheat on a test oron any other assignment or activity; or alter or attempt to alter a test grade or other evaluation result; or engage in any other conduct intended to gain an undeserved evaluation for himself or another. [~~Penalty: verbal warning, written reprimand, loss of privileges, or expulsion.~~]

(12) Residence hall.

(a) Each trainee shall be responsible for cleaning his area. Each morning, prior to leaving for class training, a trainee shall ensure his room is clean and free of trash, with beds made and the room ready for inspection. [~~Penalty: verbal warning, written reprimand, loss of privileges.~~]

(b) Doors shall be locked whenever a room is unoccupied. [~~Penalty: verbal warning or written reprimand.~~]

(c) The use of cooking appliances or space heaters ***shall be*** ***[is]*** prohibited. [~~Penalty: verbal warning, written reprimand, loss of privileges~~].

(d) All residence hall rooms, closets, and containers therein may be inspected by department staff for purposes of safety, sanitation, and rule violations.

(e) A trainee residing at the residence hall shall not:

1. Have any person of the opposite sex in his room without the permission of the department. [~~Penalty: verbal warning, written reprimand, loss of privileges.~~]

2. Keep pets, animals, or birds of any kind in his room. [~~Penalty: verbal warning, written reprimand, loss of privileges.~~]

3. Engage in dangerous, disruptive, immoral, or obscene behavior. [~~Penalty: verbal warning, written reprimand, loss of privileges.~~]

Section 6. Summary Discipline. Except for summary discipline, a penalty shall not be imposed upon a trainee unless charges have first been brought by the legal officer.

(1) The following department staff members have the authority to impose the specified penalties summarily without meeting the requirements of the formal disciplinary procedures provided by Sections 8 through 12 of this administrative regulation. To have the authority to impose summary discipline, the staff member shall believe by a preponderance of the evidence that the trainee has engaged in the misconduct.

(a) A department instructor may summarily impose a verbal warning.

(b) The section supervisor, branch manager, director, or commissioner may summarily impose a verbal warning or written reprimand.

(2) Before imposing a penalty summarily, the staff member shall give the trainee the opportunity to give an explanation.

(3) A summarily imposed penalty shall be reviewed by, and may be rescinded or modified by, the immediate supervisor of the staff member imposing the penalty. The reviewer shall provide the trainee with the opportunity to give an explanation.

Section 7. Removal from Training Pending an Initial Appearance Before the Commissioner.

(1) When a charge is filed against a trainee, the commissioner or director may remove the trainee from some or all training until the trainee's initial appearance before the commissioner if he has reasonable grounds to believe the alleged misconduct took place and:

(a) He has reasonable suspicion to believe the trainee would be dangerous or disruptive if not removed; or

(b) The trainee has been charged with misconduct serious enough to authorize expulsion.

(2) A trainee who has been removed from training pending an initial appearance before the commissioner shall be provided the initial appearance within three (3) training days of the removal.

Section 8. Complaint. Anyone having reasonable grounds for believing that a trainee has violated any of the conduct requirements identified in this administrative regulation may file a complaint with the section supervisor. ***The*** ***[~~This~~]*** complaint shall be in writing setting forth the facts upon which the complaint is based.

Section 9. Investigation by Section Supervisor. (1) If the section supervisor receives a complaint of or witnesses apparent

misconduct, he shall take statements and otherwise investigate the matter.

(2) After investigating the matter, the section supervisor shall:

(a) Take no action ***unless it*** ***[if none]*** is justified by the evidence;

(b) Impose appropriate summary discipline; or

(c) File, with the legal officer, a written request that charges be brought against the trainee. The request for charges shall describe the alleged misconduct and designate the specific conduct requirements violated. All pertinent evidence and documents including the complaint, and statements of the trainee and witnesses**,** shall be forwarded to the legal officer.

Section 10. Review by Legal Officer; Placing Charges. (1) The legal officer shall review the request for charges and the supporting evidence and documents.

(2) The legal officer may make or cause further inquiry into the matter for additional information.

(3) The legal officer shall***[either]***:

(a) File any charges against the trainee as he believes are justified by the evidence; or

(b) Deny the request for charges if the evidence does not support any charges. If the legal officer declines to file charges, he shall provide the commissioner with a statement of his reasons for not filing charges.

(4) The charging document shall:

(a) Be in writing;

(b) Particularly describe the alleged misconduct so as to reasonably inform the trainee of the nature of the allegation;

(c) State the time, date**,** and place the trainee shall make an initial appearance before the commissioner to answer the charges**;***[.]*

(d) Be signed by the legal officer; and

(e) Be served upon the trainee at least one (1) hour before his initial appearance before the commissioner. The copy shall be served upon the trainee ***[either]*** in person or by mail.

Section 11. Initial Appearance Before the Commissioner. (1) The initial appearance before the commissioner shall be held no more than three (3) training days after the charges have been served on the trainee. If the trainee**,** after receiving proper notice, fails to appear, the commissioner may proceed in his absence and the trainee shall be notified in writing of any action taken.

(2) At the initial appearance before the commissioner:

(a) The legal officer shall:

1. Read the charges to the trainee; and

2. Explain to the trainee:

a. The charges;

b. His right to an administrative hearing in accordance with KRS Chapter 13B; and

c. His right to be represented by legal counsel.

(b) The legal officer shall explain to the trainee the possible answers to the charges***, which shall be[:]*** admit the charges are true, deny the charges are true but waive an administrative hearing, or deny the charges are true and ask for an administrative hearing.

(c) The commissioner shall advise the trainee of the penalty which shall be imposed if the trainee admits the charges or waives an administrative hearing.

(d) The trainee shall be requested to answer the charges.

(e) If the trainee chooses to waive his rights and admits the charges or denies the charges but waives an administrative hearing:

1. He shall be permitted to make a statement of explanation; and

2. The commissioner shall impose a penalty.

(f) If the trainee denies the charges and requests an administrative hearing, or refuses to answer the charges, the commissioner shall set a date for the administrative hearing. A notice of administrative hearing as required by KRS 13B.050 shall be served on the trainee within forty-eight (48) hours of the initial appearance before the commissioner.

(3) The commissioner may remove the trainee from some or all training until the administrative hearing if:

(a) He has reasonable grounds to believe the trainee would be dangerous or disruptive if not removed; or

(b) The trainee is charged with misconduct serious enough to authorize expulsion as a possible penalty.

Section 12. Hearing. The administrative hearing shall be conducted in accordance with KRSChapter 13B.

CONTACT PERSON: Deaidra C. Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-8229, cell (606) 224-3080, fax (502) 564-6686, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 3:030. Training charges.

RELATES TO: KRS 15.340

STATUTORY AUTHORITY: KRS 15A.070, 15A.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.340 authorizes the Department of Criminal Justice Training to determine whether certain persons to whom it offers training or agencies employing such persons must bear any ***or[of]*** all costs of training. This administrative regulation prescribes training charges and identifies those who ***shall[must]*** pay for training.

Section 1. Definition. ***[As used in this administrative regulation]*** "Eligible category" ***means*** ***[includes]***:

(1) City police departments;

(2) County police departments;

(3) Urban-county police departments;

(4) Public airport authority police departments established pursuant to KRS 183.880;

(5) Department of Kentucky State Police;

(6) State or public university departments of safety established pursuant to KRS 164.950;

(7) Local boards of education employing school resource officers [, limited to school security officers] who are special law enforcement officers appointed pursuant to KRS 61.902;

(8) Sheriffs' departments, except for those deputy sheriffs identified in KRS 70.045 and 70.263(3);

(9) Constables;

(10) Coroners;

(11) Department of Alcoholic Beverage Control, limited to field representatives and investigators appointed pursuant to KRS 241.090;

(12) Department of Insurance - Division of Insurance Fraud Investigation, limited to insurance fraud investigators appointed pursuant to KRS 304.47-040;

(13) State agencies that have adopted certification pursuant to KRS 15.380(2), limited to those peace officers for whom the certification requirements of KRS 15.380 to 15.402 have been incorporated into their job specifications;

(14) Officers who are certified by the Kentucky Law Enforcement Council pursuant to KRS 15.380(4) or (5), and are presently employed in the capacity for which certification was obtained**;**

(15) Persons participating in courses offered under the ***[KRS 15.518]*** Law Enforcement Professional Development and Wellness Program ***pursuant to KRS 15.518***.

Section 2. Basic Training. While participating in a basic training course conducted by the department***,[:]*** [

(1)] persons employed [full time] as sworn law enforcement officers in an eligible category***[,]*** shall be eligible to receive free

tuition, housing at facilities to be provided by the department, and meals, not to exceed the amounts established in Section 7 of this administrative regulation***.[;]***[

~~(2) Persons employed part time in an eligible category, whether sworn or unsworn, shall be eligible to receive free tuition.~~]

Section 3. In-service Training. ***(1)*** Persons employed in an eligible category, whether sworn or unsworn, while participating in in-service training courses conducted by the department shall be eligible for free tuition, limited to a maximum of eighty (80) hours during a calendar year. [~~When calculating the maximum number of free training hours to which the person is eligible:~~

~~(1) The hours associated with an in-service training course that is substituted for a failed in-service training course, shall not be included;~~]

(2)[~~(2)~~] If a person has accumulated fewer than eighty (80) hours of in-service training at the time of registration for an additional in-service training course, and subsequently completes the course, which brings the in-service training total to more than eighty (80) hours, the person shall not be required to pay fees for the training which exceeds eighty (80) hours.

Section 4. Telecommunications. ***[(1)]*** Persons employed [~~full-time~~] in an eligible category to dispatch law enforcement units by means of radio communications or to operate teleprocessing equipment associated with the Law Information Network of Kentucky (LINK), shall be eligible to receive:

(1)[(a)] Free tuition, housing at facilities to be provided by the department, and meals, not to exceed the amounts established in Section 7 of this administrative regulation, while participating in the Telecommunications Academy conducted by the department; ***and***[

~~(b) Free tuition and housing at facilities to be provided by the department, while participating in the telecommunications basic course, Criminal Justice Information Systems (CJIS) - full access course, or CJIS - inquiry only course, conducted by the department;~~]

(2)[(b)][~~(c)~~] Free tuition while participating in other telecommunications courses conducted by the department, limited to a maximum of eighty (80) hours during a calendar year. When calculating the maximum number of free training hours to which the person is eligible:

(a)[1.] The hours associated with the Telecommunications Academy, telecommunications basic course, CJIS - full access course, or CJIS - inquiry only course shall not be added;

(b)[2.] The hours associated with a telecommunications course that is substituted for a failed telecommunications course, shall not be added; ***and***

(c)[3.] If a person has accumulated fewer than eighty (80) hours of telecommunications training at the time of registration for an additional telecommunications course, and subsequently completes the course, which brings the telecommunications training total to more than eighty (80) ***hours***, the person shall not be required to pay fees for the training which exceeds eighty (80) hours***.[;]***[

~~(2) Persons employed part-time in an eligible category to dispatch law enforcement units by means of radio communications or to operate teleprocessing equipment associated with the law information network of Kentucky (LINK), shall be eligible to receive free tuition while participating in telecommunications courses conducted by the department, limited to a maximum of eighty (80) hours during a calendar year. The calculation of the maximum number of free training hours to which the person is eligible, shall be made as established in this administrative regulation in sub-section (1)(c)1 through 3 of this section.~~]

Section 5. Fees in Reciprocation. If an agency or person has provided training services to thedepartment, the commissioner may waive some or all fees for training provided by the department***[,]*** when requested by the agency or person. The commissioner shall advise in writing, prior to the start date of the requested training, of the specific training which shall be provided and the fees which shall be waived. The waiver of fees shall be limited to the terms as described in writing by the commissioner.

Section 6. Payment of Fees Required. (1) The enrolling agency of a [~~A~~] person who is not eligible for free fees as determined in Sections 2 through 5 of this administrative regulation, shall be required to pay all applicable fees as established in Section 7 of this administrative regulation.

(2) A person who repeats a training course conducted by the department, within three (3) years from the start date of the original course, whether the first course was passed or failed, shall be required to pay all applicable fees as established in Section 7 of this administrative regulation for the repeated course. A training course that is substituted for a failed training course shall be considered retraining, for which all applicable fees ***shall*** ***[must]*** be paid.

(3) If a person participates in a training course, for which it is determined prior to participation that fees are required, but fails the course, full fees ***shall be*** ***[are]*** due.

(4) If a person participates in a training course, for which it is determined prior to participation that fees are required, but withdraws from training for reasons other than those which constitute extenuating circumstances***,*** as defined in 503 KAR 1:110 or 503 KAR 5:090, training fees shall be assessed based upon ***the*** ***[that]*** training which was received. If payment has been received by the department, the person, or the agency responsible for the payment of training fees, shall be reimbursed the amount in excess of the actual training fees which were incurred.

(5) If a person exits a course owing fees, he or she shall not be allowed to return ***to*** the same or a substitute course until the outstanding course balance is paid in full. [~~If a person participates in a training course, for which he is eligible for free fees, but withdraws from training for reasons other than those which constitute extenuating circumstances as defined in 503 KAR 1:110 or 503 KAR 5:090, full fees shall be required for that portion of training received prior to the withdrawal if the person repeats the training course within three (3) years from the start date of the original course. But for the provisions of this subsection, if the person would otherwise not be eligible for free fees when repeating the course, full fees shall be due forthe entire course.~~]

(6) Fees may be required as a result of a disciplinary suspension or expulsion, pursuant to 503 KAR 3:010, which are made part of the commissioner's final order.

Section 7. Fees. (1) Tuition per person shall be:

(a) $600 per week.

(b) $120 per day for training of less than one (1) week.

(c) $120 for training which involves more than four (4) hours but less than eight (8) hours.

(d) Sixty (60) dollars for training which involves less than four (4) hours.

(2) Housing charges per person, for accommodations provided by the department, shall be:

(a) Seventy-five (75) dollars per five (5) day training week, which shall include Sunday night through Thursday night; or

(b) Fifteen (15) dollars per day.

(3) Meals. A person in an eligible category shall be allotted a meal allowance for breakfast, lunch***,*** and dinner on Monday through Friday of each training week. The meal allowance for each training session shall be based upon the actual meal costs as determined by the department.[

~~(a) A person shall be allotted eighty-five (85) dollars per week for meals. Each person shall beprovided a meal card which may be used no earlier than the evening meal on Sunday, but no later than the lunch meal on Friday. Use of the meal card shall be limited to those food service providers approved and designated by the department.~~

~~(b) A person provided with a meal card shall not be restricted to a specific amount per meal. Purchases in excess of eighty-five (85) dollars per week, or those incurred at a food service provider which is not approved and designated by the department, shall be paid by the person.~~

~~(4) Supplemental charges may be imposed for supplies and materials which have been furnished by the department, including ammunition provided by the department in a firearms training course.~~]

Section 8. Procedures. (1) When an enrolling agency is [~~a person shall be~~] required to pay fees for training, the [~~person or their~~] authorized agency head [~~who~~] shall be responsible for payment of fees***.[;]*** [~~shall enter into a written agreement particularly describing the required charges, by executing DOCJT Form 60, prior to the start date of the course. If DOCJT Form 60 is not received by the department prior to the start date of the course, the person shall be ineligible to participate in the course.~~]

(2) Payment of required fees for training shall be made prior to the start date of the course. If payment is not received by the department prior to the start date of the course, the person shall be ineligible to participate in the course.

(3) Payments shall be made by a check ***from[~~of~~]*** the employing agency, or cashier's check ***from[~~of~~]*** the person, payable to the Kentucky State Treasurer.[

~~(4) Payment arrangements.~~

~~(a) When fees are required for training, an employing agency may request that they be allowed to satisfy the payment obligation through a schedule of payments. Prior to the start date of the requested training, the agency shall submit to the department:~~

~~1. A list of each officer within the agency, and their required training for the current and preceding year;~~

~~2. The actual approved budget of the governmental unit for the current and the preceding year;~~

~~3. The actual revenue receipts of the governmental unit for the current and the preceding year;~~

~~4. A detailed explanation of why the governmental unit requires a payment arrangement to meet the costs of the training, including the reason that sufficient funding was not budgeted; and~~

~~5. A proposed schedule of payments.~~

~~(b) The commissioner shall notify the agency in writing, prior to the start date of the course, as to whether the agency's request has been approved, and if so, the specific terms of the schedule of payments.~~

~~(c) If the agency fails to abide by the terms as established by the commissioner, the person who is receiving training may be removed from training. Additionally, the agency may be denied future requests for payment arrangements.~~

~~Section 9. Incorporation by Reference. (1) Department of Criminal Justice Training Form 60 - Contract for Training Fees, Revised 5/15/00.~~

~~(2) This material may be inspected, copied, or obtained at the Department of Criminal Justice Training, Funderburk Building, Eastern Kentucky University, 521 Lancaster Road, Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.~~]

CONTACT PERSON: Deaidra C. Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-8229, cell (606) 224-3080, fax (502) 564-6686, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 3:050. Telecommunications (Public Safety Dispatch) Academy[~~-CJIS~~] graduation requirements; records.

RELATES TO: KRS 15.530, 15.550, 15.560[~~(1)~~], 15.565

STATUTORY AUTHORITY: KRS 15.590

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.590 authorizes the Kentucky Law Enforcement Council to promulgate administrative regulations regarding training and telecommunications practices. This administrative regulation establishes the course and graduation requirements of the Telecommunications (Public Safety Dispatch) Academy[~~-CJIS~~].

Section 1. Definitions. (1) "Academy" means the minimum 160 [~~205~~] hour Telecommunications (Public Safety Dispatch) Academy[~~-CJIS~~] course conducted by the department of Criminal Justice Training.

(2) "CJIS" is defined by KRS 15.530(1).

Section 2. Academy Content. The academy shall consist of the following eight (8) areas:

(1) Introduction to Dispatching;
(2) Duties and Responsibilities;
(3) Phone procedures;
(4) Radio procedures;
(5) Calls for service;
(6) Emergency medical dispatch;
(7) Criminal justice information system (CJIS); and
(8) Final Exam and Graduation.

Section 3. Academy Graduation Requirements. (1) To graduate from the academy, a trainee shall:

(a) Successfully complete a minimum of 160[~~205~~] hours of Kentucky Law Enforcement Council (KLEC)-approved training;

(b) Attain a passing score on all examinations for which a numerical score is assigned, as follows:

1. Minimum score on the Emergency Medical Dispatch written examination***;*** [~~as set by the Emergency Medical Dispatch provider;~~]

2. Minimum score on the CPR written examination[~~as set by the CPR provider~~]; and

3. Seventy (70) percent on all other examinations for which a numerical score is assigned;

(c) Pass all examinations for which a pass-or-fail designation is assigned; and

(d) Successfully complete all other assignments, exercises, and projects included in the academy. After-hours assignments may be required, and shall be successfully completed ***[~~in order~~]*** to pass the training area for which they were assigned.

(2) A trainee shall ***fail[~~be considered to have failed~~]*** the academy if the trainee does not meet the requirements established in subsection (1) of this section.

Section 4. Reexaminations. (1) A trainee shall be permitted one (1) reexamination.

(2) A trainee who fails an examination shall not be reexamined:

(a) Earlier than twenty-four (24) hours from the original examination; or

(b) Later than the last scheduled day before the academy graduation.

(3) A trainee shall ***fail[~~be considered to have failed~~]*** the academy if the trainee fails a reexamination.

Section 5. Failure and Repetition of Academy. (1) A trainee who has failed an academy shall be permitted to repeat one (1) academy in its entirety during the following twelve (12) months.

(2) The trainee or his agency shall pay all fees for the repeated academy.

Section 6. Absence. (1) A trainee may have excused absences from the academy with approval of the Branch Manager or Telecommunications Training Section Supervisor.

(2) An excused absence from the academy which causes a trainee to miss any of the ***160[~~205~~]*** hours of training shall be made up through an approved [~~additional~~] training assignment. Make up training assignments shall be approved by the course instructor.

(3) If a trainee misses more than ten (10) percent of the total hours of the academy and all absences were excused and all work was made up, the trainee shall be withdrawn from the academy and reenrolled in a subsequent class beginning at the point of the trainee's withdrawal. [~~If a trainee's absence is excused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and reenrolled in a subsequent class beginning at the point at which the trainee was absent.~~] The time period for reenrollment in a subsequent class shall not exceed six (6) months from the date of

the class from which the trainee was withdrawn.

(4) If a trainee's absence is unexcused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and receive no credit for completed training.

Section 7. Circumstances Preventing Completion of the Academy. If a trainee is prevented from completing the academy due to extenuating circumstances beyond the control of the trainee, including injury, illness, personal tragedy, or agency emergency, he ***or she*** shall be permitted to complete the unfinished areas of the academy within 180 days immediately following the termination of the extenuating circumstance, if the:

(1) Extenuating circumstance preventing completion of the academy does not last for a period of longer than one (1) year; and

(2) Failure to complete is not caused by a preexisting physical injury or preexisting physiological condition.

Section 8. Termination of Employment While Enrolled. If while enrolled in the academy, a trainee's employment as a dispatcher is terminated by resignation or dismissal and he ***or she*** is unable to complete the academy, he ***or she*** may complete the remaining training within one (1) year of reemployment as a dispatcher. The trainee shall repeat the academy in its entirety if:

(1) The break in employment exceeds one (1) year; or

(2) The termination of employment is a result, directly or indirectly, of disciplinary action taken by the department against the trainee while enrolled in the academy.

Section 9. Maintenance of Records. All training records shall be:

(1) Available to the council and the secretary for inspection or other appropriate purposes; and

(2) Maintained in accordance with applicable standards in KRS Chapter 171.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 4:010. Definitions for 503 KAR Chapter 4.

RELATES TO: KRS 237.110(4)(i)***, 237.120, 237.122, 237.124***[~~(2)(f)~~]

STATUTORY AUTHORITY: KRS ***15A.070(5),*** 237.110(4)(i)***, 237.120(1), 237.122(1), 237.124***[~~(2)(f)~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.110(4)(i) [~~(2)(f)~~], 237.120(1), and 237.122(1) require the department to operate and maintain a program for firearms instructor trainers and firearms instructors for the concealed deadly weapon training program; and to offer or approve firearms safety courses***. KRS 15A.070(5) authorizes the commissioner to promulgate administrative regulations [under the following criteria: 1. Be not more than eight (8) hours in length; 2. Include instruction on handguns, the safe use of handguns, the care and cleaning of handguns, and handgun marksmanship principles; 3. Include actual range firing of a handgun in a safe manner, and the firing of not more than twenty (20) rounds at a full-size silhouette target, during which firing, not less than eleven (11) rounds must hit the silhouette portion of the target; and 4. Include information on and a copy of laws relating to possession and carrying of firearms, as set forth in KRS Chapters 237 and 527, and the laws relating to the use of force, as set forth in KRS Chapter 503]***. This administrative regulation establishes the definitions for administrative regulations relating to***[: (1)]*** the certification of firearms instructors; and ***[(2)]*** firearms safety and training courses or classes. ~~requires the department topromulgate administrative regulations concerning the: (1) certification and decertification of firearms instructors practicing in Kentucky; and (2) firearms safety and training courses or classes that are: (a) approved by the department; or (b) conducted by the department or by a firearms instructor certified by the department. This administrative regulation establishes the definitions for administrative regulations relating to: (1) the certification of firearms instructors; and (2) firearms safety and trainingcourses or classes.~~]

Section 1. Definitions. (1) "Applicant training course" means a firearms safety or training course or class required by KRS 237.110(4)(i)[~~(2)(f)~~] that:

(a) The department:

1. Conducts; or

2. Has approved; or

(b) Is conducted by firearms instructors certified by the department.

(2) ***[~~"Certifying agency" means the Department of Criminal Justice Training or federal agency that qualifies students as competent with firearms.~~***

~~(3)~~] "Department" means the Department of Criminal Justice Training.

(3)[~~(4)~~] "Instructor candidate" means a person who is taking a firearms safety or training course or class in order to qualify as a firearms instructor.

(4)[~~(5)~~] "Instructor trainer" means a firearms instructor who has been certified by the department to train qualified firearms instructors.

(5)[~~(6)~~] "Certified firearms instructor" means a person who has been certified by the department toteach applicant training courses.

(6)[~~(7)~~] "Student" means a person taking an applicant training course.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 4:040. Required instructor training.

RELATES TO: KRS 237.110, 237.120, 237.122, 237.124, 237.126[~~237.136~~]

STATUTORY AUTHORITY: KRS ***15A.070(5),*** 237.120(1), 237.122(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.120(1) and 237.122(1) require the department to operate and maintain a program for firearms instructor trainers and firearms instructors for the concealed deadly weapon training program. ***KRS 15A.070(5) authorizes the commissioner to promulgate administrative regulations.*** This administrative regulation establishes the training required for certification as a firearms instructor or firearms instructor trainer.

Section 1. ***[~~An applicant training course student shall complete an "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527, and 503.~~***

~~Section 2.~~] A firearms instructor or instructor trainer course shall include:

(1) Fourteen (14) hours of classroom instruction covering at least the following topics:

(a) By means of a videotape produced by the department:

1. The requirements for obtaining a concealed deadly weapons license in Kentucky;

2. Sections of KRS Chapters 237 and 527 that relate to firearms; and

3. Sections of KRS Chapter 503 relating to the justifiable use of force;

(b) The conduct of applicant training courses;

(c) Recordkeeping requirements of this administrative regulation;

(d) The basic nomenclature of handguns;

(e) The basic principles of marksmanship; and

(f) The safe handling of handguns;

(2) A classroom demonstration, during which the instructor candidate shall receive instruction on and demonstrate competency in the ability to prepare and deliver a classroom presentation using materials from the applicant curriculum; and

(3) Range instruction and firing of live ammunition, during which the instructor candidate shall receive instruction on and demonstrate competency in the ability to:

(a) Handle and fire a handgun safely and accurately;

(b) Conduct a function test and safety inspection of common types of handguns;

(c) Clean and care for common types of handguns; and

(d) Supervise and conduct live firing exercises in a safe and efficient manner.

Section 2.[~~Section 3.~~] To qualify as a certified firearms instructor or an instructor trainer, the instructor candidate shall achieve:

(1) A minimum score of seventy (70) percent on a written examination covering the material taught during the classroom portion of the course;

(2) A minimum score of eighty (80) percent on range firing of a handgun, without receiving anyassistance in holding, aiming, or firing by any other person, from a safe position while aiming at a full size silhouette target approved by the department[~~B-21 PC silhouette target or an equivalent target approved by the department~~], with a minimum of:

(a) Ten (10) rounds from seven (7) yards; and

(b) Ten (10) rounds from fifteen (15) yards; and

(3) A score of "passing" from the course instructor for demonstrating competency in each of the following:

(a) Supervising and conducting live fire;

(b) Cleaning and inspecting handguns; and

(c) Preparing and delivering the classroom lecture. The lecture shall be graded by using the "CCDW Instructor and Instructor Trainer Five (5)-Minute Presentation" Form. The form shall be submitted to the department as a part of the class record.

Section 3.[~~Section 4.~~] [A] In order to avoid unnecessary repetition of the course work in the CCDW applicant course, a person who desires to be certified as a CCDW firearms instructor or instructor trainer, but does not possess a CCDW license, shall be permitted to complete the appropriate CCDW firearms instructor training course and shall be issued an applicant certificate which can be used to apply for a CCDW license. Upon showing proof to the Department of Criminal Justice Training that the person has obtained a license, the person shall be certified as an instructor or instructor trainer.

Section 4.[~~Section 5.~~] (1) An instructor candidate who fails to meet the requirements of Section ***2[3]*** of this administrative regulation may retake the examination, range work***,*** or classroom demonstration one (1) time without having to repeat the course.

(2) An instructor candidate shall retake the examination, range work, or classroom demonstration within thirty (30) days of the date of failure to meet the requirements of Section ***2[3]*** of this administrative regulation.

(3) A certified firearms instructor trainer may use a CCDW "Training Class Roster Form," CCDW #5 to comply with the class roster requirements of KRS 237.110(22)(d).

Section 5.[~~Section 6.~~] (1) A course participant shall provide a safe, functional handgun and factory-loaded ammunition.

(2) Prior to conducting range firing, the course instructor shall:

(a) Inspect each ***[!]***applicant's firearm; and

(b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 6.[~~Section 7.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) ***[~~"Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A (07/12/06 edition), Department of Criminal Justice Training;~~***

~~(b)~~] "CCDW Instructor and Instructor Trainer Five (5)-Minute Presentation," (6/02 edition), Department of Criminal Justice Training; and

(b)[~~(c)~~] "CCDW Training Class Roster Form (CCDW #5)," ***October 2015[~~(July 15, 2006 edition)~~]***, Department of Criminal Justice Training***.[~~;~~]***

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Department of Criminal Justice Training, Funderburk Building, 4449 Kit Carson Drive[~~521 Lancaster Avenue~~], Richmond, Kentucky 40475-3102, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the department's Web site at https://www.docjt.ky.gov/forms.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond, Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 4:050. Required content and conduct of [~~the~~] applicant training course.

RELATES TO: KRS 237.110, ***237.122,*** 237.124

STATUTORY AUTHORITY: KRS 237.124

NECESSITY, FUNCTION, AND CONFORMITY: KRS 237.124***(1)*** requires the department to operate[~~promulgate administrative regulations concerning the operation of~~] a program for the training of applicants for a concealed deadly weapons license. ***KRS 237.124(2) authorizes the department to promulgate administrative regulations to implement the training program.*** This administrative regulation establishes ***the training[~~that~~]*** program.

Section 1. An applicant training course shall be:

(1) The standardized training course furnished by the department; and

(2) Taught by a certified firearms instructor.

Section 2. Applicant Training Course Content. (1) Classroom instruction. An applicant training course shall include at least six (6) hours, but not more than eight (8) hours, of classroom instruction, covering the following topics:

(a) Handgun safety in the classroom, at home, on the firing range or while carrying the firearm;

(b) The basic principles of marksmanship;

(c) Care and cleaning of handguns; and

(d) By means of a videotape produced by the department:

1. The requirements for obtaining a concealed deadly weapons license in Kentucky;

2. Sections of KRS Chapters 237 and 527 relating to firearms; and

3. Sections of KRS Chapter 503 relating to the justifiable use of force.

(2) Live firing exercises. An applicant training course shall

include live firing exercises of sufficient duration for an applicant to fire a handgun:

(a) From a safe position;

(b) Without receiving any assistance in holding, aiming, or firing from the instructor or any other person;

(c) Twenty (20) rounds observed by the instructor. The instructor shall observe the applicant for each round fired, including those fired after the applicant has hit the silhouette portion of the target[~~as required by KRS 237.110(4)(i)(3)~~]; and

(d) At a distance from a department-approved, full-size[~~a B-21~~] silhouette target, [~~or an equivalent as approved by the department,~~] of seven (7) yards.

(3) If range firing is conducted at a facility or range that requires a training instructor or range officer to clear or directly supervise and assist in the clearing of all firearm jams or malfunctions, the clearing of a firearm jam or malfunction by a certified firearms instructor or facility range officer in accordance with that policy shall not constitute prohibited assistance to a student for the purposes of subsection (2)(b) of this section.

Section 3. The classroom portion of the course shall be taught, at the certified firearms instructor's discretion, in one (1) six (6) hour block or divided into segments of not less than one (1) hour each.

Section 4. (1) An applicant training course shall not be open to persons who are less than twenty-one (21) years of age.

(2) An applicant training course student shall complete:

(a) An "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, which shall include a statement acknowledging receipt of copies of pertinent sections of KRS Chapters 237, 527, and 503; and

(b) A "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B.

Section 5. A certified firearms instructor shall not discuss the videotape or KRS Chapters 237, 503, or 527 with students, either individually or as a class.

Section 6. (1) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor shall:

(a) Distribute a standard course examination to the students;

(b) Not leave the room in which the examination is being held while the examination is in progress, unless another certified firearms instructor is physically present in the room to supervise the examination; and

(c) Collect examination booklets and answer sheets from each student at the end of the examination period.

(2) At the conclusion of the classroom portion of an applicant training course, a certified firearms instructor may:

(a) Grade the applicant's examination; and

(b) Provide the applicant with his or her score.

Section 7. Except for an instructor, a person shall not:

(1) Make a copy of the applicant training course examination, in whole or in part;

(2) Possess an applicant training course examination, or questions from an examination, unless authorized by the department; or

(3) Divulge the contents of applicant training course examination questions to another person.

Section 8. (1) A student shall use a safe, functional handgun and factory-loaded ammunition.

(a) An instructor or instructor trainer may choose to provide a safe, functional handgun at the request of the student for use during the class.

(b) An instructor or an instructor trainer shall not advertise that students will be furnished a handgun for use in the class.

(c) A handgun shall not be furnished unless special circumstances dictate the need to do so and the student requests it.

(d) An instructor or instructor trainer shall not charge a fee for furnishing a handgun, but may recover the actual cost of ammunition that is provided at the request of the student.

(2) Prior to conducting range firing, a certified firearms instructor shall:

(a) Inspect each applicant's firearm; and

(b) Not allow the firing of a handgun that the instructor has reason to believe is not in sound mechanical condition or otherwise may pose a safety hazard.

Section 9. A passing grade shall not be given on range work to an applicant who:

(1) Does not follow the orders of a certified firearms instructor;

(2) In the judgment of a certified firearms instructor, handles a firearm in a manner that poses adanger to the applicant or to others; or

(3) Fails to hit the silhouette portion of a target with not less than eleven (11)[~~a majority of the twenty (20)~~] rounds without assistance in holding, aiming, or firing the firearm from the instructor or another person.

Section 10. In accordance with the requirements of KRS 237.110(22)(g), if the department believes that an instructor has not complied with the requirements for teaching a certified firearms instructor or applicant class, it shall send a "VF-1 Verification Form" to each student who has been
listed by the instructor as having successfully completed the class taught by that instructor.

Section 11. (1) The "Applicant Request for Training for License to Carry Concealed Deadly Weapons" and course fee required by KRS 237.122 shall be sent to the department at the same time as the class roster required by KRS 237.110(22)(d).

(2) A certified firearms instructor may use a "CCDW Training Class Roster Form," CCDW #5, to comply with the class roster requirements of KRS 237.110(22)(d).

Section 12. An applicant training course shall not have more than:

(1) Forty (40) students in the classroom portion; or

(2) Five (5) students per range officer engaged in range firing. Students in a waiting area at a range facility who are not actively engaged in loading, unloading or firing handguns shall not be considered to be engaged in range firing for the purposes of this subsection.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Applicant Request for Training for License to Carry Concealed Deadly Weapons", Form #126-A, ***July 2019[~~(07/12/06 edition)~~]***, Department of Criminal Justice Training;

(b) "Release of Liability, Agreement to Waive Claims, Express Assumption of Risks, and Indemnity Agreement," Form #126-B, ***July 2019[~~(07/12/06 edition)~~]***, Department of Criminal Justice Training;

(c) VF-1 "Verification Form", (6/02 edition), Department of Criminal Justice Training; and

(d) CCDW #5 "CCDW Training Class Roster Form", ***October 2015[~~(July 15, 2006 edition)~~]***, Department of Criminal Justice Training.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Criminal Justice Training, Funderburk Building, ***4449*** Kit Carson Drive, Richmond, Kentucky 40475-3137, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the department's Web site at https://www.docjt.ky.gov/forms.

CONTACT PERSON: Deaidra Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Richmond,

Kentucky 40475, phone (859) 622-8229, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 5:080. Definitions *for 503 KAR Chapter 5*.

RELATES TO: KRS 15.410 - 15.510
STATUTORY AUTHORITY: KRS 15.450(1)
NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 15.430 establishes the Law Enforcement Foundation Program Fund. KRS 15.450(1) authorizes the secretary or the secretary's designee to promulgate administrative regulations necessary to carry out KRS 15.410 through 15.510.*** This administrative regulation ***establishes*** ***[provides]*** definitions ***for*** ***[of certain terms as used in]*** 503 KAR Chapter 5, which pertains to the Law Enforcement Program Foundation Fund. ***[This administrative regulation also repeals the administrative regulations previously in this chapter.]***

Section 1. Definitions. ***[The following definitions shall apply in this chapter:]***
(1) "Cabinet" means the ***[Kentucky]*** Justice ***and Public Safety*** Cabinet.
(2) ***["Secretary" means the secretary of the Kentucky Justice Cabinet.***
(3)] "Council" means the Kentucky Law Enforcement Council as established in KRS 15.315.
(3)[(4)] "Fund" means the Law Enforcement Foundation Program Fund of the Kentucky Justice Cabinet as established in KRS 15.430.
(4)[(5)] "Fund administrator" means the person responsible for administering the fund ***pursuant to[.]*** KRS 15.450(1) ***[provides that the fund shall be administered by the secretary or his designated representative.***
(6) "Salary supplement funds" means money disbursed from the fund to local units of government for salary supplement purposes. A "salary supplement" is the fund money disbursed by a local unit of government to an individual police officer].
(5)[(7)] "Local unit" has the same meaning as "unit of government" as defined ***by [in]*** KRS 15.420***(5)***[means the local unit of government of any city or county, or any combination of cities and counties of the Commonwealth].
(6)[(8)] "Police officer" ***is defined by KRS 15.420(2).***
(7) "Salary supplement" means the fund money disbursed by a local unit of government to an individual police officer.
(8) "Salary supplement funds" means money disbursed from the fund to local units of government for salary supplement purposes.
(9) "Secretary" means the secretary of the Justice and Public Safety Cabinet. [means a "full-time member" (defined in subsection (9) of this section) of a "lawfully organized police department" (defined in subsection (11) of this section) of county, urban-county, or city government who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but does not include Kentucky State Police, any elected officer, sheriff, deputy sheriff, constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer or any other peace officer not specifically authorized in KRS 15.410 to 15.510.
(9) "Full-time member" means a sworn police officer who is paid a salary by the local unit for "working regularly" (defined in subsection (10) of this section) as a law enforcement officer.
(10) "Working regularly" means the officer is working a minimum of forty (40) hours a week according to a uniform weekly schedule that is standard for police officers employed by that employing agency. No local unit shall arrange, by reduction of weekly hours or otherwise, the employment of a person who is otherwise considered a police officer so as to subvert the intent and purpose of KRS 15.410 to 15.510 or these administrative regulations.
(11) "Lawfully organized police department" means a law enforcement unit organized in accordance with statutory authority, and one which has a separate and identifiable physical and management identity from other law enforcement units, including a separate chief.]

CONTACT PERSON: Deaidra C. Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-8229, cell (606) 224-3080, fax (502) 564-6686, email deaidra.douglas@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 9, 2021)

503 KAR 5:100. Disbursement of salary supplement funds; audits.

RELATES TO: KRS ***15.440,*** 15.460, 15.470, ***15.480,*** 15.490, 15.500(1)
STATUTORY AUTHORITY: KRS 15.450(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.460, 15.470***, 15.490,*** and 15.500(1) ***establish[pertain to disbursements from the Law Enforcement Foundation Program Fund; KRS 15.490(1) pertains to reports from local units to the Justice Cabinet; and KRS 15.490(2) pertains to payroll deductions. This administrative regulation expands on these]*** disbursement, reporting, and recordkeeping ***requirements for the Law Enforcement Foundation Program Fund. KRS 15.450(1) authorizes the secretary or the secretary's designee to promulgate administrative regulations necessary to carry out KRS 15.410 through 15.510. This administrative regulation establishes procedures to implement those requirements[provisions]***.

Section 1. Disbursement ***Procedures[from Fund to Local Unit]***. (1) ***[Local unit's entitlement. Upon becoming eligible to participate in the fund, a local unit is entitled to receive annually, from the fund, salary supplement funds of $4,000]*** [$2,500] ***[for each qualified police officer it employs. If the fund is insufficient to provide funds at this rate, the cabinet shall establish the rate to be paid to the local units.***
(2) Procedural requirements.
(a)] A participating local unit shall submit to the fund administrator, within five (5) working days of the action, personnel action forms containing the information (***such as*** hirings ***and[,]*** firings***[, etc.]***) ***needed*** ***[required]*** by the fund administrator or his designee ***[in order]*** to determine the amount of salary supplement funds to be disbursed to the local unit.
(2)[(b)] The fund administrator or his designee shall mail fund checks promptly to all eligible local units ***that*** ***[which]*** have submitted timely personnel action forms.
(3)[(c)] The local unit shall***, upon request from the fund administrator, provide an acknowledgement of receipt of funds in a written correspondence signed by the agency that includes:***
(a) The local agency name, month of roster report, check amount, and number of current officers; and
(b) A statement that indicates that:
1. The local agency has reviewed the fund roster for the current month and agrees that the officer status and pay stipend information accurately reflects the agency's most current records in accordance with 503 KAR 5:100, Disbursement of salary supplement funds; audits; and
2. If he or she has received the roster but is not the

individual responsible for verifying this information, he or she will contact the fund office (859-622-2224) as soon as possible. ***[be required to acknowledge, to the fund administrator, receipt of funds on a form provided for this purpose. (These forms are available from the Kentucky Law Enforcement Foundation Program Fund, Department of Criminal Justice Training, 4449 Kit Carson Drive, Funderburk Building]*** [~~107 Stratton Building, Eastern Kentucky University~~]***[, Richmond, Kentucky 40475.)***

(d) Local units shall provide such other information and reports as the fund administrator or his designee reasonably deems necessary.]

Section 2. Disbursement from Local Unit to Police Officer. (1) ***[Purposes for which local unit may use funds. The funds shall be used only as a cash salary supplement to police officers who meet the qualifications established by statute and by this administrative regulation. The funds shall not be used to supplant existing salaries or as a substitute for normal salary increases. The funds shall be received, held, and expended only in accordance with the law.***

(2)] Qualifications for receiving a salary supplement. ***[In order to be entitled]*** To receive a salary supplement from a local unit, a person ***shall [must]*** be:

(a) A ***["]***police officer***[" - that is, a "full-time member" of a "lawfully organized department" of county, urban-county, or city government (for definitions, see 503 KAR 5:080)]***; and

(b) Employed by a local unit of government ***that [which]*** is eligible to participate in the fund ***pursuant to KRS 15.440 and[. (For participation requirements for local units, see]*** 503 KAR 5:090.

(2) [)

(3)] Determining the amount of the salary supplement.

(a) ***[Each police officer shall be paid by his local unit that amount of money which is paid from the fund to the local unit because of his qualifications. Thus a qualified officer who is employed "full time" for an entire year shall entitle his local unit to receive $4,000]*** [$2,500] ***[(or, if the fund is insufficient to provide funds at this rate, the amount established by the cabinet), and he shall be paid this same amount by his local unit.***

(b) Funds shall be disbursed from the fund to local units on a monthly basis, and] A police officer's salary supplement shall be determined on a monthly basis. [~~(for example, $208.33 per month if the annual supplement is $2,500).~~] If an officer works less than a full month, his salary supplement shall be determined on an hourly basis. The hourly rate shall be determined by dividing the annual supplement by 2,080 (fifty-two (52) weeks multiplied by forty (40) hours per week). [~~; therefore, if the annual supplement is $2,500, the hourly supplemental rate shall be one (1) dollar and twenty (20) cents for each hour he receives salary from his local unit.~~]

(b)[(c)] Salary, for salary supplement purposes, shall include pay for leave (such as annual, sick, compensatory, military, civil or educational leave). Leave without pay shall not be included.

(c)[(d)] A police officer shall be paid a salary supplement while suspended from duty with pay, but shall not be paid one while suspended without pay.

(d)[(e)] A police officer shall not be paid a salary supplement for pay for overtime work (hours over forty (40) per week).

(e)[(f)] A police officer, ***if [provided he is]*** qualified to participate in the fund during the period, shall be paid a salary supplement for that period of time during which he is not receiving a salary but is receiving workers' compensation benefits. This salary supplement shall be determined at the same monthly rate and, if a time period of less than a month is involved, hourly rate as is provided for in ***paragraph (a) of this*** subsection ***[(3)(b) of this section]***.

(f)[(g)] The local unit shall keep hourly***[-]*** employment records to document:

1. That a police officer is ***["]***full time***["]*** and thus qualifies for a salary supplement***;[,]*** and***[;]***

2. The salaried hours (***such as*** work, leave with pay, ***and*** suspension with pay***[, etc.]***) of each officer receiving a salary supplement.

[(4) Payroll deductions. Under KRS 15.490(2), local units shall include the salary supplement paid to a police officer from the fund as a part of the officer's salary in determining all payroll deductions.]

Section 3. Audit of Local Unit. (1) The cabinet ***may [shall have the authority to]*** audit, or ***[to]*** authorize an audit of, local units receiving salary supplement funds.

(2) For audit purposes, the local unit shall maintain accurate financial records***,*** which shall include***[, but not be limited to,]*** books of original entry, source documents supporting accounting transactions, a general ledger, subsidiary ledgers, personnel and payroll records, cancelled checks, and related documents and records.

(3) These records shall be retained by the local unit until destruction is authorized by the cabinet.

CONTACT PERSON: Deaidra C. Douglas, Assistant General Counsel, Justice and Public Safety Cabinet, Department of Criminal Justice Training, 4449 Kit Carson Drive, Funderburk Building, Richmond, Kentucky 40475, phone (859) 622-8229, cell (606) 224-3080, fax (502) 564-6686, email deaidra.douglas@ky.gov.

TRANSPORTATION CABINET
Department of Highways
Division of Maintenance
(As Amended at ARRS, December 9, 2021)

603 KAR 3:100. Noxious weeds and invasive plants to be eradicated from rights-of-way.

RELATES TO: KRS 176.051

STATUTORY AUTHORITY: KRS 176.051

NECESSITY, FUNCTION, AND CONFORMITY: KRS 176.051 requires the Transportation Cabinet to eradicate noxious weeds and invasive plants from state-owned rights-of-way and establishes a list of noxious weeds and invasive plants that shall be eradicated by the department. KRS 176.051(4)(a) authorizes the cabinet to promulgate an administrative regulation to add or remove noxious weeds and invasive plants from the list established in KRS 176.051(1). This administrative regulation adds and deletes noxious weeds and invasive plants from the list established in KRS 176.051(1) in consideration of the criteria established in KRS 176.051(4)(a)1. through 4.

Section 1. (1) Noxious weeds and invasive plants shall be added to the list established in KRS 176.051(1), including:

(a) Spotted knapweed; ***and***

(b) Cutleaf teasel***[; and***

(c) The thistles Cirsium arvense and Carduus nutans, commonly known as Canada thistles and Musk (nodding) thistles, respectively.]

(2) ***Giant foxtail [Noxious weeds and invasive plants]*** shall be deleted from the list established in KRS 176.051(1)***[, including:***

(a) Giant foxtail; and

(b) The thistles Cirsium arvense and Carduus nutans, commonly known as Canada thistles and nodding thistles, respectively].

Section 2. Review. The department shall review the list of noxious weeds and invasive plants in this administrative regulation as established in KRS 176.051(4)(b).

CONTACT PERSON: Larisa Plecha, Staff Attorney III, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email larisa.plecha@ky.gov.

TRANSPORTATION CABINET
Department of Highways
Division of Incident Management
(As Amended at ARRS, December 9, 2021)

603 KAR 5:360. Transportation Cabinet use of interstate and parkway signs to locate missing persons.

RELATES TO: KRS 39F.180, 29F.200
STATUTORY AUTHORITY: KRS 39F.180
NECESSITY, FUNCTION, AND CONFORMITY: KRS 39F.180(2)(e) requires the duty officer of the Division of Emergency Management to provide notice to the Transportation Cabinet of certain missing persons in order to carry out prompt publication by message boards on all interstates and parkways in the Commonwealth of Kentucky. KRS 39F.180***(6)[(2)(e)]*** requires the Transportation Cabinet to promulgate administrative regulations relating to reporting requirements from the Division of Emergency Management to the Transportation Cabinet. This administrative regulation establishes the requirements to request the use of interstate and parkway signs related to missing persons.

Section 1. Definitions. (1) "Duty officer" means an officer on duty at the Division of Emergency Management, Emergency Communications Information Center or ECIC, at the time the notice of missing person is received.
(2) "Missing person" means a person missing, lost, or overdue as established in KRS 39F.180(1) and (2).
(3) "Missing person report" means, pursuant to KRS 39F.180(2)(a) through (d), a written or electronic report containing information to appropriately identify the missing person if the person is seen or discovered by a third party.
(4) "Notice" means information provided at the point in time a local search and rescue coordinator contacts the Division of Emergency Management with a request and required information to establish the basis for a missing person report.

Section 2. Reporting Requirements. (1) As established in KRS 39F.180(2)(a) through (d), the missing person report shall contain the name, age, gender, county last seen, and how traveling. If the traveling method is by automobile, the report shall include, if available, license plate, year, make, model, and color of automobile. Other known information that may be reasonably calculated to assist in the rescue effort shall also be noted in the report.
(2) Request shall be by and through a local search and rescue coordinator as established by KRS 39F.200***, the county emergency management agency as defined in KRS 39A.020(16), Kentucky State Police, or local law enforcement[~~in the County where the missing person was last seen~~]***.
(3) If the local search and rescue coordinator makes a request of a duty officer of the Division of Emergency Management and fails to provide information required by this administration, the request shall be considered insufficient notice to the duty officer of the Division of Emergency Management, and the duty officer shall not notify the Kentucky Transportation Cabinet.
(4) Upon receipt of a request, the duty officer shall contact the Transportation Cabinet if the local search and rescue coordinator determines pursuant to KRS 39F.180 that at any time during a search the use of electronic highway signs will aid in the search and is in the best interest of the missing person. Electronic highway signs that may be utilized shall include those located on the interstates and parkways.
(5) Upon request by a duty officer, the Transportation Cabinet shall publish information on available message boards permanently located on both interstates and parkways.
(6) Message options for interstate message boards may include:
(a) Option 1 – Interstate message board; or

(b) Option 2 – Interstate message board.

(7) Messages for parkway message boards may be formatted as in this example:

(8) The missing person message shall be discontinued by the Transportation Cabinet:
(a) Upon notice to the cabinet that the missing person has been found;
(b) Upon notice to the cabinet that an AMBER alert or other higher priority incident has been issued***[~~that takes precedence~~]***;
(c) Upon notice to the cabinet that a subsequent missing person notice has been issued for either a new notice for the same missing person or a new notice for a new missing person; or
(d) If the County search and rescue coordinator provides no further update to the cabinet after a period of four (4) hours.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

TRANSPORTATION CABINET
Department of Highways
Division of Maintenance
(As Amended at ARRS, December 9, 2021)

603 KAR 10:040. Advertising devices.

RELATES TO: KRS 177.572 - 177.576, 177.830 - 177.890, 177.990(2), 23 C.F.R. Part 750, 23 U.S.C. 131

STATUTORY AUTHORITY: KRS 177.860, 23 U.S.C. 131

NECESSITY, FUNCTION, AND CONFORMITY: KRS 177.860 requires the Commissioner of the Department of Highways to promulgate administrative regulations establishing standards for advertising devices. KRS 177.890 authorizes the Commissioner of the Department of Highways to enter into agreements with the United States Secretary of Transportation in order to carry out national policy relating to interstate, defense, and federal-aid primary highways within the state. 23 U.S.C. 131, the Highway Beautification Act, authorizes retention of additional federal funding on the establishment of controls over the placement of outdoor advertising devices. This administrative regulation establishes the standards for static and electronic advertising devices.

Section 1. Definitions.

(1) "Abandoned" means that, for a period of one (1) year or more, an advertising device previously lawfully erected has:

(a) Not displayed advertising;

(b) Displayed obsolete advertising; or

(c) Needed substantial repairs due to lack of maintenance.

(2) "Activity boundary line" means the delineation on a property of those regularly used buildings, parking lots, storage, and process areas that are integral and essential to the primary business activity that takes place on the property.

(3) "Advertiser" means a person or entity entered into a contractual agreement with the owner of an advertising device for advertisement services in the advertiser's interest that is displayed upon the subject advertising device at the time of violation.

(4) "Advertising device" is defined by KRS 177.830(5).**[**

~~(5) "Business device" means a device for advertising for which no compensation is derived, received, or exchanged for its use.~~]

(5)[~~(6)~~] "Centerline of the highway" means a line:

(a) Equidistant from the edges of the median separating the main traveled ways of a divided:

1. Interstate;

2. Parkway;

3. National highway system; or

4. Federal-aid primary highway; or

(b) That is the centerline of the main traveled way of a non-divided:

1. Interstate;

2. Parkway;

3. National highway system; or

4. Federal-aid primary highway.

(6)[~~(7)~~] "Commercial or industrial activities" is defined by KRS 177.830(9).

(7)[~~(8)~~] "Commercial or industrial land use":

(a) Means an activity, in a zoned area within 660 feet of the interstate or parkway right-of-way, engaged in for financial gain; and

(b) Does not mean:

1. The leasing of property for residential purposes;

2. An activity conducted in a building principally used as a residence;

3. An agricultural, forestry, ranching, grazing, farming, or related enterprise, including a wayside fresh produce stand;

4. Operation, maintenance, or storage of an advertising device;

5. A railroad track or minor siding; or

6. A facility generally recognized as a utility**,** such as a cell tower.

(8)[~~(9)~~] "Commercial or industrial zone" means an area adjacent to a highway zoned to allow business, commerce, or trade as established in local ordinance or regulation.

(9)[~~(10)~~] "Compensation" is defined by KRS 177.830(11).

(10)[~~(11)~~] "Conversion" or "converted" means to legally modify or change a legal permitted static advertising device to a legal permitted electronic advertising device or a legal permitted electronic advertising device to a legal permitted static advertising device and can include the replacement of the device face, facing, or structure.

(11)[~~(12)~~] "Department" means the Department of Highways within the Kentucky Transportation Cabinet.

(12)[~~(13)~~] "Destroyed" means **an** **[~~a nonconforming~~]** advertising device damaged beyond substantial repair due to weather related events, vandalism, or other criminal or tortious acts.

(13)[~~(14)~~] "Electronic advertising device":

(a) Means an advertising device that changes its message or copy by programmable electronic or mechanical processes; and

(b) Does not mean a numerical display changed by an electronic or mechanical process not exceeding one-half ***(1/2)*** of the face.

(14)[~~(15)~~] "Enlargement" means an addition to the permitted area of the facing of an advertising device.

(15)[~~(16)~~] "Erect":

(a) Means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or bring into being or establish; and

(b) Does not mean routine maintenance, including changing of a message or copy.

(16)[~~(17)~~] "Exchange credit" means a singular allotment of value assigned by the department for the removal of an approved eligible advertising device that can be transferred or redeemed by its owner in exchange for future qualification of an electronic advertising device permit.

(17)[~~(18)~~] "Extension" means a temporary addition to an advertising device for a message or copy.

(18)[~~(19)~~] "Face" means the part of the advertising device including trim and background that contains the message, copy, and informative content.

(19)[~~(20)~~] "Facing" means the face or faces displayed on the same advertising device and oriented in the same direction of travel.

(20)[~~(21)~~] "Federal-aid primary highway" is defined by KRS 177.830(3) and, pursuant to 23 U.S.C.131, refers to the existence of the highway on June 1, 1991.

(21)[~~(22)~~] "FHWA adjusted urban area boundaries" means a boundary, in addition to the urban area boundary, established by the department designed to encompass areas outside municipal boundaries that have urban characteristics with residential, commercial, industrial, or national defense land uses.

(22)[~~(23)~~] "Highway" means:

(a) An interstate, parkway, national highway system, or federal-aid primary highway located within the boundaries of the state of Kentucky and being further depicted by the Transportation Cabinet on http://maps.kytc.ky.gov/PAFOA/; and

(b) A public road maintained by the department.

(23)[~~(24)~~] "Interstate highway" is defined by KRS 177.830(2).

(24)[~~(25)~~] "Lawfully erected" means erected in compliance with law and administrative regulations in effect at the time of erection or as later allowed by law.

(25)[~~(26)~~] "Legal ***permitted*** ***[~~permit~~]***" means written authorization granting the erection or continued existence of an advertising device in compliance with current state law and administrative regulation.

(26)[~~(27)~~] "Main traveled way":

(a) Means the traveled way of a highway on which through traffic is carried; and

(b) Does not mean frontage roads, turning roadways, or parking areas.

(27)[~~(28)~~] "Nit" means a unit of measurement of luminance used to specify the brightness or the intensity of visible light from a device.

(28)[~~(29) "Noncompliant advertising device" means an advertising device that was erected within a protected area~~

~~**between the dates of April 24, 2020 and March 18, 2021 and that does not comply with current state law or this administrative regulation.**~~

~~**(30) "Noncompliant permit" means written authorization allowing the continued existence of a noncompliant advertising device, subject to current state law and this administrative regulation.**~~

~~**(31)**~~**]** "Nonconforming advertising device" means an advertising device that was once lawfully erected but does not comply with:

(a) Current state law or this administrative regulation; or

(b) Changed conditions such as:

1. A change in zoning;

2. The relocation or reclassification of a highway;

3. A change in restriction on size, space, or distance; or

4. The abandonment of required business or businesses.

(29)[~~**(32)**~~**]** "Nonconforming permit" means written authorization allowing the continued existence of a nonconforming advertising device, subject to current state law and this administrative regulation.

(30)[~~**(33)**~~**]** "Official sign" means a sign located within the highway right-of-way that has been installed by or on behalf of the department or another public agency having jurisdiction.

(31)[~~**(34)**~~**]** "Permit" means written authorization allowing the erection or continued existence of an advertising device, subject to current state law and this administrative regulation.

(32)[~~**(35)**~~**]** "Protected area" means the area adjacent to the right-of-way of an interstate, parkway, national highway system, or federal-aid primary highway, and being:

(a) Within 660 feet from the edge of the right-of-way in an area defined as an urban area; and

(b) **Within and extending** **[**~~**Extending**~~**]** beyond 660 feet from the edge of the right-of-way outside of an area defined as an urban area.

(33)[~~**(36)**~~**]** "Scenic byway" is defined by KRS 177.572.

(34)[~~**(37)**~~**]** "Scenic highway" is defined by KRS 177.572.

(35)[~~**(38)**~~**]** "Static advertising device" means an advertising device that does not use electric or mechanical technology to change the message or copy but can include a numerical display changed by an electronic or mechanical process that does not exceed one-half ***(1/2)*** of the face.

(36)[~~**(39)**~~**]** "Substantial repair" means the cost to repair the advertising device would exceed sixty (60) percent of the costs to replace it with an adverting device of the same basic construction using new materials and at the same location.

(37)[~~**(40)**~~**]** "Substantial structure" means an affixed, solid, or strong permanent construction.

(38)[~~**(41)**~~**]** "Turning roadway" means a connecting roadway for traffic turning between two (2) intersecting lanes of an interchange.

(39)[~~**(42)**~~**]** "Unzoned commercial or industrial area" is defined by KRS 177.830(8).

(40)[~~**(43)**~~**]** "Urban area" is defined by KRS 177.830(10) as well as any adjacent geographical area identified as FHWA Adjusted Urban Area Boundaries.

(41)[~~**(44)**~~**]** "Visible" means capable of being seen without visual aid by a person of normal visual acuity.

Section 2. Conditions Relating to Static and Electronic Advertising Devices Located in a Protected Area.

(1) A static or an electronic advertising device located in a protected area of an interstate, parkway, national highway system, or federal-aid primary highway displaying copy or a message, whether or not legible, that is visible from the main traveled way shall require a permit issued by the department.

(2) A permit shall only be issued for a device in a protected area of:

(a) An interstate or parkway being erected or maintained fifty (50) feet or more from the edge of the main traveled way or turning roadway that:

1. Is zoned commercial or industrial and was an incorporated municipality on or before September 21, 1959; or

2. Was zoned commercial or industrial and included a commercial or industrial land use on or before September 21, 1959; or

(b) A national highway system or federal-aid primary highway being erected or maintained in:

1. A commercial or industrial zone; or

2. An unzoned commercial or industrial area with a commercial or industrial activity that is located on the same side of the highway and within 700 feet of the activity boundary line measured **perpendicular to and along the centerline** **[**~~**along or parallel to the pavement**~~**]** of the highway; and

(c) Complies with applicable county or city zoning ordinance and regulations.

(3) To establish a protected area, the distance from the edge of a state-owned right-of-way shall be measured **perpendicular to and along** **[**~~**horizontally and at a right angle to**~~**]** the centerline of the interstate, parkway, national highway system, or federal-aid primary highway.

(4) The erection or existence of an advertising device shall be prohibited in a protected area if the device:

(a) Is abandoned;

(b) Is not clean and in good repair;

(c) Is not securely affixed to a substantial structure permanently attached to the ground;

(d) Directs the movement of traffic;

(e) Interferes with, imitates, or resembles an official traffic sign, signal, or traffic control device;

(f) Prevents the driver of a vehicle from having a clear and unobstructed view of an official sign or approaching or merging traffic;

(g) Is erected or maintained upon a tree;

(h) Is erected upon or overhanging the right-of-way;

(i) Is mobile, temporary, or vehicular;

(j) Is a static advertising device and painted or drawn on rocks or another natural feature; or

(k) Is a static advertising device and includes or is illuminated by flashing, intermittent, or moving lights.

(5) The spacing**, measured perpendicular to and along the centerline of the highway,** between static and electronic advertising devices **with visible facings oriented in the same** **[**~~**per**~~**]** direction of travel on:

(a) Interstates, parkways, national highway systems, or limited access federal-aid primary highways shall be a minimum of:

1. 2,500 feet between electronic advertising devices;

2. 500 feet between an electronic advertising device and a static advertising device; or

3. 500 feet between a static advertising device and another static advertising device; and

(b) Non-limited access federal-aid primary highways shall, pursuant to KRS 177.863(2)(a), be a minimum of:

1. 300 feet between advertising devices, unless separated by a building, natural obstruction, or roadway, in a manner so that only one (1) sign located within the required spacing distance shall be visible from the highway at any ***given*** ***[***~~***one***~~***]*** time; or

2. 100 feet between advertising devices if located within an incorporated municipality.

(6) An advertising device displaying copy or message, whether or not legible, that is visible from more than one (1) interstate, parkway, national highway system, or federal-aid primary highway shall meet the requirements of this section for each highway independently.

(7) An electronic advertising device shall only be erected or maintained within an urban area located within 660 feet of right-of-way of a highway.

(8) A static advertising device shall not be converted to an electronic advertising device prior to receiving a permit pursuant to Section **6[8]** of this administrative regulation.

(9) An electronic advertising device shall not be converted to a static advertising device prior to receiving a permit pursuant to Section **6[8]** of this administrative regulation.

(10) Lighting used for a static advertising device shall be:

(a) Only white;

(b) Effectively shielded to prevent a beam of light from being directed at the interstate, parkway, national highway system, or

federal-aid primary highway;

(c) Of low intensity that shall not cause glare or impair the vision of a driver or interfere with the operation of a motor vehicle; and

(d) Of a luminance less than 300 nits.

(11) An electronic advertising device erected or maintained in a protected area shall:

(a) Not have a facing larger than 672 square feet;

(b) Not have more than one (1) face per facing;

(c) Not contain extensions to the face;

(d) Not have interior angles between two (2) facings that exceed forty-five (45) degrees; and

(e) Be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to a luminance of 300 nits or less if the ambient light is ***one and one-half (1.5)[~~1.5~~]*** foot candles or less. Software calibration reports or relevant data to determine compliance with this requirement shall be provided to the department upon request.

(12) The message or copy on an electronic advertising device shall:

(a) Be static for at least eight (8) seconds;

(b) Change from one (1) message or copy to another in less than two (2) seconds;

(c) Not blink, scroll, or contain animation or video; and

(d) Be programmed to freeze in a static display if a malfunction occurs.

(13) A static advertising device:

(a) Shall not:

1. Exceed the maximum size of 1,250 square feet per facing as established in KRS 177.863(3)(a);

2. Contain more than two (2) advertisements or faces per facing pursuant to KRS 177.863(3)(b); or

3. Have interior angles between two (2) facings that exceed forty-five (45) degrees **if device has more than two (2) faces**; and

(b) May contain extensions up to fifteen (15) percent of the face of the advertising device but shall not exceed the maximum size limits of the facing of the device established in KRS 177.863(3)(a).

(14) Static advertising devices that are no more than fifteen (15) feet apart at the nearest point between the devices and have the same ownership shall be counted as a single device.

(15) The name of the owner of an advertising device shall:

(a) Be legible from the main traveled way;

(b) Not be larger than twenty (20) square feet;

(c) Be shown without other owner information; and

(d) Not be considered an advertisement.

Section 3. Exchange of Advertising Device for Permit.

(1) An advertising device proposed for exchange shall require eligibility approval by the department pursuant to **[~~subsections (3), (4), and (5) of~~]** this section prior to removal.

(2) The owner of an approved advertising device exchange shall receive an exchange credit by the department upon verification of removal.

(3) An advertising device eligible for exchange shall be:

(a) Currently nonconforming as established in Section 4 of this administrative regulation or pursuant to local regulations;

(b) Not less than fifty (50) square feet per facing; and

(c) Situated in an unpermittable location in a protected area**.[~~; or~~**

~~(d) Observable from a scenic highway.~~]

(4) The submittal of six (6) exchange credits shall be required for one (1) new electronic advertising device permit located within the protected area of an interstate, parkway, national highway system, or federal-aid primary highway.

(5) The submittal of five (5) exchange credits shall be required for the conversion of an existing legal permitted static advertising device in an urban area to an electronic advertising device.

(6) If an Application for Electronic Advertising Device is denied by the department, the department shall hold and apply any exchange credits pending the outcome of any subsequent appeal or until exchange credits can be applied toward another approved application.

(7) If the permittee voluntarily removes an advertising device and receives an exchange credit, the permittee shall thereby waive any right or claim to any additional compensation from the department for that device.

(8) The ownership of an exchange credit may be transferred with acknowledgment of the department and shall be submitted on a completed Advertising Device or Exchange Credit Ownership Transfer, TC Form 99-224.

Section 4. Nonconforming Static and Electronic Advertising Devices.

(1) A nonconforming advertising device in a protected area shall require a nonconforming permit.

(2) A nonconforming advertising device permit shall be required to be renewed annually pursuant to Section **6[~~8~~]** of this administrative regulation.

(3) A nonconforming advertising device may remain in place if the device:

(a) Is not abandoned;

(b) Has been subjected to only routine maintenance as established in subsection **(4)[~~(6)~~]** of this section;

(c) Was in compliance with state law and KAR Title 603 as well as local zoning, sign, or building restrictions at the time of erection; and

(d) Remains unaltered beyond the extent of routine maintenance as it was on the effective date of the state law or requirement of KAR Title 603 that made the device nonconforming.

(4) An owner may conduct routine maintenance of a nonconforming advertising device. Routine maintenance shall include:

(a) In kind replacement of material components with a like material component;

(b) Painting of supports and frames;

(c) Changing existing nonstructural light fixtures for energy efficiency;

(d) Replacement of nuts, bolts, or nails;

(e) A safety related addition**,** such as a catwalk**,** that does not prolong the life of the advertising device but provides protection for workers;

(f) Rebuilding a destroyed advertising device; or

(g) Changing an advertising message or copy on an advertising device.

(5) An owner shall not conduct non-routine maintenance of a nonconforming advertising device. Non-routine maintenance shall include:

(a) Enlargement of the device;

(b) A change in the structural support including material diameters, dimensions, or type that would result in increased economic life**,** such as replacement of wood posts with steel posts or the replacement of a wood frame with a steel frame;

(c) The addition of bracing, guy wires, or other reinforcement;

(d) A change in the location or configuration of the device;

(e) A change in the direction **or configuration** of the face or faces;

(f) The addition of a light or lights, either attached or unattached, to help illuminate the nonconforming static adverting device structure that previously had no lighting for illumination; or

(g) The addition of a variable or changeable message capability including a numerical display that is changed by an electronic or mechanical process on a static advertising device.

(6) Non-routine maintenance on a nonconforming advertising device shall constitute a violation of this administrative regulation and result in the loss of nonconforming classification and action pursuant to Section **8[~~10~~]** of this administrative regulation.

Section 5. **[~~Business Devices.~~**

~~(1) A business device that complies with this administrative regulation shall only be erected in a protected area if the device complies with county or city zoning ordinances but shall not require a permit from the department.~~

~~(2) A business device shall only be erected upon the property parcel where the business or businesses are located as is demarcated by the unique Parcel Identification Number utilized and assigned by the Property Valuation Administration Office of jurisdiction and:~~

~~(a) Inside the activity boundary line; or~~

~~(b) No further than 400 feet from the activity boundary line.~~

~~(3) A business device placed within fifty (50) feet of the activity boundary line shall not exceed 1,250 square feet, including border and trim excluding supports. An entrance or exit on the property shall be considered within the activity boundary line.~~

~~(4) If further than fifty (50) feet outside the activity boundary line, a business device shall not exceed:~~

~~(a) Twenty (20) feet in length, width, or height; and~~

~~(b) 150 square feet in area, including border and trim and excluding supports.~~

~~(5) No more than one (1) business device shall be located at a distance greater than fifty (50) feet outside of the activity boundary line.~~

~~(6) If taking measurements for the placement of a business device for an industrial park, the service road shall be considered within the activity boundary line of the industrial park.~~

~~(7) A business device erected to advertise one (1) of the businesses in a shopping center, mall, or other combined business location shall not be located more than fifty (50) feet outside the activity boundary line of the property parcel.~~

~~(8) If taking measurements for the placement of business device for a shopping center, mall, or other combined business location, the combined parking area shall be considered within the activity boundary line.~~

~~(9) A business device erected for a shopping center, mall, or other combined business location shall either:~~

~~(a) Identify a business or businesses situated upon the same property parcel; or~~

~~(b) Display business activities being conducted upon the same property parcel.~~

~~(10) A business device shall not:~~

~~(a) Be of such intensity as to cause glare or impair the vision of a driver;~~

~~(b) Move, or have moving or animated parts;~~

~~(c) Be erected or maintained on a tree; or~~

~~(d) Be erected upon or overhanging the right-of-way.~~

~~(11) An electronic business device shall be equipped with a sensor or other device that automatically determines the ambient illumination and shall be programmed to automatically dim to a luminance of 300 nits or less if the ambient light is 1.5 foot candles or less. Software calibration reports or relevant data to determine compliance with this requirement shall be provided to the department upon request.~~

~~(12) A business device shall not affect the spacing requirements of an advertising device as established in Section 2(5) of this administrative regulation.~~

~~(13) Extensions of a facing up to fifteen (15) percent shall be allowed but shall not exceed the maximum size of the facing of the device as established this section.~~

~~(14) The owner of a business device shall be subject to revolving compensation compliance reviews and upon request shall provide to the department all requested documentation relevant to certify the continued compliance of a business device such as:~~

~~(a) A signed affidavit in which the device owner shall attest to the device's compliance to current law and this administrative regulation;~~

~~(b) Financial records or statements relevant to compliance certification; and~~

~~(c) PVA parcel data.~~

~~(15) If the device is determined to be an advertising device, paragraphs (a) through (d) of this subsection shall apply.~~

~~(a) The department shall send notice by certified letter to the owner of a business device that becomes subject to this chapter. If the owner of the business device cannot be identified, the department shall send notice to the landowner of record.~~

~~(b) The device owner shall apply for and obtain an advertising device permit in accordance with the provisions of this administrative regulation within sixty (60) days of notice.~~

~~(c) If the device owner cannot be determined or located, the landowner shall be required to remove the device.~~

~~(d) If the owner of a device as established in paragraph (a) of this subsection does not obtain an advertising device permit within sixty (60) days of the notice, the owner shall be subject to:~~

~~1. A fine of $500 per violation pursuant to KRS 177.990(2); and~~

~~2. Provisions as established in KRS 177.870.~~

~~(16) If the device is found to be out of compliance with current business device requirements, paragraphs (a) through (d) of this subsection shall apply.~~

~~(a) The department shall send notice by certified letter to the owner of a business device stating the required corrective action or actions to become compliant with the provisions of this section. If the owner of the business device cannot be identified, the department shall send notice to the landowner of record.~~

~~(b) The device owner shall implement required corrective actions or actions within sixty (60) days of notice.~~

~~(c) If the device owner cannot be determined or located, the landowner shall be required to remove the device.~~

~~(d) If the owner of a device as established in paragraph (a) of this subsection does not correct the violation or violations within sixty (60) days of notice, the owner shall be subject to:~~

~~1. A fine of $500 per violation pursuant to KRS 177.990(2); and~~

~~2. Action pursuant to Section 10 of this administrative regulation.~~

~~Section 6. Noncompliant Static and Electronic Advertising Devices.~~

~~(1) A noncompliant advertising device in a protected area shall require a noncompliant permit.~~

~~(2) A noncompliant advertising device permit shall be required to be renewed annually pursuant to Section 8 of this administrative regulation.~~

~~(3) A noncompliant advertising device may remain in place if the device:~~

~~(a) Is not abandoned;~~

~~(b) Has been limited to maintenance activities as established in Section 4(6) (b) through (f) of this administrative regulation to correct hazardous conditions determined to be in the interest of the safety of the traveling public; and~~

~~(c) Was in compliance with local zoning, sign, or building restrictions at time of erection.~~

~~(4) A noncompliant advertising device in a protected area shall be granted a legal permit if the device is in compliance with current state law and this administrative regulation.~~

~~(5) Except as established in subsection (3)(b) of this section, maintenance on a noncompliant advertising device shall constitute a violation of KRS 177 and this administrative regulation and shall result in the loss of noncompliant classification and action pursuant to Section 10 of this administrative regulation.~~

~~(6) Noncompliant advertising devices shall not be eligible as an exchange credit.~~

~~Section 7.~~] Scenic Highways and Byways.

(1) Subsequent to the designation of a scenic highway by the Transportation Cabinet, additional static or electronic advertising devices shall not be erected, allowed, or permitted that are visible

from the scenic highway.

(2) The sponsor of a scenic byway application may petition the Transportation Cabinet to impose the same administrative regulations for a static or electronic advertising device located on a scenic byway as a static or electronic advertising device located on a scenic highway.

(3) Only routine maintenance as established in Section **4(4)[4(3)]** shall be performed on a static or electronic advertising device legally in existence on the date of the scenic highway designation.

Section 6.[~~Section 8.~~] Permits, Renewals, and Transfers.

(1) The requirements of this section shall apply to legal **and[,]** nonconforming**[~~, and noncompliant~~]** advertising devices within a protected area of an interstate, parkway, national highway system, or federal-aid primary highway.

(2) A permit shall be required from the department for a legal **and[,]** nonconforming**[~~, or noncompliant~~]** advertising device located within a protected area.

(3) The initial permit shall be valid until the expiration of the applicable renewal period. If the renewal period falls within three (3) months of the initial permit issuance, the initial permit shall be valid until the next renewal period.

(4) An application for a static or an electronic advertising device permit shall be submitted on a completed Application for Static Advertising Device, TC Form 99-221 or Application for Electronic Advertising Device, TC Form 99-222.

(5) Application for an advertising device permit and annual permit renewal shall require a fee pursuant to KRS 177.860(1) and as established in Section **7[~~9~~]** of this administrative regulation.

(6) The timing of issuance of an advertising device permit shall be determined based on the order in which a completed application and payment of applicable fees are made to the department.

(7) The permit issued for the erection of a static or electronic advertising device that has not been constructed prior to the renewal date shall be revoked.

(8) If an advertising device is erected or maintained without an approved permit, the department shall issue a notice of violation to the owner of the device. If the owner of the device cannot be identified, the department shall send notice to the landowner of record.

(9) If a violation is not cured within sixty (60) days of the date of receipt of the notice, the owner or landowner shall be subject to:

(a) A fine of $500 per violation pursuant to KRS 177.990(2); and

(b) Action pursuant to Section **8[~~10~~]** of this administrative regulation.

(10) **Between [~~Beginning in 2023, between~~]** the renewal period of November 1 and December 31, a completed Advertising Device Annual Permit Renewal Request, TC Form 99-223, and applicable photographs shall be submitted **beginning in 2023**. An incomplete or inaccurate submission shall not be considered by the department.

(11) Annual permit renewals shall require a fee in the amount of $100 per each static or electronic advertising device pursuant to KRS 177.860(1).

(12) Failure to submit a completed Advertising Device Annual Permit Renewal Request, TC Form 99-223, applicable photographs, and payment of applicable fees within thirty (30) days of the expiration of the permit shall result in:

(a) The owner of the legal **and[,]** nonconforming**[~~, or noncompliant~~]** advertising device being fined $500 per permit violation pursuant to KRS 177.990(2); and

(b) Conditional suspension of the permit.

(13) Upon receipt of a completed Advertising Device Annual Permit Renewal Request, TC Form 99-223, applicable photographs, and payment of applicable fees and fines within sixty (60) days of the expiration, the suspended permit shall be reinstated if compliant with current law and this administrative regulation.

(14) Failure to submit a completed Advertising Device Annual Permit Renewal Request, TC Form 99-223, applicable photographs, and payment of applicable fees and fines within sixty (60) days of the expiration of the permit shall result in:

(a) Revocation of the permit;

(b) Loss of nonconforming **[~~or noncompliant~~]** classification for a nonconforming **[~~or noncompliant~~]** advertising device; and

(c) Action pursuant to Section **8[~~10~~]** of this administrative regulation.

(15) A static or electronic advertising device may be sold, leased, or otherwise transferred without affecting its status, but its location or configuration shall not be changed. A transfer of ownership for an advertising device shall be submitted on a completed Advertising Device or Exchange Credit Ownership Transfer, TC Form 99-224.

(16) Notification of a substantial change to an approved static or electronic advertising device permit shall be submitted **and approved by [~~to~~]** the department prior to work being performed. Substantial change to an advertising device shall include:

(a) Enlargement of the device;

(b) Replacement, rebuilding, or re-erection of a device that has not been destroyed;

(c) A change in the structural support including material diameters, dimensions, or type that would result in increased economic life**,** such as replacement of wood posts with steel posts or the replacement of a wood frame with a steel frame;

(d) The addition of bracing, guy wires, or other reinforcement;

(e) A change in the location of the device;

(f) A change in the direction or configuration of the face or faces; or

(g) The addition of a light or lights, either attached or unattached, to help illuminate a static advertising device structure that previously had no lighting for illumination. The addition of lights may include a numerical display that is changed by an electronic or mechanical process that was not included in the original permit.

(17) Making a substantial change to a device without **prior approval from [~~first submitting notification to~~]** the department constitutes a violation of this administrative regulation and shall result in action pursuant to Section **8[~~10~~]** of this administrative regulation.

(18) Issuance of a permit under this administrative regulation shall not create a contract or property right in the permit holder.

Section 7.[~~Section 9.~~] Permit Fees.

(1) **Permit fees and annual renewal fees shall be assessed pursuant to KRS 177.860 beginning on January 1, 2023[~~Beginning on January 1, 2023, pursuant to KRS 177.860, permit fees and annual renewals fees shall be assessed~~]**, including:

(a) $250 for an Application for Electronic Advertising Device permit;

(b) $150 for an Application for Static Advertising Device permit; and

(c) $100 for the Advertising Device Annual Permit Renewal Request.

(2) A fee established by this section shall be payable by cashier's check or electronic payment.

(3) A fee paid to the department established in this section shall be nonrefundable.

Section 8.[~~Section 10.~~] Notice of Violations; Appeals.

(1) The department shall notify the owner of an advertising device by certified letter that the device is in violation of KRS Chapter 177 or this administrative regulation.

(2) If ***the*** device continues to be in violation thirty (30) days after notice, the department shall notify the landowner, the advertiser, and the owner of an advertising device by certified letter that the device is in violation of KRS Chapter 177 or this administrative regulation.

(3) The landowner, the advertiser, or the owner of an advertising device aggrieved by the findings of the department may request an administrative hearing. An administrative hearing shall be pursuant to KRS Chapter 13B.

(a) The request shall be in writing and within thirty (30) days of

the certified letter.

(b) A request for a hearing shall thoroughly state the grounds upon which the hearing is requested.

(c) The hearing request shall be addressed to the Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622.

(4) If the landowner, the advertiser, or the owner of an advertising device fails to request an administrative hearing or fails to cure the violation within thirty (30) days of notice, the department shall proceed pursuant to KRS 177.870.

Section 9.[~~Section 11.~~] Penalties.

(1) The owner of an advertising device in violation of a provision of KRS Chapter 177 or ***[~~of~~]*** this administrative regulation shall be assessed a penalty of $500 per violation pursuant to KRS 177.990(2).

(2) The department shall deny or revoke a permit if the permit application or renewal contains false or materially misleading information.

Section 10.[~~Section 12.~~] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Static Advertising Device", TC Form 99-221, July 2021;

(b) "Application for Electronic Advertising Device", TC Form **99-222, October[~~99-221, July~~]** 2021;

(c) "Advertising Device Annual Permit Renewal Request", TC Form 99-223, **October[~~July~~]** 2021;

(d) "Advertising Device or Exchange Credit Ownership Transfer", TC Form 99-224, **October[~~July~~]** 2021; and

(e) The formal designation of interstates, parkways, national highway system, and federal-aid primary highways by the Kentucky Transportation Cabinet may be found on the department's Web site at: http://maps.kytc.ky.gov/PAFOA/.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Building, Department of Highways, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

KENTUCKY STATE UNIVERSITY
(As Amended at ARRS, December 9, 2021)

745 KAR 1:035. Procurement procedures.

RELATES TO: KRS 164A.575

STATUTORY AUTHORITY: KRS 164A.560

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164A.560 ***authorizes*** ***[~~vests the responsibility with~~]*** the governing board of a public institution of public higher education to elect to perform financial management functions in accordance with KRS 164A.555 to 164A.630 by ***promulgating*** ***[~~issuing~~]*** administrative regulations ***and it also authorizes[~~. It also permits~~]*** the board to delegate these responsibilities to an institution official. ***[~~The function of~~]*** This administrative regulation ***implements*** ***[~~shall be to implement~~]*** the provisions of KRS 164A.560(1) and 164A.575 at Kentucky State University.

Section 1. The Board of Regents of Kentucky State University, under the authorization of KRS 164A.560, elects to perform the financial management functions specified in KRS 164A.575, Sections (1), (2), (3), (4), (5), (6), (7), (8), (9)[~~(10)~~], (11), [~~and~~] (12), (13), (14), (15), (16), (17), and (18).

Section 2. The president of the university shall be authorized by the Board of Regents of Kentucky State University to perform the financial management functions specified in KRS 164A.575, Sections (1), (2), (3), (4), (5), (6), (7), (8), (9)[~~(10)~~], (11), [~~and~~] (12), (13), (14), (15), (16), (17), and (18).

Section 3. The president of the university shall be authorized by the Board of Regents of Kentucky State University to negotiate with vendors as authorized by KRS 164A.575[~~(2)~~].

CONTACT PERSON: Gregory M. Rush, Vice President for Finance and Administration, Finance and Administration, Julian M. Carroll Academic Services Building, Suite 201, 400 East Main Street, Frankfort, Kentucky 40601, phone (502) 597-6343, and email Gregory.Rush@kysu.edu.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(As Amended at ARRS, December 9, 2021)

804 KAR 4:212. In-State Distilled Spirits Supplier License.

RELATES TO: KRS 243.030(35)***, 244.130, 244.440***

STATUTORY AUTHORITY: KRS 241.060; KRS 243.030(35)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060 authorizes the board to promulgate reasonable ***administrative*** regulations governing procedures relative to the applications for and revocations of licenses, and the supervision and control of the use, manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages. KRS 243.030(35) authorizes the board to promulgate administrative regulations to provide for special licenses that the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine. This ***administrative*** regulation provides for the creation of an in-state distilled spirits supplier license to regulate the traffic in distilled spirits by resident owners and suppliers of distilled spirits brands.

Section 1. Definition. "In-state distilled spirits supplier" means a resident brand owner and supplier of distilled spirts products who does not operate a distillery, but through other legal means creates distilled spirits products to sell under its own brand name.

Section 2. License. (1) An in-state distilled spirits supplier license shall authorize the licensee to:

(a) Sell distilled spirits under brands that the licensee owns, for which the licensee is the primary source of supply, or in which the licensee has an exclusive interest, at wholesale to wholesalers in the Commonwealth; and

(b) Advertise distilled spirits brands that the licensee is authorized to sell in accordance with KRS 244.130.

(2) An in-state distilled spirits supplier license shall not authorize the licensee to purchase, transport, store, or possess distilled spirts for the purposes of sale.

Section 3. Qualifications. (1) To qualify for an in-state distilled spirits supplier license, the applicant shall:

(a) Reside in Kentucky;

(b) Be the owner, the primary source of supply, or have an exclusive interest in a particular brand of distilled spirits;

(c) Obtain a federal wholesaler's basic permit;

(d) Register with the Kentucky Department of Revenue; and

(e) Comply with all federal and state laws and regulations.

(2) An applicant that wishes to sell 50,000 or more gallons of distilled spirits shall:

(a) Complete the Online ***In-State Distilled Spirits Supplier License*** Application for an in-state distilled spirits supplier license via the department's Online Portal at: https://abc-portal.ky.gov/s/ ***following the Kentucky Alcoholic Beverage Control Licensing Portal Applicant/Licensee User Guide (Request or Apply) that depicts the application process through the department's online portal***; and

(b) Pay an annual fee equal to the amount of the fee for the out-of-state distilled spirits and wine supplier's license under KRS

243.030(30).

(3) An applicant that wishes to sell less than 50,000 gallons of distilled spirits shall:

(a) Complete the Online ***In-State Distilled Spirits Supplier License*** Application for a limited in-state distilled spirits supplier license via the department's Online Portal at: https://abc-portal.ky.gov/s/ ***following the Kentucky Alcoholic Beverage Control Licensing Portal Applicant/Licensee User Guide (Request or Apply) that depicts the application process through the department's online portal***; and

(b) Pay an annual fee equal to the amount of the fee for the limited out-of-state distilled spirits and wine supplier's license under KRS 243.030(31).

Section 4. Prohibited substantial interests. An in-state distilled spirits supplier license applicant and in-state distilled spirits supplier licensee shall comply with 804 KAR 4:015 and for that purpose shall be considered a "manufacturer" as defined in 804 KAR 4:015.

Section 5. Brand Registration. In accordance with 804 KAR 4:410 and KRS 244.440, an in-state distilled spirits supplier licensee shall register with the department all brands the licensee intends to sell in Kentucky.

Section 6. Taxes. An in-state distilled spirits supplier licensee shall pay all applicable taxes for the sales of its products.

Section 7. Direct Shipper Licenses. This ***administrative*** regulation shall not be interpreted to relate to direct shipper licenses.

Section 8. Incorporation by Reference. (1) ***The following material is incorporated by reference:***

(a) "Online In-State Distilled Spirits Supplier License Application", ***December[June]*** 2021***; and [, is incorporated by reference.]***

(b)[(2)] "Kentucky Alcoholic Beverage Control Licensing Portal Applicant\Licensee User Guide (Request or Apply)", September 2021, depicting the application process through the department's online portal***[, is incorporated by reference]***.

(2)[(3)] This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE 33, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. ***This material is also available on the department's Web site at https://abc.ky.gov/newstatic_Info.aspx?static_ID=652.***

CONTACT PERSON: Joshua Newton, General Counsel, Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE #226, Frankfort, Kentucky 40601, phone (502) 782-0770, fax (502) 564-4850, email Joshua.Newton@ky.gov.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(As Amended at ARRS, December 9, 2021)

804 KAR 4:251. Special temporary licenses.

RELATES TO: KRS 243.260

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: ***KRS 241.060(1) authorizes the board to promulgate reasonable administrative regulations governing procedures relative to applications for licensure.*** KRS 243.260 provides for the issuance of a special temporary license in wet territory to any regularly organized fair, exposition, racing association, or other party, when, in the opinion of the board a necessity ***for the license[therefore]*** exists. This administrative regulation establishes application procedures and requirements for special temporary licenses.

Section 1. Definition. "Organized civic or community-sponsored event" means a public gathering of broad appeal where citizens are invited and encouraged to attend without significant cost of admission that is sponsored or acknowledged by the city or county government in which the event is conducted, including any convention, conference, celebration, pageant, parade, festival, fair, public display, commemoration, or other type of public assemblage conducted for the benefit and enjoyment of the general public.

Section 2. An applicant for a special temporary license pursuant to KRS 243.260 shall complete the online application process and submit their ***Online Special Temporary License*** Application electronically at the Kentucky Alcoholic Beverage Control portal: https://abcportal.ky.gov/BELLEExternal. The applicant shall complete and submit their application no later than five (5) working days prior to the date for which the license is requested.

Section 3. An applicant for a special temporary license pursuant to KRS 243.260 shall provide supplemental information as the board shall ***find[deem]*** necessary for proper review of the application.

Section 4. For purposes of the issuance of special temporary licenses pursuant to KRS 243.260, necessity, in the opinion of the board, shall limit applicants to:

(1) A regularly organized fair, exposition, racing association, nonprofit organization, or political campaign function; or

(2) A for-profit individual, corporation, or organization if the license will be used in conjunction with an organized civic or community-sponsored event.

Section 5. For-profit individual, corporate, or organizational applicants for a temporary license in conjunction with an organized civic or community-sponsored event shall submit written or documentary evidence of the civic nature of the event, including promotional materials or news articles evidencing the local government's knowledge of, and support for, the event for which the applicant seeks a temporary license.

Section 6. Incorporation by Reference. (1) "Online Special Temporary License Application", February 2021, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE 33, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. ***This material is also available on the department's Web site at https://abc.ky.gov/newstatic_Info.aspx?static_ID=652.***

CONTACT PERSON: Joshua Newton, General Counsel, Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE #226, Frankfort, Kentucky 40601, phone (502) 782-0770, fax (502) 564-4850, email Joshua.Newton@ky.gov.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(As Amended at ARRS, December 9, 2021)

804 KAR 4:480. License surrender.

RELATES TO: KRS ***243.100,*** 243.520***[, 243.100]***

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060***(1)*** authorizes the board to promulgate reasonable regulations governing procedures relative to the applications for and revocations of licenses, and the supervision and control of the use, manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages. This ***administrative*** regulation empowers the board to continue administrative proceedings to

adjudicate violations of KRS Chapters 241 to 244 by licensees and former licensees despite the surrender of their licenses in order to ensure that licensees who violate alcoholic beverage control laws ***are[~~may be~~]*** held accountable and duly prevented from becoming licensed again for two ***(2)*** years in accordance with KRS 243.100.

Section 1. The surrender or expiration of a license shall not affect a proceeding to suspend or revoke a license. The board shall retain the authority to enforce relevant provisions and penalties of KRS Chapters 241 to 244 against any individual or business entity who is under investigation for or charged with a violation of those chapters, even if the individual's or business entity's license has been surrendered or has lapsed by operation of law***.***

Section 2. This administrative regulation shall not be interpreted to relate to direct shipper licenses.

CONTACT PERSON: Joshua Newton, General Counsel, Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE #226, Frankfort, Kentucky 40601, phone (502) 782-0770, fax (502) 564-4850, email Joshua.Newton@ky.gov.

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Financial Standards and Examinations
(As Amended at ARRS, December 9, 2021)

806 KAR 5:025. Credit for reinsurance.

RELATES TO: KRS ***61.876, 61.878,*** 304.5-140***, 304.33-350, 12 U.S.C. 1703, 1709, 1715b, 15 U.S.C. 78a-78kk, 80a, 42 U.S.C. Section 5402(6)***

STATUTORY AUTHORITY: KRS 304.2-110, 304.5-140

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110 authorizes the commissioner to make reasonable rules and regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, KRS Chapter 304. KRS 304.5-140 authorizes the commissioner to promulgate administrative regulations to implement the provisions of that section. This administrative regulation implements KRS 304.5-140 by establishing credit for reinsurance.

Section 1. Definitions.

(1) ***"Additional information required by the commissioner" means any supplementary information directly related to the requirements specified by statute and this administrative regulation, that is necessary to ensure that the requirements specified by statute and this administrative regulation are being met, and does not add additional requirements not specified by statute and this administrative regulation.***

(2) "Beneficiary" means:

(a) The entity for whose sole benefit the trust has been established and any successor of the beneficiary by operation of law; and

(b) If a court of law appoints a successor in interest to the named beneficiary, the named beneficiary ***is[~~shall be~~]*** the court appointed domiciliary receiver, including the conservator, rehabilitator, or liquidator.

(3)[~~(2)~~] "Evergreen clause" means a provision in a letter of credit or its confirmation that prevents the expiration of the letter of credit or its confirmation without written notice to the beneficiary from the issuing or confirming bank or trust company as provided by this administrative regulation.

(4)[~~(3)~~] "Grantor" means:

(a) The entity that has established a trust for the sole benefit of the beneficiary; and

(b) If the trust is established in conjunction with a reinsurance agreement, the unlicensed, unaccredited assuming insurer.

(5)[~~(4)~~] "Liabilities" means the assuming insurer's gross liabilities attributable to reinsurance ceded by U.S. domiciled insurers excluding liabilities that are otherwise secured by acceptable means.

(6)[~~(5)~~] "Mortgage-related security" means an obligation that is rated AA or higher, or the equivalent, by a securities rating agency recognized by the Securities Valuation Office of the NAIC and that:

(a) Represents ownership of one (1) or more promissory notes or certificates of interest or participation in the notes, including any rights designed to assure servicing of, or the receipt or timeliness of receipt by the holders of the notes, certificates, or participation of amounts payable under, the notes, certificates, or participation, that:

1. Are directly secured by a first lien on a single parcel of real estate, including stock allocated to a dwelling unit in a residential cooperative housing corporation, upon which is located a dwelling or mixed residential and commercial structure, or on a residential manufactured home as defined in 42 U.S.C. Section 5402(6), whether the manufactured home is considered real or personal property under the laws of the state in which it is located; and

2. Were originated by a savings and loan association, savings bank, commercial bank, credit union, insurance company, or similar institution that is supervised and examined by a federal or state housing authority, or by a mortgagee approved by the Secretary of Housing and Urban Development pursuant to 12 U.S.C. Sections 1709 and 1715b, or, where the notes involve a lien on the manufactured home, by an institution or by a financial institution approved for insurance by the Secretary of Housing and Urban Development pursuant to 12 U.S.C. Section 1703; or

(b) Is secured by one (1) or more promissory notes or certificates of deposit or participations in the notes, with or without recourse to the insurer of the notes, and by its terms provides for payments of principal in relation to payments, or reasonable projections of payments, or notes meeting the requirements of paragraph (a) of this subsection.

(7)[~~(6)~~] "Obligations" means:

(a) Reinsured losses and allocated loss expenses paid by the ceding company, but not recovered from the assuming insurer;

(b) Reserves for reinsured losses reported and outstanding;

(c) Reserves for reinsured losses incurred***,*** but not reported; and

(d) Reserves for allocated reinsured loss expenses and unearned premiums.

(8)[~~(7)~~] "Promissory note" means, when used in connection with a manufactured home, a loan, or advance or credit sale, as evidenced by a retail installment sales contract or other instrument.

(9)[~~(8)~~] "Solvent scheme of arrangement" means a foreign or alien statutory or regulatory compromise procedure subject to requisite majority creditor approval and judicial sanction in the assuming insurer's home jurisdiction either to finally commute liabilities of duly noticed classed members or creditors of a solvent debtor, or to reorganize or restructure the debts and obligations of a solvent debtor on a final basis, and which may be subject to judicial recognition and enforcement of the arrangement by a governing authority outside the ceding insurer's home jurisdiction.

Section 2. Reinsurer Licensed in Kentucky. The commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is authorized to transact insurance or reinsurance in Kentucky as of any date on which statutory financial statement credit forreinsurance is claimed.

Section 3. Accredited Reinsurers. The commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is accredited as a reinsurer in Kentucky as of the date on which statutory financial statement credit for reinsurance is claimed.

(1) To gain accreditation, a reinsurer shall:

(a) File a properly executed Form AR-1 as evidence of its submission to Kentucky's jurisdiction and authority to examine its books and records;

(b) File a certified copy of a certificate of authority or other acceptable evidence that it is licensed to transact insurance or reinsurance in at least one (1) state, or, in the case of a U.S.

branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one (1) state;

(c) File annually a copy of its annual statement filed with the insurance department of its state of domicile or, in the case of an alien assuming insurer, with the state through which it is entered and in which it is licensed to transact insurance or reinsurance, and a copy of its most recent audited financial statement; and

(d) Maintain a surplus as regards policyholders in an amount not less than $20,000,000, or obtain affirmative approval of the commissioner upon a finding that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers.

(2) If the commissioner determines that the assuming insurer has failed to meet or maintain any of the qualifications established by ***subsection (1) of this section[~~Section 3(1)~~]***, the commissioner may suspend or revoke the accreditation.

(3) Credit shall not be allowed a domestic ceding insurer under this section if the assuming insurer's accreditation has been revoked by the commissioner, or if the reinsurance was ceded while the assuming insurer's accreditation was under suspension by the commissioner.

Section 4. Reinsurer Domiciled in Another State. The commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that satisfies all requirements of KRS 304.5-140(3)(c) and files a properly executed Form AR-1.

Section 5. Reinsurers Maintaining Trust Funds. (1) The commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer which, as of any date on which statutory financial statement credit for reinsurance is claimed, and thereafter ***if[~~for so long as~~]*** credit for reinsurance is claimed, maintains a trust fund in an amount in accordance with this section in a qualified U.S. financial institution as defined in KRS 304.5-140(1)(b), for the payment of valid claims of its U.S. domiciled ceding insurers, their assigns and successors in interest. ***The assuming insurer shall annually report to the commissioner pursuant to KRS 304.5-140(3)(d)1.[~~The assuming insurer shall report annually to the commissioner substantially the same information as that required to be reported on the National Association of Insurance Commissioners (NAIC) annual statement form by licensed insurers, to enable the commissioner to determine the sufficiency of the trust fund.~~]***

(2) Credit for reinsurance shall not be granted unless the form of the trust and any amendments to the trust have been approved by either the commissioner of the state where the trust is domiciled or the commissioner of another state who, pursuant to the terms of the trust instrument, has accepted responsibility for regulatory oversight of the trust. The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust instrument shall satisfy all requirements of KRS 304.5-140***(3)[(1)]***(d)***5.[~~(5)~~]***, and ***6.[~~(6)~~]***, and include that contested claims shall be valid and enforceable out of funds in trust to the extent remaining unsatisfied thirty (30) days after entry of the final order of any court of competent jurisdiction in the United States.

(3) (a) Notwithstanding any other provision in the trust agreement, if the trust fund is inadequate because it contains an amount less than the amount required by this section, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight over the trust or other designated receiver all of the assets of the trust fund.

(b) The assets shall be distributed, and claims shall be filed with and valued, by the commissioner with regulatory oversight over the trust in accordance with the laws of the state in which the trust is domiciled applicable to the liquidation of domestic insurance companies.

(c) If the commissioner with regulatory oversight over the trust determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the U.S. beneficiaries of the trust, the commissioner with regulatory oversight over the trust shall return the assets, or any part thereof, to the trustee for distribution in accordance with the trust agreement.

(d) The grantor shall waive any right otherwise available to it under U.S. law that is inconsistent with this provision.

(4) Liabilities shall include:

(a) For business ceded by domestic insurers authorized to write accident and health, and property and casualty insurance:

1. Losses and allocated loss expenses paid by the ceding insurer, recoverable from the assuming insurer;

2. Reserves for losses reported and outstanding;

3. Reserves for losses incurred, but not reported;

4. Reserves for allocated loss expenses; and

5. Unearned premiums.

(b) For business ceded by domestic insurers authorized to write life, health and annuity insurance:

1. Aggregate reserves for life policies and contracts net of policy loans and net due and deferred premiums;

2. Aggregate reserves for accident and health policies;

3. Deposit funds and other liabilities without life or disability contingencies; and

4. Liabilities for policy and contract claims.

(5) Assets deposited in trusts established pursuant to KRS 304.5-140(3)(d) and this section shall be valued according to their current fair market value and shall consist only of cash in U.S. dollars, certificates of deposit issued by a ***qualified United States[~~U.S.~~]*** financial institution, as defined in KRS 304.5-140(1)(a), clean, irrevocable, unconditional and "evergreen" letters of credit issued or confirmed by a qualified ***United States[~~U.S.~~]*** financial institution, as defined in KRS 304.5-140(1)(a), and investments of the type specified in this subsection, but investments in or issued by an entity controlling, controlled by, or under common control with either the grantor or beneficiary of the trust shall not exceed five (5) percent of total investments. No more than twenty (20) percent of the total of the investments in the trust shall be foreign investments authorized under paragraphs (a)5., (c), (e)2., or (f) of this subsection, and no more than ten (10) percent of the total of the investments in the trust shall be securities denominated in foreign currencies. For purposes of applying the preceding sentence, a depository receipt denominated in U.S. dollars and representing rights conferred by a foreign security shall be classified as a foreign investment denominated in a foreign currency. The assets of a trust established to satisfy the requirements of KRS 304.5-140 shall be invested only as follows:

(a) Government obligations that are not in default as to principal or interest, that are valid and legally authorized, and that are issued, assumed, or guaranteed by:

1. The United States or by any agency or instrumentality of the United States;

2. A state of the United States;

3. A territory, possession, or other governmental unit of the United States;

4. An agency or instrumentality of a governmental unit referred to in subparagraphs 2. and 3. of this paragraph if the obligations shall be by law (statutory or otherwise) payable, as to both principal and interest, from taxes levied or by law required to be levied or from adequate special revenues pledged or otherwise appropriated or by law required to be provided for making these payments, but shall not be obligations eligible for investment under this paragraph if payable solely out of special assessments on properties benefited by local improvements; or

5. The government of any other country that is a member of the Organization for Economic Cooperation and Development and whose government obligations are rated A or higher, or the equivalent, by a rating agency recognized by the Securities

Valuation Office of the NAIC;

(b) Obligations that are issued in the United States, or that are dollar denominated and issued in a non-[–]U.S. market, by a solvent U.S. institution, other than an insurance company, or that are assumed or guaranteed by a solvent U.S. institution, other than an insurance company, and that are not in default as to principal or interest if the obligations:

1. Are rated A or higher, or the equivalent, by a securities rating agency recognized by the Securities Valuation Office of the NAIC, or if not so rated, are similar in structure and other material respects to other obligations of the same institution that are so rated;

2. Are insured by at least one (1) authorized insurer, other than the investing insurer or a parent, subsidiary, or affiliate of the investing insurer, licensed to insure obligations in this state and, after considering the insurance, are rated AAA, or the equivalent, by a securities rating agency recognized by the Securities Valuation Office of the NAIC; or

3. Have been designated as Class One or Class Two by the Securities Valuation Office of the NAIC;

(c) Obligations issued, assumed, or guaranteed by a solvent non-U.S. institution chartered in a country that is a member of the Organization for Economic Cooperation and Development or obligations of U.S. corporations issued in a non-U.S. currency, provided that in either case the obligations are rated A or higher, or the equivalent, by a rating agency recognized by the Securities Valuation Office of the NAIC.[;]

(d) An investment made pursuant to the provisions of paragraph (a), (b), or (c) of this subsection shall be subject to the following additional limitations:

1. An investment in or loan upon the obligations of an institution other than an institution that issues mortgage-related securities shall not exceed five (5) percent of the assets of the trust;

2. An investment in any one (1) mortgage-related security shall not exceed five (5) percent of the assets of the trust;

3. The aggregate total investment in mortgage-related securities shall not exceed twenty-five (25) percent of the assets of the trust; and

4. Preferred or guaranteed shares issued or guaranteed by a solvent U.S. institution are permissible investments if all of the institution's obligations are eligible as investments under paragraphs (b)1. and (b) 3. of this subsection, but shall not exceed two (2) percent of the assets of the trust.

(e) Equity Interests.

1. Investments in common shares or partnership interests of a solvent U.S. institution are permissible if:

a. Its obligations and preferred shares, if any, are eligible as investments under this subsection; and

b. The equity interests of the institution, except an insurance company, are registered on a national securities exchange as provided in the Securities Exchange Act of 1934, 15 U.S.C. §§ 78a to 78kk or otherwise registered pursuant to that Act, and if otherwise registered, price quotations for them are furnished through a nationwide automated quotations system approved by the Financial Industry Regulatory Authority, or successor organization. A trust shall not invest in equity interests under this paragraph ***in*** an amount exceeding one (1) percent of the assets of the trust even though the equity interests are not so registered and are not issued by an insurance company;

2. Investments in common shares of a solvent institution organized under the laws of a country that is a member of the Organization for Economic Cooperation and Development, if:

a. All its obligations are rated A or higher, or the equivalent, by a rating agency recognized by the Securities Valuation Office of the NAIC; and

b. The equity interests of the institution are registered on a securities exchange regulated by the government of a country that is a member of the Organization for Economic Cooperation and Development;

3. An investment in or loan upon any one (1) institution's outstanding equity interests shall not exceed one (1) percent of the assets of the trust. The cost of an investment in equity interests made pursuant to this paragraph, when added to the aggregate cost of other investments in equity interests then held pursuant to this paragraph, shall not exceed ten (10) percent of the assets in the trust.[;]

(f) Obligations issued, assumed, or guaranteed by a multinational development bank, provided the obligations are rated A or higher, or the equivalent, by a rating agency recognized by the Securities Valuation Office of the NAIC.

(g) Investment Companies.

1. Securities of an investment company registered pursuant to the Investment Company Act of 1940, 15 U.S.C. § 80a, are permissible investments if the investment company:

a. Invests at least ninety (90) percent of its assets in the types of securities that qualify as an investment under paragraph (a), (b), or (c) of this subsection or invests in securities that are determined by the commissioner to be substantively similar to the types of securities set forth in paragraph (a), (b), or (c) of this subsection; or

b. Invests at least ninety (90) percent of its assets in the types of equity interests that qualify as an investment under paragraph (e)1. of this subsection;

2. Investments made by a trust in investment companies under this paragraph shall not exceed the following limitations:

a. An investment in an investment company qualifying under subparagraph 1.a. of this paragraph shall not exceed ten (10) percent of the assets in the trust and the aggregate amount of investment in qualifying investment companies shall not exceed twenty-five (25) percent of the assets in the trust; and

b. Investments in an investment company qualifying under subparagraph 1.b. of this paragraph shall not exceed five (5) percent of the assets in the trust and the aggregate amount of investment in qualifying investment companies shall be included when calculating the permissible aggregate value of equity interests pursuant to paragraph (e)1. of this subsection.

(h) Letters of Credit.

1. In order for a letter of credit to qualify as an asset of the trust, the trustee shall have the right and the obligation pursuant to the deed of trust or some other binding agreement, as duly approved by the commissioner, to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced.

2. The trust agreement shall provide that the trustee shall be liable for its negligence, willful misconduct, or lack of good faith. The failure of the trustee to draw against the letter of credit in circumstances where a draw would be required shall be deemed to be negligence, willful misconduct, or both.

(6) A specific security provided to a ceding insurer by an assuming insurer pursuant to Section 7 of this administrative regulation shall be applied, until exhausted, to the payment of liabilities of the assuming insurer to the ceding insurer holding the specific security prior to, and as a condition precedent for, presentation of a claim by the ceding insurer for payment by a trustee of a trust established by the assuming insurer pursuant to this section.

Section 6. Certified Reinsurers. (1) The commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that has been certified as a reinsurer in this state at all times for which statutory financial statement credit for reinsurance is claimed under this section. The credit allowed shall be based upon the security held by or on behalf of the ceding insurer in accordance with a rating assigned to the certified reinsurer by the commissioner. The security shall be in a form consistent with the provisions of KRS 304.5-140(3)(e) and Sections 10, 11, or 12 of this administrative regulation. The amount of security required in order for full credit to be allowed shall correspond with the following requirements:

(a) Ratings Security Required:

Secure – 1	0%;
Secure – 2	10%;
Secure – 3	20%;

Secure – 4	50%;
Secure – 5	75%; and
Vulnerable – 6	100%.

(b) Affiliated reinsurance transactions shall receive the same opportunity for reduced security requirements as all other reinsurance transactions.

(c) The commissioner shall require the certified reinsurer to post 100 ***percent[%]*** security, for the benefit of the ceding insurer or its estate, upon the entry of an order of rehabilitation, liquidation, or conservation against the ceding insurer.

(d) In order to facilitate the prompt payment of claims, a certified reinsurer shall not be required to post security for catastrophe recoverable for a period of one (1) year from the date of the first instance of a liability reserve entry by the ceding company as a result of a loss from a catastrophic occurrence as recognized by the commissioner. The one (1) year deferral period is contingent upon the certified reinsurer continuing to pay claims in a timely manner. Reinsurance recoverables shall only be included in the deferral for[~~for only~~] the [~~following~~] lines of business set forth in KRS 304.5-140(3)(m)3.[~~as reported on the NAIC annual financial statement related specifically to the catastrophic occurrence shall be included in the deferral:~~

~~1. Line 1: Fire;~~

~~2. Line 2: Allied Lines;~~

~~3. Line 3: Farm owners multiple peril;~~

~~4. Line 4: Homeowners multiple peril;~~

~~5. Line 5: Commercial multiple peril;~~

~~6. Line 9: Inland Marine;~~

~~7. Line 12: Earthquake; and~~

~~8. Line 21: Auto physical damage.~~]

(e) Credit for reinsurance under this section shall apply only to reinsurance contracts entered into or renewed on or after the effective date of the certification of the assuming insurer. Any reinsurance contract entered into prior to the effective date of the certification of the assuming insurer that is subsequently amended after the effective date of the certification of the assuming insurer, or a new reinsurance contract, covering any risk for which collateral was provided previously, shall only be subject to this section with respect to losses incurred and reserves reported from and after the effective date of the amendment or new contract.

(f) Nothing in this section shall prohibit the parties to a reinsurance agreement from agreeing to provisions establishing security requirements that exceed the minimum security requirements established for certified reinsurers under this section.

(2) Certification process.

(a) Upon receipt of an application for certification, the commissioner shall promptly post notice at insurance.ky.gov, including instructions on how members of the public may respond to the application.

(b) No fewer than thirty (30) days after posting the notice required by paragraph (a) of this subsection, the commissioner shall issue written notice to an assuming insurer that has made application and been approved as a certified reinsurer, which shall include the rating assigned the certified reinsurer in accordance with subsection (1) of this section.

(c) To be eligible for certification, the assuming insurer shall:

1. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the commissioner pursuant to subsection (3) of this section.

2. Maintain capital and surplus, or its equivalent, of no less than $250,000,000 calculated in accordance with subparagraph (d)8. of this subsection. This requirement may also be satisfied by an association including incorporated and individual unincorporated underwriters having minimum capital and surplus equivalents, net of liabilities, of at least $250,000,000 and a central fund containing a balance of at least $250,000,000.

3. Maintain financial strength ratings from two (2) or more rating agencies deemed acceptable ***under this subparagraph[~~by the commissioner~~]***. These ratings shall be based on interactive communication between the rating agency and the assuming insurer and shall not be based solely on publicly available information. These financial strength ratings shall be one (1) factor used by the commissioner in determining the rating that is assigned to the assuming insurer. Acceptable rating agencies include the following:

a. Standard & Poor's;

b. Moody's Investors Service;

c. Fitch Ratings;

d. A.M. Best Company; or

e. Any other Nationally Recognized Statistical Rating Organization.

4. Comply with any other requirements reasonably imposed by the commissioner ***pursuant to KRS 304.2-110***.

(d) Each certified reinsurer shall be rated on a legal entity basis, with due consideration being given to the group rating where appropriate, except that an association including incorporated and individual unincorporated underwriters that has been approved to do business as a single certified reinsurer may be evaluated on the basis of its group rating. Factors considered as part of the evaluation process shall include:

1. The certified reinsurer's financial strength rating from an acceptable rating agency***, as described in the matrix below***. The commissioner shall use the lowest financial strength rating received from an approved rating agency in establishing the maximum rating of a certified reinsurer. A failure to obtain or maintain at least two (2) financial strength ratings from acceptable rating agencies shall result in loss of eligibility for certification;

Ratings	***Best***	***S&P***	***Moody's***	***Fitch***
Secure – 1	***A++***	***AAA***	***Aaa***	***AAA***
Secure – 2	***A+***	***AA+, AA, AA-***	***Aa1, Aa2, Aa3***	***AA+, AA, AA-***
Secure – 3	***A***	***A+, A***	***A1, A2***	***A+, A***
Secure – 4	***A-***	***A-***	***A3***	***A-***
Secure – 5	***B++, B+***	***BBB+, BBB, BBB-***	***Baa1, Baa2, Baa3***	***BBB+, BBB, BBB-***
Vulnerable – 6	***B, B-C++, C+, C, C-, D, E, F***	***BB+, BB, BB-, B+, B, B-, CCC, CC, C, D, R***	***Ba1, Ba2, Ba3, B1, B2, B3, Caa, Ca, C***	***BB+, BB, BB-, B+, B, B-, CCC+, CC, CCC-, DD***

2. The business practices of the certified reinsurer in dealing with its ceding insurers, including its record of compliance with reinsurance contractual terms and obligations;

3. For certified reinsurers domiciled in the U.S., a review of the most recent applicable NAIC Annual Statement Blank, either Schedule F or Schedule S;

4. For certified reinsurers not domiciled in the U.S., a review annually of Form CR-F or Form CR-S;

5. The reputation of the certified reinsurer for prompt payment of claims under reinsurance agreements, based on an analysis of ceding insurers' Schedule F reporting of overdue reinsurance recoverables, including the proportion of obligations that are more

than ninety (90) days past due or are in dispute, with specific attention given to obligations payable to companies that are in administrative supervision or receivership;

6. Regulatory actions against the certified reinsurer;

7. The report of the independent auditor on the financial statements of the insurance enterprise, on the basis described in subparagraph 8. of this paragraph;

8. For certified reinsurers not domiciled in the U.S., audited financial statements, regulatory filings, and actuarial opinion, as filed with the non-U.S. jurisdiction supervisor, with a translation into English. Upon the initial application for certification, the commissioner shall consider audited financial statements for the last two (2) years filed with its non-U.S. jurisdiction supervisor;

9. The liquidation priority of obligations to a ceding insurer in the certified reinsurer's domiciliary jurisdiction in the context of an insolvency proceeding;

10. A certified reinsurer's participation in any solvent scheme of arrangement, or similar procedure, which involves U.S. ceding insurers. The commissioner shall receive prior notice from a certified reinsurer that proposes participation by the certified reinsurer in a solvent scheme of arrangement; and

11. Any other ***additional*** information ***required by the[~~deemed relevant by the~~]*** commissioner.

(e) Based on the analysis conducted under subparagraph (d)5. of this subsection, of a certified reinsurer's reputation for prompt payment of claims, the commissioner may make appropriate adjustments in the security the certified reinsurer is required to post to protect its liabilities to U.S. ceding insurers, provided that the commissioner shall, at a minimum, increase the security the certified reinsurer is required to post by one (1) rating level under subparagraph (d)1. of this subsection, if the commissioner finds that:

1. More than fifteen (15) percent of the certified reinsurer's ceding insurance clients have overdue reinsurance recoverables on paid losses of ninety (90) days or more which are not in dispute and which exceed $100,000 for each cedent; or

2. The aggregate amount of reinsurance recoverables on paid losses which are not in dispute that are overdue by ninety (90) days or more exceeds $50,000,000.

(f) The assuming insurer shall submit a properly executed Form CR-1 as evidence of its submission to the jurisdiction of this state, appointment of the commissioner as an agent for service of process in this state, and agreement to provide security for 100 ***percent[~~%~~]*** of the assuming insurer's liabilities attributable to reinsurance ceded by U.S. ceding insurers if it resists enforcement of a final U.S. judgment. The commissioner shall not certify any assuming insurer that is domiciled in a jurisdiction that the commissioner has determined does not adequately and promptly enforce final U.S. judgments or arbitration awards.

(g) The certified reinsurer shall agree to meet ***[~~applicable~~]*** information filing requirements ***under this paragraph[~~as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis~~]***. All information submitted by certified reinsurers that is not otherwise public information subject to disclosure shall be exempted from disclosure under the Kentucky Open Records Act, KRS 61.872 to 61.884, and shall be withheld from public disclosure. The ***[~~applicable~~]*** information filing requirements are, as follows:

1. Notification within ten (10) days of any regulatory actions taken against the certified reinsurer, any change in the provisions of its domiciliary license or any change in rating by an approved rating agency, including a statement describing the changes and the reasons therefore;

2. Annually, Form CR-F or CR-S, as applicable;

3. Annually, the report of the independent auditor on the financial statements of the insurance enterprise, on the basis described in subsection (4) of this section;

4. Annually, the most recent audited financial statements, regulatory filings, and actuarial opinion, as filed with the certified reinsurer's supervisor, with a translation into English. Upon the initial certification, audited financial statements for the last two (2) years filed with the certified reinsurer's supervisor;

5. At least annually, an updated list of all disputed and overdue reinsurance claims regarding reinsurance assumed from U.S. domestic ceding insurers;

6. A certification from the certified reinsurer's domestic regulator that the certified reinsurer is in good standing and maintains capital in excess of the jurisdiction's highest regulatory action level; and

7. Any other ***additional*** information ***required by the commissioner[~~that the commissioner may reasonably require~~]***.

(h) Change in Rating or Revocation of Certification.

1. In the case of a downgrade by a rating agency or other disqualifying circumstance, the commissioner shall, upon written notice, assign a new rating to the certified reinsurer in accordance with the requirements of subparagraph (d)1. of this subsection.

2. The commissioner shall have the authority to suspend, revoke, or otherwise modify a certified reinsurer's certification at any time if the certified reinsurer fails to meet its obligations or security requirements under this section, or if other financial or operating results of the certified reinsurer, or documented significant delays in payment by the certified reinsurer, lead the commissioner to reconsider the certified reinsurer's ability or willingness to meet its contractual obligations.

3. If the rating of a certified reinsurer is upgraded by the commissioner, the certified reinsurer may meet the security requirements applicable to its new rating on a prospective basis, but the commissioner shall require the certified reinsurer to post security under the previously applicable security requirements as to all contracts in force on or before the effective date of the upgraded rating. If the rating of a certified reinsurer is downgraded by the commissioner, the commissioner shall require the certified reinsurer to meet the security requirements applicable to its new rating for all business it has assumed as a certified reinsurer.

4. Upon revocation of the certification of a certified reinsurer by the commissioner, the assuming insurer shall be required to post security in accordance with Section 7 of this administrative regulation in order for the ceding insurer to continue to take credit for reinsurance ceded to the assuming insurer. If funds continue to be held in trust in accordance with Section 5 of this administrative regulation, the commissioner may allow additional credit equal to the ceding insurer's pro rata share of the funds, discounted to reflect the risk of uncollectibility and anticipated expenses of trust administration. Notwithstanding the change of a certified reinsurer's rating or revocation of its certification, a domestic insurer that has ceded reinsurance to that certified reinsurer shall not be denied credit for reinsurance for a period of three (3) months for all reinsurance ceded to that certified reinsurer, unless the reinsurance is found by the commissioner to be at high risk of uncollectibility.

(i) The commissioner shall publish a list of all certified reinsurers and their ratings.

(3) Qualified Jurisdictions. (a) If, upon conducting an evaluation under this section with respect to the reinsurance supervisory system of any non-U.S. assuming insurer, the commissioner determines that the jurisdiction qualifies to be recognized as a qualified jurisdiction, the commissioner shall publish notice and evidence of recognition in an appropriate manner. The commissioner may establish a procedure to withdraw recognition of those jurisdictions that are no longer qualified.

(b) ***Pursuant to KRS 304.5-140(3)(e)4.b. the additional[~~To determine whether the domiciliary jurisdiction of a non-U.S. assuming insurer is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the reinsurance supervisory system of the non-U.S. jurisdiction, both initially and on an ongoing basis, and shall consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-U.S. jurisdiction to reinsurers licensed and domiciled in the U.S. The commissioner shall determine the appropriate approach for evaluating the qualifications of the jurisdictions, and create and publish a list of jurisdictions whose reinsurers may be approved by the commissioner as eligible for certification. A qualified jurisdiction shall agree to share~~***

information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. Additional] factors to be considered in determining whether to recognize a qualified jurisdiction, in the discretion of the commissioner, ***shall*** include:

1. The framework under which the assuming insurer is regulated.

2. The structure and authority of the domiciliary regulator with regard to solvency regulation requirements and financial surveillance.

3. The substance of financial and operating standards for assuming insurers in the domiciliary jurisdiction.

4. The form and substance of financial reports required to be filed or made publicly available by reinsurers in the domiciliary jurisdiction and the accounting principles used.

5. The domiciliary regulator's willingness to cooperate with U.S. regulators in general and the commissioner in particular.

6. The history of performance by assuming insurers in the domiciliary jurisdiction.

7. Any documented evidence of substantial problems with the enforcement of final U.S. judgments in the domiciliary jurisdiction. A jurisdiction shall not be considered to be a qualified jurisdiction ***if it fails to satisfy the requirements of KRS 304.5-140(3)(e)4.b[if the commissioner has determined that it does not adequately and promptly enforce final U.S. judgments or arbitration awards].***

8. Any relevant international standards or guidance with respect to mutual recognition of reinsurance supervision adopted by the International Association of Insurance Supervisors or successor organization.

9. Any other matters deemed relevant by the commissioner***, pursuant to KRS 304.2-110***.

(c) ***The Commissioner shall consider the list of qualified jurisdictions published through the NAIC Committee Process as required in KRS 304.5-140(3)(e)4.c.[A list of qualified jurisdictions shall be published through the NAIC Committee Process. The commissioner shall consider this list in determining qualified jurisdictions.]*** If the commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the commissioner shall provide thoroughly documented justification with respect to the criteria provided under ***paragraph [subsection (3)]***(b)1. to 9. of this ***subsection.[section]***

(d) U.S. jurisdictions that meet the requirements ***described in KRS 304.5-140(3)(e)4.d. shall be recognized as qualified jurisdictions[for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions]***.

(4) Recognition of Certification Issued by an NAIC Accredited Jurisdiction.

(a) If an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the commissioner ***shall have[has]*** the discretion to defer to that jurisdiction's certification, and to defer to the rating assigned by that jurisdiction, if the assuming insurer submits a properly executed Form CR-1 and any additional information ***required by[as]*** the commissioner ***[requires]***. The assuming insurer shall be considered to be a certified reinsurer in this state.

(b) Any change in the certified reinsurer's status or rating in the other jurisdiction shall apply automatically in this state as of the date it takes effect in the other jurisdiction. The certified reinsurer shall notify the commissioner of any change in its status or rating within ten (10) days after receiving notice of the change.

(c) The commissioner may withdraw recognition of the other jurisdiction's rating at any time and assign a new rating in accordance with subsection (2)(h) of this section.

(d) The commissioner may withdraw recognition of the other jurisdiction's certification at any time by providing written notice to the certified reinsurer. Unless the commissioner suspends or revokes the certified reinsurer's certification in accordance with subsection (2)(h) of this section, the certified reinsurer's certification shall remain in good standing in this state for a period of three (3) months, which shall be extended if additional time is necessary to consider the assuming insurer's application for certification in this state.

(5) Mandatory Funding Clause. In addition to the clauses required under Section 14[~~13~~] of this administrative regulation, reinsurance contracts entered into or renewed under this section shall include a proper funding clause, which requires the certified reinsurer to provide and maintain security in an amount sufficient to avoid the imposition of any financial statement penalty on the ceding insurer under this section for reinsurance ceded to the certified reinsurer.

(6) The commissioner shall comply with all reporting and notification requirements that may be established by the NAIC with respect to certified reinsurers and qualified jurisdictions.

Section 7. (1) ***The commissioner shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer as provided in KRS 304.5-140(4). [Pursuant to KRS 304.5-140(4), the commissioner shall allow a reduction from liability for reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of KRS 304.5-140(3) in an amount not exceeding the liabilities carried by the ceding insurer. The reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the exclusive benefit of the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations under the reinsurance contract. The security shall be held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer or, in the case of a trust, heldin a qualified United States financial institution as defined in KRS 304.5-140(1)(b). This security shall be in the form of any of the following:***

(a) Cash;

(b) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;

(c) Clean, irrevocable, unconditional and "evergreen" letters of credit issued or confirmed by a qualified United States institution, as defined in KRS 304.5-140(1)0(a), effective no later than December 31 of the year for which filing is being made, and in the possession of, or in trust for, the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

(d) Any other form of security acceptable to the commissioner.]

(2) An admitted asset or a reduction from liability for reinsurance ceded to an unauthorized assuming insurer pursuant to this section shall be allowed only when the requirements of Section 14[~~13~~] of this administrative regulation and the applicable portions of Sections 10, 11, or 12 of this administrative regulation have been satisfied.

Section 8. Requirements for Trust Agreements Qualified under KRS 304.5-140(3). (1) The trust agreement shall be entered into between the beneficiary, the grantor, and a trustee, which shall be a qualified United States financial institution as defined in KRS 304.5-140(1)(b).

(2) The trust agreement shall create a trust account into which assets shall be deposited.

(3)(a) Except as provided by paragraph (b) of this subsection, assets in the trust account
shall be held by the trustee at the trustee's office in the United States.

(b) A bank may apply for the ***commissioner's***[~~***executive director's***~~***]*** permission to use a foreign branch office ofthe bank as trustee for trust agreements. If the commissioner [~~executive director~~] approves the use of a foreign branch office as trustee, its use shall be approved by the beneficiary in writing. The trust agreement shall provide that the written notice described in subsection (4)(a) of this section shall be presentable, as a matter of legal right, at the trustee's principal office in the United States.

(4) The trust agreement shall provide that:

(a) The beneficiary shall:

1. Have the right to withdraw assets from the trust account at any time after giving written notice to the trustee; and

2. Not be required to give notice to the grantor;

(b) The beneficiary:

1. May be required to acknowledge receipt of withdrawn assets; and

2. Shall not be required to present other statements or documents in order to withdraw assets.

(c) The agreement shall not be subject to conditions or qualifications outside of the trust agreement; and

(d) The agreement shall not contain references to other agreements or documents except as provided by subsection (11) of this section.

(5) The trust agreement shall be established for the sole benefit of the beneficiary.

(6) The trust agreement shall require the trustee to:

(a) Receive and hold all assets in a safe place;

(b) Determine that all assets are in a form that the beneficiary, or the trustee upon direction by the beneficiary, may negotiate any assets whenever necessary, without consent or signature from the grantor or any other person or entity;

(c) Furnish to the grantor and the beneficiary a statement of all assets in the trust account both at the inception and at intervals no less frequent than the end of each calendar quarter;

(d) Notify the grantor and the beneficiary within ten (10) days of any deposits to or withdrawals from the trust account;

(e) Upon written demand of the beneficiary, immediately take all steps necessary to:

1. Transfer absolutely and unequivocally all right, title, and interest in the assets held in the trust account to the beneficiary; and

2. Deliver physical custody of the assets to the beneficiary; and

(f) Allow no substitutions or withdrawals of assets from the trust account, except upon:

1. Written instructions from the beneficiary; or

2. The call or maturity of a trust asset, in which case the trustee may withdraw the asset ***if***[~~***so long as***~~***]*** the proceeds are paid into the trust account without the consent of the beneficiary and after notice to the beneficiary.

(7) The trust agreement shall provide that at least thirty (30) days, but not more than forty-five (45) days, prior to termination of the trust account, written notification of termination shall be delivered by the trustee to the beneficiary.

(8) The trust agreement shall be made subject to and governed by the laws of the state in which the trust is established.

(9) The trust agreement shall prohibit invasion of the trust corpus for the purpose of paying compensation to or reimbursing the expenses of the trustee. In order for a letter of credit to qualify as an asset of the trust, the trustee shall have the right and the obligation pursuant to the deed of trust or some other binding agreement, as duly approved by the commissioner, to immediately draw down the full amount of the letter of credit and hold the proceeds in trust for the beneficiaries of the trust if the letter of credit will otherwise expire without being renewed or replaced.

(10) The trust agreement shall provide that the trustee shall be liable for its own negligence, willful misconduct, or lack of good faith.

(11)(a) The trust agreement may provide that the ceding insurer shall undertake to use and apply amounts drawn upon the trust account, without diminution because of the insolvency of the ceding insurer or the assuming insurer for the purposes permitted by paragraphs (b) through (d) of this subsection, if:

1. A trust agreement is established in conjunction with a reinsurance agreement covering risks other than life, annuities, and accident and health; and

2. It is customary practice to provide a trust agreement for a specific purpose.

(b) To pay or reimburse the ceding insurer for the:

1. Assuming insurer's share under the specific reinsurance agreement regarding any losses and allocated loss expenses paid by the ceding insurer, but not recovered from the assuming insurer; or

2. Unearned premiums due to the ceding insurer if not otherwise paid by the assuming insurer;

(c) To make payment to the assuming insurer of any amounts held in the trust account that exceed 102 percent[~~%~~] of the actual amount required to fund the assuming insurer's obligations under the specific reinsurance agreement; or

(d)1. To withdraw amounts equal to the obligations and deposit them in a separate account as provided by subparagraph 2. of this paragraph, if the:

a. Ceding insurer has received notification of termination of the trust account; and

b. Assuming insurer's entire obligations under the specific reinsurance agreement remain unliquidated and undischarged ten (10) days prior to the termination date.

2. Amounts withdrawn pursuant to subparagraph 1. of this paragraph shall be deposited:

a. In the name of the ceding insurer; and

b. In a qualified United States financial institution, as defined in KRS 304.5-140(1)***(a) and (b)***, apart from its general assets; and

c. In trust for the uses and purposes specified in paragraphs (a) and (b) of this subsection that may remain executory after the withdrawal for any period after the termination date.

(12) The reinsurance agreement entered into in conjunction with the trust agreement may contain the provisions required by Section 10(1)(b) of this administrative regulation, ***if***[~~***so long as***~~***]*** the conditions required by this section are included in the trust agreement.

(13) The reinsurance agreement or trust agreement shall stipulate that assets deposited in the trust account shall be valued according to their current fair market value and shall consist only of cash in United States dollars, certificates of deposit issued by a United States bank and payable in United States dollars, and investments permitted by the Insurance Code, or any combination thereof, provided investments in or issued by an entity controlling, controlled by, or under common control with either the grantor or the beneficiary of the trust shall not exceed five (5) percent of total investments. The agreement may further specify the types of investments to be deposited. If the reinsurance agreement covers life, annuities, or accident and health risks, then the provisions required by this paragraph shall be included in the reinsurance agreement.

Section 9. Permitted Conditions for Trust Agreements Qualified under KRS 304.5-140(3).

(1) The trust agreement may provide that the:

(a) Trustee may resign only if written notice of resignation is:

1. Given to the beneficiary and grantor; and

2. Effective not less than ninety (90) days after receipt of the notice.

(b) Grantor may remove the trustee if written notice is:

1. Given to the trustee and beneficiary;

2. Effective not less than ninety (90) days after receipt of the notice;

(c) Resignation or removal of the trustee shall not be effective until:

1. A successor trustee has been duly appointed and approved by the beneficiary and the grantor; and

2. All assets in the trust have been duly transferred to the new trustee.

(2)(a) The grantor may have the full and unqualified right to:

1. Vote any shares of stock in the trust account; and

2. Receive from time to time payments of any dividends or

interest upon any shares of stockor obligations included in the trust account.

(b) Interest or dividends shall be:

1. Forwarded promptly upon receipt to the grantor; or

2. Deposited in a separate account established in the grantor's name.

(3) The trustee may be given authority to invest and accept substitutions of funds in the account with prior approval of the beneficiary, unless the trust agreement:

(a) Specifies categories of investments acceptable to the beneficiary; and

(b) Authorizes the trustee to invest funds and accept substitutions that the trustee determines are:

1. At least equal in market value to the assets withdrawn; and

2. Consistent with the restrictions in Section 10(1)(b) of this administrative regulation.

(4) The trust agreement may:

(a) Provide that the beneficiary may designate a party to which all or part of the trust assets are to be transferred; and

(b) Condition the transfer upon the trustee receiving, prior to or simultaneously, other specified assets.

(5) The trust agreement may provide upon termination of the trust account that all assets not previously withdrawn by the beneficiary shall be delivered over to the grantor with written approval by the beneficiary.

Section 10. Additional Conditions for Reinsurance Agreements Qualified under KRS 304.5-140(3).

(1) A reinsurance agreement, which is entered into in conjunction with a trust agreement and the establishment of a trust account, may contain provisions that:

(a) Require the assuming insurer to:

1. Enter into a trust agreement;

2. Establish a trust account for the benefit of the ceding insurer; and

3. Specify what the agreement is to cover.

(b) Except as provided by paragraph (e) of this subsection, stipulate that assets deposited inthe trust account shall:

1. Be valued according to the current fair market value of the assets; and

2. Consist of:

a. Cash that is United States legal tender;

b. Certificates of deposit, issued by a United States bank and payable in United States legal tender;

c. Investments permitted by the insurance code; or

d. A combination of the assets specified in clauses a. through c. of this subparagraph;

(c) As provided by paragraph (b) of this subsection, specify the types of investments to be deposited.

(d) Investments permitted by paragraph (b) of this subsection shall be issued by an institution that is not the parent, subsidiary, or affiliate of the grantor or beneficiary.

(e) If a trust agreement is entered into in conjunction with a reinsurance agreement that covers risks other than life, annuities, or accident and health, the trust agreement, rather than the reinsurance agreement, may contain the provisions required by paragraphs (c) and (d) of this subsection.

(f) Require the assuming insurer, prior to depositing assets with the trustee, to:

1. Execute assignments or endorsements in blank; or

2. Transfer legal title to the trustee of shares, obligations, or other assets requiring assignments, so that the ceding insurer, or the trustee on the direction of the ceding insurer, may negotiate the assets without the consent or signature of the assuming insurer or any other entity whenever necessary.

(g) Require that all settlements of account between the ceding insurer and the assuming insurer be made in cash or its equivalent; and

(h) 1. As provided by subparagraph 2 of this paragraph, stipulate that the assuming insurer and the ceding insurer agree that the assets in the trust account, established pursuant to the provisions of the reinsurance agreement, may be withdrawn by the ceding insurer at any time, notwithstanding any other provisions in the reinsurance agreement.

2. The assets shall be utilized and applied by the ceding insurer or its successors in interest by operation of law, including without limitation any liquidator, rehabilitator, receiver, or conservator of the company, without diminution because of insolvency on the part of the ceding insurer or the assuming insurer, only for the following purposes:

a. To reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement because of cancellations of the policies;

b. To reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer pursuant to the provisions of the policies reinsured under the reinsurance agreement;

c. To fund an account with the ceding insurer in an amount at least equal to the deduction for reinsurance ceded from the ceding insurer liabilities for policies ceded under the agreement. The account shall include amounts for policy reserves, claims and losses incurred, including losses incurred but not reported, loss adjustment expenses, and unearned premium reserves; and

d. To pay any other amounts the ceding insurer claims are due under the reinsurance agreement.

(2) The reinsurance agreement may ***[also]*** contain provisions that:

(a) Give the assuming insurer the right to seek approval from the ceding insurer to withdraw all or part of the trust assets from the trust account and transfer the withdrawn assets to the assuming insurer provided that:

1. The assuming insurer shall at the time of withdrawal replace the withdrawn assets with other qualified assets having a market value equal to the market value of the assets withdrawn so as to maintain the deposit in the required amount at all times; or

2. After withdrawal and transfer, the market value of the trust account is no less than 102 percent[%] of the required amount.

3. The ceding insurer shall not unreasonably or arbitrarily withhold its approval.

(b) Provide for:

1. The return of any amount withdrawn in excess of the actual amounts required for subsection (1)(h)1., 2., and 3. of this section or for payments under subsection (1)(h)4. of this section, amounts that are subsequently determined not to be due; and

2. Interest payments at a rate not in excess of the prime rate of interest on the amounts held pursuant to subsection (1)(e)3. of this section.

(c) Permit the award by an arbitration panel or court of competent jurisdiction of:

1. Interest at a rate different from that provided in paragraph (b)2. of this subsection;

2. Court or arbitration costs;

3. Attorney's fees; and

4. Other reasonable expenses.

(3)(a) If established on or before the date of ***filing[filling]*** the financial statement of the ceding insurer, a trust agreement may be used to reduce a liability for reinsurance ceded to an unauthorized assuming insurer in financial statements that are required to be filed with the ***department[office]*** pursuant to this administrative regulation.

(b) The amount of a reduction for the existence of an acceptable trust account:

1. May be lesser than or equal to the current fair market value of acceptable assets that are available to be withdrawn from the trust account at the time of withdrawal; and

2. Shall not be greater than the specific obligations under the reinsurance agreement that the trust account was established to secure.

(4) ***[A trust agreement or underlying reinsurance agreement in existence prior to January 1, 1996, shall:***

(a) Be acceptable until January 1, 1997; and

(b) Beginning January 1, 1997, not be acceptable if it does not comply with the provisions of this administrative

~~regulation.~~

~~(5)]~~ The failure of a trust agreement to specifically identify the beneficiary shall not be construed to affect actions or rights which the commissioner may take or possess pursuant to the provisions of the laws of this state.

Section 11. Letters of Credit Qualified under KRS 304.5-140(3).

(1) A letter of credit shall:

(a) Be clean, irrevocable, and unconditional;

(b) Issued or confirmed by a qualified United States financial institution ***described in KRS 304.5-140(1)(a) and (b)***;

(c) Contain an issue date, and date of expiration;

(d) State that it is not subject to a condition or qualification not contained in the letter of credit;

(e) Stipulate that in order to obtain funds, the beneficiary need only draw and present a sightdraft under the letter of credit; and

(f) Except as provided by subsection (9)(a) of this section, not contain a reference to other agreements, documents, or entities.

(2) The heading of a letter of credit may include a boxed section that:

(a) Contains the name of the applicant, and other appropriate notations that provide a reference for the letter of credit; and

(b) Is clearly marked to indicate that the information is only for internal identification purposes.

(3) The letter of credit shall contain a statement that the obligation of the qualified United States financial institution ***described in KRS 304.5-140(1)(a) and (b)*** under the letter of credit is not contingent upon reimbursement with respect thereto.

(4) The term of the letter of credit shall be for at least one (1) year and shall contain an evergreen clause. The evergreen clause shall provide for a period of not less than thirty (30) days' notice prior to the date of expiration or nonrenewal.

(5) The letter of credit shall state:

(a) Whether it is governed by the:

1. Laws of Kentucky;

2. The Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce Publication 600***, available at https://www.uscib.org/ucp-600-ud-4465/***;

3. International Standby Practices of the International Chamber of Commerce Publication 590; or

4. Any successor publication; and

(b) That a draft drawn under the letter of credit shall be presentable at an office in the United States of a qualified United States financial institution ***described in KRS 304.5-140(1)(a) and (b)***.

(6) A letter of credit shall provide for an extension of time to draw against it if it:

(a) Is made subject to subsection (5)(a)2., 3., or 4. of this section; and

(b) An occurrence specified in Article 36 of "Publication 600" of the Uniform Customs and Practice for Documentary Credits of the International Chamber of Commerce occurs.

(7) The letter of credit shall be issued or confirmed by a qualified United States financial institution authorized to issue letters of credit, pursuant to KRS 304.5-140(1)(a) ***and (b)***.

(8) If a letter of credit is issued by a United States financial institution authorized to issue letters of credit, other than a qualified United States financial institution described in subsection (7) of this section, the following additional requirements shall be met:

(a) The issuing United States financial institution shall formally designate the confirming qualified United States financial institution as its agent for the receipt and payment of the drafts; and

(b) The evergreen clause shall provide for thirty (30) days' notice prior to expiration date for nonrenewal.

(9) Reinsurance agreement provisions.

(a) The reinsurance agreement for which the letter of credit is obtained may contain provisions that:

1. Require the assuming insurer to provide letters of credit to the ceding insurer and specify what shall be covered.

2. Stipulate that the assuming insurer and ceding insurer shall agree that, the letter of credit provided by the assuming insurer pursuant to the provisions of the reinsurance agreement:

a. May be drawn upon at any time, notwithstanding other provisions in the agreement; and

b. Shall be utilized by the ceding insurer or its successors in interest only for one (1) or more of the reasons specified in subparagraph 3 of this paragraph.

3.a. ***[~~To~~]*** Reimburse the ceding insurer for the assuming insurer's share of premiums returned to the owners of policies reinsured under the reinsurance agreement on account of cancellations of the policies;

b. ***[~~To~~]*** Reimburse the ceding insurer for the assuming insurer's share of surrenders and benefits or losses paid by the ceding insurer under the terms and provisions of the policies reinsured under the reinsurance agreement;

c. ***[~~To~~]*** Fund an account with the ceding insurer in an amount at least equal to the deduction, for reinsurance ceded, from the ceding insurer's liabilities for policies ceded under the agreement; and

d. ***[~~To~~]*** Pay other amounts the ceding insurer claims are due under the reinsurance agreement.

(b)[~~4.~~] ***The provisions in paragraph (a) of this subsection[~~The provisions of this paragraph~~]*** shall be applied without diminution because of insolvency on the part of the ceding insurer or assuming insurer.

(c)[~~(b)~~] Nothing contained in paragraph (a) of this subsection shall preclude the ceding insurer and assuming insurer from providing for:

1. An interest payment, at a rate not in excess of the prime rate of interest, on the amounts held pursuant to paragraph (a)2. of this subsection; or

2. The return of any amounts drawn down on the letters of credit in excess of the actual amounts required for the reasons established in paragraph (a)3.a. through 3c. of this subsection or, in the case of paragraph (a)3.d. of this subsection, any amounts that are subsequently determined not to be due.

(d)[~~(c)~~] In lieu of the stipulation permitted by paragraph (a)2. of this subsection, a reinsurance agreement may require that the parties enter into a "Trust Agreement", that may be incorporated into the reinsurance agreement or be a separate document, if:

1. A letter of credit is obtained in conjunction with a reinsurance agreement covering risks other than life, annuities and health; and

2. It is customary practice to provide a letter of credit for a specific purpose.

(10)(a) A letter of credit shall not be used to reduce a liability for reinsurance ceded to an unauthorized assuming insurer in financial statements required to be filed with the department unless an acceptable letter of credit with the filing ceding insurer as beneficiary has been issued on or before the date of filing of the financial statement.

(b) The reduction for the letter of credit may be up to the amount available under the letter of credit but not greater than the specific obligation under the reinsurance agreement which the letter of credit was intended to secure.

Section 12. Other Security. A ceding insurer may take credit for unencumbered funds withheld by the ceding insurer in the United States subject to withdrawal solely by the ceding insurer and under its exclusive control.

Section 13. Reciprocal Jurisdictions.

(1) Pursuant to KRS 304.5-140 (3)(f)1., the commissioner shall allow credit for reinsurance ceded by a domestic insurer to an assuming insurer that is licensed to write reinsurance by, and has its head office or is domiciled in, a reciprocal jurisdiction, and that ***meets[~~shall meet~~]*** the other requirements of this administrative regulation.

(2) A reciprocal jurisdiction shall mean a jurisdiction as described in KRS 304.5-140, that ***is[~~shall be~~]*** designated by the commissioner pursuant to subsection (8) of this section, and ***meets[~~shall meet~~]*** one ***(1)*** of the following:

(a) A non-U.S. jurisdiction that is set forth in 304.5-140(1)(c)***;[***~~, (d)]~~

(b) A U.S. jurisdiction that meets the requirements for accreditation under the NAIC financial standards and accreditation program; or

(c) A qualified jurisdiction, as determined by the commissioner pursuant to KRS ***304.5-140(3)(e)4.***~~[304.5-140(3)(g)]~~, which is not otherwise described in ***paragraph (a) and (b) of this*** subsection ***[***~~(1) or (2) above~~***]*** and meets all the following additional requirements***[***~~as determined by the commissioner~~***]***:

1. Provides that an insurer which has its head office or is domiciled in a qualified jurisdiction shall receive credit for reinsurance ceded to a U.S.-domiciled assuming insurer in the same manner as credit for reinsurance is received for reinsurance assumed by insurers domiciled in such qualified jurisdiction;

2. Does not require a U.S.-domiciled assuming insurer to establish or maintain a local presence as a condition for entering into a reinsurance agreement with any ceding insurer subject to regulation by the non-U.S. jurisdiction or as a condition to allow the ceding insurer to recognize credit for the reinsurance;

3. Recognizes the U.S. state regulatory approach to group supervision and group capital, by providing written confirmation by a competent regulatory authority, in the qualified jurisdiction, that insurers and insurance groups that are domiciled or maintain their headquarters in this state or another jurisdiction accredited by the NAIC shall be subject only to worldwide prudential insurance group supervision including worldwide group governance, solvency and capital, and reporting, as applicable, by the commissioner or the commissioner of the domiciliary state and shall not be subject to group supervision at the level of the worldwide parent undertaking of the insurance or reinsurance group by the qualified jurisdiction; and

4. Provides written confirmation by a competent regulatory authority in the qualified jurisdiction that information regarding insurers and their parent, subsidiary, or affiliated entities, if applicable, shall be provided to the commissioner in accordance with a memorandum of understanding or similar document between the commissioner and the qualified jurisdiction, including ***[***~~but not limited to~~***]*** the International Association of Insurance Supervisors Multilateral Memorandum of Understanding or other multilateral memoranda of understanding coordinated by the NAIC.

(3) Credit Allowance.***[***

(a)] Credit shall be allowed when the reinsurance is ceded from an insurer domiciled in this state to an assuming insurer when each of the conditions below are met:

(a)[1.] The assuming insurer shall be licensed to transact reinsurance by, and have its head office or be domiciled in, a reciprocal jurisdiction;

(b)[2.] The assuming insurer shall have and maintain on an ongoing basis minimum capital and surplus, or its equivalent, calculated on at least an annual basis as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, and confirmed as set forth in KRS 304.5-140(3)(f)6.,according to the methodology of its domiciliary jurisdiction, in the following amounts:

1.[a.] No less than $250,000,000; or

2.[b.] If the assuming insurer is an association, including incorporated and individual unincorporated underwriters:

a.[(i)] Minimum capital and surplus equivalents, net of liabilities, or own funds of the equivalent of at least $250,000,000; and

b.[(ii)] (ii) A central fund containing a balance of the equivalent of at least $250,000,000.

(4) The assuming insurer shall have and maintain on an ongoing basis a minimum solvency or capital ratio, as applicable, as follows:

(a) If the assuming insurer has its head office or is domiciled in a reciprocal jurisdiction set forth in subsection (2)(a) of this section, the ratio specified in the applicable covered agreement;

(b) If the assuming insurer is domiciled in a reciprocal jurisdiction as defined in subsection (2)(b) of this section, a risk-based capital ratio of ***[***~~three hundred (~~***]***300***[)]*** percent of the authorized control level, calculated in accordance with the formula developed by the NAIC; or

(c) If the assuming insurer is domiciled in a reciprocal jurisdiction set forth in subsection (2)(c) of this section, after consultation with the reciprocal jurisdiction and considering any recommendations published through the NAIC Committee Process, such solvency or capital ratio as the commissioner determines to be an effective measure of solvency ***and that is similar to the solvency provisions of the Kentucky Insurance Code.***

(5) The assuming insurer shall agree to and provide adequate assurance, in the form of a properly executed Form RJ-1, of its agreement to the ***requirements set forth in KRS 304.5-140(3)(f)3.a., b., c., d., and e. and***~~[following]~~:

(a) ***The security required by KRS 304.5-140(3)(f)3.e. shall be in a form consistent with the provisions of KRS 304.5-140(3)(e) and (4), and sections 7, 8, 9, 10, 11, or 12 of this administrative regulation; and***~~[The assuming insurer shall agree to provide prompt written notice and explanation to the commissioner if it falls below the minimum requirements set forth in subsection (3) or (4) of this section, or if any regulatory action is taken against it for serious noncompliance with applicable law;]~~

(b) The assuming insurer shall agree in writing to meet the applicable information filing requirements as set forth in KRS 304.5-140(3)(f)4. and subsection (6) of this section.~~[The assuming insurer shall consent in writing to the jurisdiction of the court of this state and to the appointment of the commissioner as agent for service of process:~~

~~1. The commissioner may also require that the consent be provided and included in each reinsurance agreement under the jurisdiction of the commissioner; and~~

~~2. Nothing in this provision shall limit or in any way alter the capacity of parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent that such agreements are unenforceable under applicable insolvency or delinquency laws.~~

~~(c) The assuming insurer shall consent in writing to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer, that have been declared enforceable in the territory where the judgment was obtained;~~

~~(d) Each reinsurance agreement shall include a provision requiring the assuming insurer to provide security in an amount equal to one hundred (100) percent of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award, whether obtained by the ceding insurer or by its legal successor on behalf of its estate, if applicable;~~

~~(e) The assuming insurer shall confirm that it is not presently participating in any solvent scheme of arrangement, which may involve a ceding insurer of this state, and shall agree to notify the ceding insurer and the commissioner, and to provide one hundred (100) percent security to the ceding insurer consistent with the terms of the scheme, should the assuming insurer enter into such a solvent scheme or arrangement. Such security shall be in a form consistent with the provisions of KRS 304.5-140(4) and Sections 7, 8, 9, 10, 11, or 12 of this administrative regulation; and~~

~~(f) The assuming insurer shall agree in writing to meet the applicable information filing requirements as set forth in KRS 304.5-140(3)(f)4. and subsection (6) of this section.]~~

(6) The assuming insurer or its legal successor shall provide, if requested by the commissioner, on behalf of itself and any legal predecessors, the following documentation to the commissioner:

(a) For the two ***(2)*** years preceding entry into the reinsurance agreement and on an annual basis thereafter, the assuming insurer's annual audited financial statements, in accordance with the applicable law of the jurisdiction of its head office or domiciliary jurisdiction, as applicable, including the external audit report;

(b) For the two ***(2)*** years preceding entry into the reinsurance

agreement, the solvency and financial condition report or actuarial opinion, if filed with the assuming insurer's supervisor;

(c) Prior to entry into the reinsurance agreement and not more than semi-annually thereafter, an updated list of all disputed and overdue reinsurance claims outstanding for ninety (90) days or more, regarding reinsurance assumed from ceding insurers domiciled in the United States; and

(d) Prior to entry into the reinsurance agreement and not more than semi-annually thereafter, information regarding the assuming insurer's assumed reinsurance by ceding insurer, ceded reinsurance by the assuming insurer, and reinsurance recoverable on paid and unpaid losses by the assuming insurer to allow for the evaluation of the criteria set forth in subsection (7) of this section.

(7) The assuming insurer shall maintain a practice of prompt payment of claims under reinsurance agreements. The lack of prompt payment will be evidenced if any of the following criteria is met:

(a) More than fifteen (15) percent of the reinsurance recoverables from the assuming insurer are overdue and in dispute as reported to the commissioner;

(b) More than fifteen (15) percent of the assuming insurer's ceding insurers or reinsurers have overdue reinsurance recoverable on paid losses of ninety (90) days or more which are not in dispute and which exceed for each ceding insurer $100,000, or as otherwise specified in a covered agreement; or

(c) The aggregate amount of reinsurance recoverable on paid losses which are not in dispute, but are overdue by ninety (90) days or more, exceeds $50,000,000, or as otherwise specified in a covered agreement.

(8) Pursuant to 304.5-140(3)(g)***1.a.***, the commissioner shall publish a list of reciprocal jurisdictions ***which can be found on the department's Web site at https://insurance.ky.gov/ppc/newstatic_Info.aspx?static_ID=648***:

(a) A list of reciprocal jurisdictions is published through the NAIC Committee Process. The list created by the commissioner shall include any reciprocal jurisdiction as defined ***in subsection[as described by Section 13]***(2) of this ***section[administrative regulation]***, and shall consider any other reciprocal jurisdiction included on the NAIC list. The commissioner may approve a jurisdiction that does not appear on the NAIC list of reciprocal jurisdictions as provided by applicable law, regulation, or in accordance with criteria published through the NAIC Committee Process. ***This process is published by the NAIC and can be found on the NAIC Web site at https://content.naic.org/sites/default/files/inline-files/QR%20Jurisdiction%20Process%20Final.pdf.***

(b) The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets one ***(1)*** or more of the requirements set forth in KRS 304.5-140, and ***subsection[Section 13]*** (2) of this ***section[administrative regulation]***, or in accordance with a process published through the NAIC Committee Process, except that the commissioner shall not remove from the list a reciprocal jurisdiction as defined under subsection 2(a), ***[and]*** (b)***, and (c)*** of this section. Upon removal of a reciprocal jurisdiction from this list, credit for reinsurance ceded to an assuming insurer domiciled in that jurisdiction shall be allowed, if otherwise allowed pursuant to KRS 304.5-140 and this administrative regulation.

(9) The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions set forth in this section and to which cessions shall be granted credit in accordance with ***KRS 304.5-140 and*** this section.

(a) If an NAIC accredited jurisdiction has determined that the conditions set forth in subsection (3) and (4) of this section have been met, the commissioner ***shall have[has]*** the discretion to defer to that jurisdiction's determination, and add such assuming insurer to the list of assuming insurers to which cessions shall be granted credit in accordance with this subsection. The commissioner may accept financial documentation filed with another NAIC accredited jurisdiction or with the NAIC in satisfaction of the requirements of subsection (3) of this section.

(b) When requesting that the commissioner defer to another NAIC accredited jurisdiction's determination, an assuming insurer ***shall[must]*** submit a properly executed Form RJ-1 and additional information as the commissioner may require. A state that has received a request will notify other states through the NAIC Committee Process and provide relevant information with respect to the determination of eligibility.

(10) If the commissioner determines that an assuming insurer no longer meets one or more of the requirements under this section, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under this section. If the commissioner makes such a determination:

(a) While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended or renewed after the effective date of the suspension shall qualify for credit except to the extent that the assuming insurer's obligations under the contract are secured in accordance with ***KRS 304.5-140 and*** Section 7 of this administrative regulation; or

(b) If an assuming insurer's eligibility is revoked, credit for reinsurance shall not be granted after the effective date of the revocation with respect to any reinsurance agreements entered by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of ***KRS 304.5-140 and*** Section 7 of this administrative regulation.

(11) Before denying statement credit or imposing a requirement to post security with respect to Section 7 of this administrative regulation or adopting any similar requirement that will have substantially the same regulatory impact as security, the commissioner shall:

(a) Communicate with the ceding insurer, the assuming insurer, and the assuming insurer's supervisory authority that the assuming insurer no longer satisfies one ***(1)*** of the conditions listed in subsections (3) and (4) of this section;

(b) Provide the assuming insurer with thirty (30) days from the initial communication to submit a plan to remedy the defect, and ninety (90) days from the initial communication to remedy the defect, except in exceptional circumstances in which a shorter period is necessary for policyholder and consumer protection;

(c) After the expiration of ninety (90) days, or less, as set out in paragraph (b) of this subsection, ***determine[if the commissioner determines]*** that ***if*** no or insufficient action was taken by the assuming insurer, ***to [the commissioner may]*** impose any of the requirements as set out in this subsection; and

(d) Provide a written explanation to the assuming insurer of any of the requirements set out in this subsection.

[(12) If subject to a legal process of rehabilitation, liquidation or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding liabilities.]

Section 14.[Section 13.] Reinsurance Contract. Upon the effective date of this administrative regulation, credit shall not be granted to a ceding insurer for reinsurance effected with assuming insurers meeting the requirements of KRS 304.5-140 unless the reinsurance agreement includes a:

(1) Proper insolvency clause pursuant to KRS 304.5-140(5) and 304.33-350 of the Insurance Code; and

(2) Provision pursuant to KRS 304.5-140***(3)[(2)]***(f), if the assuming insurer, is an unauthorizedassuming insurer, and has:

(a) Submitted to the jurisdiction of an alternative dispute resolution panel or court of competent jurisdiction within the United States;

(b) Agreed to comply with all requirements necessary to give the court or panel jurisdiction;

(c) Designated an agent upon whom service of process may be effected; and

(d) Agreed to abide by the final decision of the court or panel.

Section 15.[~~Section 14.~~] Contracts Affected. All new and renewal reinsurance transactions entered into after the effective date of this administrative regulation shall conform to the requirements of KRS 304.5-140 and this administrative regulation if credit is to be given to the ceding insurer for reinsurance.

Section 16.[~~Section 15.~~] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Certificate of Assuming Insurer," Form AR-***1***, 12/95 [~~1 December 95~~];

(b) "Certificate of Certified Reinsurer," Form CR-1, 9/19 [~~(09/19)~~];

(c) "Form CR-F" 9/19 [~~(09/19)~~]; ***[~~and~~]***

(d) "Form CR-S",9/19 [~~(09/19).~~]; ***and***

(e) "Form RJ-1", 9/21.

(2) ***This material[~~It~~]*** may be inspected, copied, or obtained**, *subject to applicable copyright law,*** from the Department of Insurance, 500 Mero St., Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's internet Web site at https://insurance.ky.gov/ppc/CHAPTER.aspx.

CONTACT PERSON: Abigail Gall, Executive Administrative Secretary, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 564-6026, fax +1 (502) 564-1453, email abigail.gall@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Health Data and Analytics
Division of Telehealth Services
(As Amended at ARRS, December 9, 2021)

900 KAR 12:005. Telehealth terminology and requirements.

RELATES TO: KRS 205.510, 205.559, 205.5591, 211.332(2) - (5), **304.17A-005(23),** 304.17A-138, 304.40-320, 311.5975, 31 U.S.C. ***[§]*** 3729-3733, 42 U.S.C. ***[§]*** 1320a-7b(b), 42 U.S.C. ***[secs.]*** 1320d to 1320d-9, 42 U.S.C. ***[§]*** 1395nn

STATUTORY AUTHORITY: KRS 194A.105, 211.334(1)(d), 211.336(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.334 and 211.336 require the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary under applicable state laws to establish a telehealth terminology glossary to provide standard definitions for all health care providers who deliver health care services via telehealth, all state agencies authorized or required to promulgate administrative regulations relating to telehealth, and all payors; establish minimum requirements for the proper use and security of telehealth including requirements for confidentiality and data integrity, privacy, and security, informed consent, privileging and credentialing, reimbursement, and technology; and establish minimum requirements to prevent waste, fraud, and abuse related to telehealth. ***This administrative regulation establishes a telehealth terminology glossary.***

Section 1. Definitions. (1) "Department" means Department for Medicaid Services.

(2) "Division" means Division of Telehealth Services.

(3) **"Health care provider" is defined by KRS 304.17A-005(23), unless the provider or service is otherwise regulated by KRS 205.8451(7).**

(4)[~~(3)~~] "Health care service" is defined by KRS 211.332(2).

(5)[~~(4)~~] "Professional licensure board" is defined by KRS 211.332(3).

(6)[~~(5)~~] **"**State agency authorized or required to promulgate administrative regulations relating to telehealth" is defined by KRS 211.332(4).

(7)[~~(6)~~] "Telehealth" or "digital health" is defined by KRS 211.332(5).

Section 2. Compliance. ***[~~(1)~~]*** Health care providers performing a telehealth or digital health service shall:

(1)[~~(a)~~] Maintain confidentiality of patient medical information in accordance with KRS 311.5975;

(2)[~~(b)~~] Maintain patient privacy and security in accordance with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. ***[~~secs.~~]*** 1320d ***through[~~to~~]*** 1320d-9, unless waived by the applicable federal authority;

(3)[~~(c)~~] Obtain patient informed consent in accordance with KRS 311.5975 and ***[~~KRS~~]*** 304.40-320;

(4)[~~(d)~~] Secure credentialing if required by a third party or insurer or other payor;

(5)[~~(e)~~] **Establish guidelines to contact, refer, and obtain treatment for a patient who needs emergent or higher level-of-care services provided by a hospital or other facility[~~Obtain privileges by hospitals or facilities to admit and treat patients~~]**;

(6)(a)[~~(f)1.~~] Utilize the appropriate current procedural terminology (CPT) or health care common procedure coding (HCPCS) code and place of service (POS) code "02" to secure reimbursement for a professional telehealth service; or

(b)[~~2.~~] Utilize appropriate telehealth service code, if a CPT or HCPCS code is not available or not used for that service, according to customary practices for that health care profession, including the use of any telehealth modifiers or alternate codes;

(7)[~~(g)~~] Utilize non-public facing technology products that are HIPAA compliant;

(8)[~~(h)~~] As appropriate for the service, provider, and recipient, utilize the following modalities of communication delivered over a secure communications connection that complies with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. secs. 1320d to 1320d-9:

(a)[~~1.~~] Live or real-time audio and video synchronous telehealth technology;

(b)[~~2.~~] Asynchronous store-and-forward telehealth technology;

(c)[~~3.~~] Remote patient monitoring using wireless devices, wearable sensors, or implanted health monitors;

(d)[~~4.~~] Audio-only telecommunications systems; or

(e)[~~5.~~] Clinical text chat technology ***if[~~when~~]***:

1.[~~a.~~] Utilized within a secure, HIPAA compliant application or electronic health record system; and

2.[~~b.~~] Meeting:

a.[~~(i)~~] The scope of the provider's professional licensure; and

b.[~~(ii)~~] The scope of practice of the provider; and

(9)[~~(i)~~] Comply with the following federal laws to prevent waste, fraud, and abuse relating to telehealth:

(a)[~~1.~~] False Claims Act, 31 U.S.C. § 3729-3733;

(b)[~~2.~~] Anti-Kickback Statute, 42 U.S.C. ***[§]***1320a-7b(b); and

(c)[~~3.~~] Physician Self-Referral, Section 1877 of the Social Security Act (42 U.SC. ***[§]***1395nn).

Section 3. Incorporation by Reference.

(1) "Telehealth Terminology Glossary", July 2021, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Telehealth Services, 275 East Main Street 4WE, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m., or from its Web site at https://telehealth.ky.gov.

CONTACT PERSON: Krista Quarles, Policy Specialist, 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(As Amended at ARRS, December 9, 2021)

907 KAR 1:030. Home health agency services.

RELATES TO: KRS ***205.622,*** 216.935, 216.936, 216.937, 216.9375, 216.939[~~205.520~~], ***369.101-369.120,*** 42 C.F.R. ***431.17,*** 440.70, 447.325, ***484.115[484.4]***, 45 C.F.R. 164.316, 42 U.S.C. 1396a-d

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the coverage provisions and requirements relating to Medicaid Program home health care services.

Section 1. Definitions. (1) "Department" means the Department for Medicaid Services or its designee.

(2) "Electronic signature" is defined by KRS 369.102(8).

(3) "Enrollee" means a recipient who is enrolled with a managed care organization.

(4) "Federal financial participation" is defined by 42 C.F.R. 400.203.

(5) "Home health agency" or "HHA" means:

(a) An agency defined pursuant to 42 C.F.R. 440.70(d); and

(b) A Medicare and Medicaid-certified agency licensed in accordance with 902 KAR 20:081.

(6) "Home health aide" ***is defined by KRS 216.935(3)[~~means a person who meets the home health aide requirements established in 902 KAR 20:081~~]***.

(7) "Licensed practical nurse" or "LPN" means a person who is licensed in accordance with KRS 314.051.

(8) "Managed care organization" means an entity for which the Department for Medicaid Services has contracted to serve as a managed care organization as defined in 42 C.F.R. 438.2.

(9) "Medical social worker" means a person who meets the medical social worker requirements as established in 902 KAR 20:081.

(10) "Medically necessary" or "medical necessity" means that a covered benefit is determined to be needed in accordance with 907 KAR 3:130.

(11) "Nursing service" means the delivery of medication, or treatment by a registered nurse or a licensed practical nurse supervised by a registered nurse, consistent with KRS Chapter 314 scope of practice provisions and the Kentucky Board of Nursing scope of practice determination guidelines.

(12) "Occupational therapist" is defined by KRS 319A.010(3).

(13) "Occupational therapy assistant" is defined by KRS 319A.010(4).

(14) "Physical therapist" is defined by KRS 327.010(2).

(15) "Physical therapist assistant" means a skilled health care worker who:

(a) Is certified by the Kentucky Board of Physical Therapy; and

(b) Performs physical therapy services and related duties as assigned by the supervising physical therapist.

(16) "Place of residence" means, excluding a hospital or nursing facility, the location at which a recipient resides.

(17) "Plan of care" means a written plan which shall:

(a) Stipulate the type, nature, frequency and duration of a service; and

(b) At least every sixty (60) days, be reviewed and signed by a HHA staff person and physician, advanced practice registered nurse, or physician assistant[~~and HHA staff person at least every sixty (60) days~~].

(18) "Provider" is defined by KRS 205.8451(7).

(19) "Qualified medical social worker" means a person who meets the qualified medical social worker requirements as established in 902 KAR 20:081.

(20) "Qualified social work assistant" means a social work assistant as defined in 42 C.F.R. ***484.115[484.4]***.

(21) "Recipient" is defined by KRS 205.8451(9).

(22) "Registered nurse" or "RN" is defined by KRS 314.011(5).

(23) "Speech-language pathologist" is defined by KRS 334A.020(3).

(24) "Speech-language pathology assistant" is defined by KRS 334A.020(8).

Section 2. Conditions of Participation. (1) In order to provide home health services, a provider shall:

(a) Be an HHA; and

(b) Comply with:

1. 907 KAR 1:671;
2. 907 KAR 1:672;
3. 907 KAR 1:673;
4. All applicable state and federal laws; and
5. The Home Health Services Manual.

(2)(a) A home health provider shall maintain a medical record for each recipient for whom services are provided.

(b) A medical record shall:

1. Document each service provided to the recipient including the date of the service and the signature of the individual who provided the service;
2. Contain a copy of the plan of care;
3. Document verbal orders from the physician, advanced practice registered nurse, or physician assistant, if applicable;
4. Except as established in paragraph (d) of this subsection, be retained for a minimum of five (5) years from the date a covered service is provided or until any audit dispute or issue is resolved beyond five (5) years;
5. Be kept in an organized central file within the HHA; and
6. Be made available to the department upon request.

(c) The individual who provided a service shall date and sign the health record on the date that the individual provided the service.

(d)1. If the secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (b)4. of this section, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.

2. In the case of a recipient who is a minor, the recipient's medical record shall be retained for three (3) years after the recipient reaches the age of majority under state law or the length established in paragraph (b)4 of this subsection or subparagraph 1 of this paragraph, whichever is longest.

(3) A provider shall comply with 45 C.F.R. Part 164.

(4)(a) If a provider receives any duplicate payment or overpayment from the department, regardless of reason, the provider shall return the payment to the department.

(b) Failure to return a payment to the department in accordance with paragraph (a) of this section may be:

1. Interpreted to be fraud or abuse; and
2. Prosecuted in accordance with applicable federal or state law.

Section 3. Covered Services. (1) A home health service shall be:

(a) Prior authorized by the department to ensure that the service or modification of the service is medically necessary and adequate for the needs of the recipient;

(b) Provided pursuant to a plan of care; and

(c) Provided in a recipient's place of residence.

(2) The following services provided to a recipient by a home health provider who meets the requirements in Section 2 of this administrative regulation shall be covered by the department:

(a) A nursing service which shall:

1. Include part-time or intermittent nursing services; and
2. If provided daily, be limited to thirty (30) days unless

additional days are prior authorized by the department;

(b) A therapy service which shall:

1. Include physical therapy services provided by a physical therapist or a physical therapist assistant who is under the supervision of a physical therapist;

2. Include occupational therapy services provided by an occupational therapist or an occupational therapy assistant who is under the supervision of an occupational therapist;

3. Include speech-language pathology services provided by a speech-language pathologist or a speech-language pathology assistant who is under the supervision of a speech-language pathologist;

4. Be provided pursuant to a plan of treatment which shall be developed by the appropriate therapist and physician, advanced practice registered nurse, or physician assistant;

5. Be provided in accordance with 907 KAR 1:023; and

6. Comply with the:

a. Physical therapy service requirements established in the:

(i) Technical Criteria for Reviewing Ancillary Services for Adults if the therapy service is a physical therapy service provided to an adult; or

(ii) Technical Criteria for Reviewing Ancillary Services for Pediatrics if the therapy service is a physical therapy service provided to a child;

b. Occupational therapy requirements established in the:

(i) Technical Criteria for Reviewing Ancillary Services for Adults if the therapy service is an occupational therapy service provided to an adult; or

(ii) Technical Criteria for Reviewing Ancillary Services for Pediatrics if the therapy service is an occupational therapy service provided to a child; or

c. Speech-language pathology service requirements established in the:

(i) Technical Criteria for Reviewing Ancillary Services for Adults if the service is a speech-language pathology service provided to an adult; or

(ii) Technical Criteria for Reviewing Ancillary Services for Pediatrics if the service is a speech-language pathology service provided to a child;

(c) A home health aide service which shall:

1. Include the performance of simple procedures as an extension of therapy services, personal care, range of motion exercises and ambulation, assistance with medications that are ordinarily self-administered, reporting a change in the recipient's condition and needs, incidental household services which are essential to the recipient's health care at home when provided in the course of a regular visit, and completing appropriate records;

2. Be provided by a home health aide who is supervised at least every fourteen (14) days by:

a. An RN;

b. A physical therapist, for any physical therapy services that are provided by the home health aide;

c. An occupational therapist, for any occupational therapy services that are provided by the home health aide; or

d. A speech-language pathologist, for any speech-language pathology services that are provided by the home health aide; and

3. Be a service that the recipient is either physically or mentally unable to perform;

(d) A medical social service which shall:

1. Be provided by a qualified medical social worker or qualified social work assistant; and

2. Be provided in conjunction with at least one (1) other service listed in this section;

(e) A supply listed on the Home Health Schedule of Supplies, which shall be covered if provided to a recipient pursuant to the recipient's plan of care; or

(f) A supplemental nutritional product listed on the Home Health Schedule of Supplies, which shall:

1. Be ingested orally or delivered by tube into the gastrointestinal tract;

2. Provide for the supplemental nutrition of a recipient; and

3. Require a completed MAP-248 signed by a physician, advanced practice registered nurse, or physician assistant certifying the medical necessity of the supplemental nutritional product.

Section 4. Limitations and Exclusions from Coverage. (1) A domestic or housekeeping service which is unrelated to the health care of a recipient shall not be covered.

(2) A medical social service shall not be covered unless provided in conjunction with another service pursuant to Section 3 of this administrative regulation.

(3) Supplies for personal hygiene shall not be covered.

(4) Drugs shall not be covered.

(5) Disposable diapers shall not be covered for a recipient age three (3) years and under, regardless of the recipient's medical condition.

(6) Except for the first week following a home delivery, a newborn or postpartum service without the presence of a medical complication shall not be covered.

(7) A recipient who has elected to receive hospice care shall not be eligible to receive coverage under the home health program.

(8)(a) There shall be an annual limit of twenty (20):

1. Occupational therapy service visits per recipient per calendar year except as established in paragraph (b) of this subsection;

2. Physical therapy service visits per recipient per calendar year except as established in paragraph (b) of this subsection; and

3. Speech-language pathology service visits per recipient per calendar year except as established in paragraph (b) of this subsection.

(b) The limits established in paragraph (a) of this subsection may be exceeded if services in excess of the limits are determined to be medically necessary by the:

1. Department if the recipient is not enrolled with a managed care organization; or

2. Managed care organization in which the enrollee is enrolled if the recipient is an enrollee.

(c) Prior authorization by the department shall be required for each visit that exceeds the limit established in paragraph (a) of this subsection for a recipient who is not enrolled with a managed care organization.

Section 5. No Duplication of Service. (1) The department shall not reimburse for a service provided to a recipient by more than one (1) provider of any program in which the service is covered during the same time period.

(2) For example, if a recipient is receiving a speech-language pathology service from a speech-language pathologist enrolled with the Medicaid Program, the department shall not reimburse for a speech-language pathology service provided to the same recipient during the same time period via the home health services program.

Section 6. Third Party Liability. A provider shall comply with KRS 205.622.

Section 7. Use of Electronic Signatures. (1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.

(2) A provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the provider's employees, officers, agents, or contractors;

2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;

2. Attest to the signature's authenticity; and

3. Include a statement indicating that the individual has been

notified of his or her responsibility in allowing the use of the electronic signature; and

(c) Provide the department, immediately upon request, with:

1. A copy of the provider's electronic signature policy;
2. The signed consent form; and
3. The original filed signature.

Section 8. Auditing Authority. The department shall have the authority to audit any claim, medical record, or documentation associated with any claim or medical record.

Section 9. Federal Approval and Federal Financial Participation. The department's coverage of services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the coverage; and

(2) Centers for Medicare and Medicaid Services' approval for the coverage.

Section 10. Appeal Rights. (1) An appeal of an adverse action taken by the department regarding a service and a recipient who is not enrolled with a managed care organization shall be in accordance with 907 KAR 1:563.

(2) An appeal of an adverse action by a managed care organization regarding a service and an enrollee shall be in accordance with 907 KAR 17:010.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "MAP-248", ***August[~~July~~]*** 2021[~~April 2009~~];

(b) "Home Health Services Manual", May 2014;

(c) "Technical Criteria for Reviewing Ancillary Services for Adults", February 2000;

(d) "Technical Criteria for Reviewing Ancillary Services for Pediatrics", April 2000; and

(e) "Home Health Schedule of Supplies", May 2014.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at:

(a) The Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday 8 a.m. to 4:30 p.m.; or

(b) The Web site located at https://chfs.ky.gov/agencies/dms/dpo/bpb/Pages/hh.aspx [~~http://www.chfs.ky.gov/dms/incorporated.htm~~].

CONTACT PERSON: Krista Quarles, Policy Specialist, 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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Fiscal Management
(As Amended at ARRS, December 9, 2021)

907 KAR 10:815. Per diem inpatient hospital reimbursement.

RELATES TO: KRS 13B.140, 205.510(16), 205.637, ***205.638,*** 205.639, 205.640, 205.6405, 205.6406, 205.6407, 205.6408[~~205.641~~], 216.380, 42 C.F.R. Parts 412, 413, 440.10, 440.140, 447.250-447.280, 42 U.S.C. 1395f(l), ***1395x(mm),*** 1395tt, 1395ww(d)(5)(F), ***[~~1395x(mm),~~]*** 1396a, 1396b, 1396d, 1396r-4

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560(2), [~~205.637(3), 205.640(1), 205.641(2), 216.380(13)~~], 42 C.F.R. 447.252, 447.253, 42 U.S.C. 1396a, [~~1396r-4~~]

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. This administrative regulation establishes provisions related to per diem inpatient hospital reimbursement including provisions necessary to enhance reimbursement pursuant to KRS [~~142.308 and~~] 205.638.

Section 1. Definitions. (1) "Base year" means the state fiscal year cost reporting period used to establish a per diem rate.

(2) "Capital costs" means capital related expenses including insurance, taxes, interest, and depreciation related to plant and equipment.

(3) "CMS" means Centers for Medicare and Medicaid Services.

(4) "Critical access hospital" or "CAH" means a hospital meeting the licensure requirements established in 906 KAR 1:110.

(5) "Department" means the Department for Medicaid Services or its designee.

(6) "Diagnosis related group" or "DRG" means a clinically-similar grouping of services that can be expected to consume similar amounts of hospital resources.

(7) "Distinct part unit" means a separate unit within an acute care hospital that meets the qualifications established in 42 C.F.R. 412.25.

(8) "DRG service" means a discharge, excluding crossover claims or no pay claims, assigned a discharge classification by the diagnosis related group grouper used by the department pursuant to 907 KAR 10:830[~~825~~], whether the discharge is reimbursed by discharge or via a per diem basis.

(9) "GII" means Global Insight, Incorporated.

(10) "Indexing factor" means the percentage that the cost of providing a service is expected to increase during the universal rate year.

(11) "Inflation factor" means the percentage that the cost of providing a service has increased, or is expected to increase, for a specific period of time.

(12) "Long-term acute care hospital" or "LTAC hospital" means a hospital that meets the requirements established in 42 C.F.R. 412.23(e).

(13) "Medical education cost" means a direct cost that is:

(a) Associated with an approved intern and resident program; and

(b) Subject to limits established by Medicare.

(14) "Operating cost" means allowable routine, ancillary service, or special care unit cost related to inpatient hospital care.

(15) "Parity factor" means a factor applied to a per diem rate to establish cost coverage parity with diagnosis related group hospital reimbursement.

(16) "Per diem rate" means a hospital's all-inclusive daily rate as calculated by the department.

(17) "Psychiatric hospital" means a hospital meeting the licensure requirements established in 902 KAR 20:180.

(18) "Rebase" means to redetermine per diem rates using more recent data.

(19) "Rehabilitation hospital" means a hospital meeting the licensure requirements established in 902 KAR 20:240.

(20) "State-designated free-standing rehabilitation teaching hospital that is not state-owned or operated" means a hospital not state-owned or operated ***that[~~which~~]***:

(a) Provides at least 3,000 days of rehabilitation care to Medicaid-eligible recipients in a fiscal year;

(b) Provides at least fifty-one (51) percent of the statewide total of inpatient acute rehabilitation care to Medicaid-eligible recipients;

(c) Provides physical and occupational therapy services to Medicaid recipients needing inpatient rehabilitation services in order to function independently outside of an institution post-discharge;

(d) Is licensed as an acute hospital limited to rehabilitation; and

(e) Is a teaching hospital.

(21) "Swing bed" means a bed approved pursuant to 42 U.S.C. 1395tt to be used to provide either acute care or extended skilled nursing care to a recipient.

(22) "Third party[~~payor~~]" means a payor of a third party

pursuant to KRS 205.510(18)[~~(16)~~].

(23) "Trending factor" means the inflation factor as applied to that period of time between a facility's base fiscal year end and the beginning of the universal rate year.

(24) "Universal rate year" means the twelve (12) month period under the prospective payment system, beginning July of each year, for which a payment rate is established for a hospital regardless of the hospital's fiscal year end.

(25) "Weighted average" means an average that reflects an individual element's proportionality to all elements.

Section 2. Payment for Rehabilitation or Psychiatric Care in an In-State Acute Care Hospital. (1) For rehabilitation care in an in-state acute care hospital that has a Medicare-designated rehabilitation or psychiatric distinct part unit, the department shall reimburse:

(a) A facility specific per diem rate based on the most recently received Medicare cost report received prior to the rate year, trended and indexed to the current state fiscal year; and

(b) In accordance with Sections 6 and 9 of this administrative regulation.

(2) The department shall reimburse for rehabilitation or psychiatric care provided in an in-state hospital that does not have a Medicare-designated distinct part unit:

(a) On a facility specific per diem basis equivalent to its aggregate projected payments for DRG services divided by its aggregate projected Medicaid paid days. Aggregate projected payments and projected Medicaid paid days shall be the sum of:

1. Aggregate projected payments and aggregate projected Medicaid paid days for non-per diem DRG services as calculated by the model established in 907 KAR 10:830[~~825~~];

2. Actual prior year payments inflated by the GII; and

3. Per diem DRG service Medicaid days; and

(b) In accordance with Sections 6 and 9 of this administrative regulation.

Section 3. Payment for Long-term Acute Care Hospital Care, In-State Freestanding Psychiatric Hospital Care, and In-State Freestanding Rehabilitation Hospital Care. (1) The department shall reimburse for inpatient care provided to eligible Medicaid recipients in an in-state freestanding psychiatric hospital, in-state freestanding rehabilitation hospital, or LTAC hospital on a per diem basis.

(2) The department shall calculate a per diem rate by:

(a) Using a hospital's state fiscal year 2005 cost report, allowable cost and paid days to calculate a base cost per day for the hospital;

(b) Trending and indexing a hospital's specific cost, excluding capital cost, per day to the current state fiscal year;

(c) Calculating an average base cost per day for hospitals within similar categories, for example rehabilitation hospitals, using the indexed and trended base cost per day;

(d) Assigning no hospital a base cost per day equaling less than ninety-five (95) percent of the weighted average trended and indexed base cost per day of hospitals within the corresponding category;

(e) Applying a parity factor equivalent to aggregate cost coverage established by the DRG reimbursement methodology established in 907 KAR 10:830[~~825~~]; and

(f) Applying available provider tax funds on a pro-rata basis to the pre-provider tax per diem calculated in paragraphs (a) through (e) of this subsection.

Section 4. Payment to a Newly-participating In-State Freestanding Psychiatric Hospital, Freestanding Rehabilitation Hospital or a Long-Term Acute Care Hospital.

(1) The department shall reimburse a newly-participating in-state freestanding psychiatric hospital, freestanding rehabilitation hospital or long-term acute care hospital the minimum per diem rate paid to hospitals in their category until the first fiscal year cost report submitted by the hospital has been finalized.

(2) Upon finalization of the first fiscal year cost report for a facility, the department shall reimburse the facility a per diem rate in accordance with Section 3 of this administrative regulation.

Section 5. Payment for Critical Access Hospital Care. (1) The department shall pay a per diem rate to a critical access hospital equal to the hospital's Medicare rate.

(2) A critical access hospital's final reimbursement for a fiscal year shall reflect any adjustment made by CMS.

(3)(a) A critical access hospital shall comply with the cost reporting requirements established in Section 10 of this administrative regulation.

(b) A cost report submitted by a critical access hospital to the department shall be subject to audit and review.

(4) An out-of-state critical access hospital shall be reimbursed under the same methodology as an in-state critical access hospital.

(5) The department shall reimburse for care in a federally defined swing bed in a critical access hospital pursuant to 907 KAR 1:065.

Section 6. Reimbursement Limit. Total reimbursement to a hospital, other than to a critical access hospital, shall be subject to the limitation established in 42 C.F.R. 447.271.

Section 7. In-State Hospital Reimbursement Updating Procedures. (1) The department shall adjust an in-state hospital's per diem rate annually according to the following:

(a) An operating and professional component per diem rate shall be inflated from the midpoint of the previous universal rate year to the midpoint of the current universal rate year using the GII; and

(b) A capital per diem rate shall not be adjusted for inflation.

(2) The department shall, except for a critical access hospital, rebase an in-state hospital's per diem rate every four (4) years.

(3) Except for an adjustment resulting from an appeal in accordance with Section 21 of this administrative regulation, the department shall make no other adjustment.

Section 8. Use of a Universal Rate Year. (1) A universal rate year shall be established as July 1 through June 30 to coincide with the state fiscal year.

(2) A hospital shall not be required to change its fiscal year to conform to a universal rate year.

Section 9. Cost Basis. (1) An allowable Medicaid cost shall:

(a) Be a cost allowed after a Medicaid or Medicare audit;

(b) Be in accordance with 42 C.F.R. Parts 412 and 413;

(c) Include an in-state hospital's provider tax; and

(d) Not include a cost listed in Section 11 of this administrative regulation.

(2) A prospective rate shall include both routine and ancillary costs.

(3) A prospective rate shall not be subject to retroactive adjustment, except for:

(a) A critical access hospital; or

(b) A facility with a rate based on un-audited data.

(4) An overpayment shall be recouped by the department as follows:

(a) A provider owing an overpayment shall submit the amount of the overpayment to the department; or

(b) The department shall withhold the overpayment amount from a future Medicaid payment due the provider.

Section 10. In-State Hospital Cost Reporting Requirements. (1) An in-state hospital participating in the Medicaid program shall submit to the department a copy of each Medicare cost report it submits to CMS, an electronic cost report file (ECR), and the Supplemental Medicaid Schedule KMAP-1[~~and the Supplemental Medicaid Schedule KMAP-4 as required by this subsection~~]:

(a) A cost report shall be submitted:

1. For the fiscal year used by the hospital; and

2. Within five (5) months after the close of the hospital's fiscal year.

(b) Except as provided in subparagraph 1 or 2 of this

paragraph, the department shall not grant a cost report submittal extension.

1. If an extension has been granted by Medicare, the cost report shall be submitted simultaneously with the submittal of the Medicare cost report.

2. If a catastrophic circumstance exists, for example flood, fire, or other equivalent occurrence, the department shall grant a thirty (30) day extension.

(2) If a cost report submittal date lapses and no extension has been granted, the department shall immediately suspend all payment to the hospital until a complete cost report is received.

(3) A cost report submitted by a hospital to the department shall be subject to audit and review.

(4) An in-state hospital shall submit a final Medicare-audited cost report upon completion by the Medicare intermediary to the department.

Section 11. Unallowable Costs. (1) The following shall not be allowable cost for Medicaid reimbursement:

(a) A cost associated with a political contribution;

(b) A cost associated with a legal fee for an unsuccessful lawsuit against the Cabinet for Health and Family Services. A legal fee relating to a lawsuit against the Cabinet for Health and Family Services shall only be included as a reimbursable cost in the period in which the suit is settled after a final decision has been made that the lawsuit is successful or if otherwise agreed to by the parties involved or ordered by the court; and

(c) A cost for travel and associated expenses outside the Commonwealth of Kentucky for the purpose of a convention, meeting, assembly, conference, or a related activity, subject to the limitations of subparagraphs 1. and 2. of this paragraph:

1. A cost for a training or educational purpose outside the Commonwealth of Kentucky shall be allowable.

2. If a meeting is not solely educational, the cost, excluding transportation, shall be allowable if an educational or training component is included.

(2) A hospital shall identify an unallowable cost on a Supplemental Medicaid Schedule KMAP-1.

(3) A Supplemental Medicaid Schedule KMAP-1 shall be completed and submitted to the department with an annual cost report.

Section 12. Trending of an In-state Hospital's Cost Report Used for Rate Setting Purposes. (1) An allowable Medicaid cost, excluding a capital cost, as shown in a cost report on file in the department, either audited or un-audited, shall be trended to the beginning of the universal rate year to update an in-state hospital's Medicaid cost.

(2) The trending factor, referenced in subsection (1) of this section, to be used shall be the inflation factor prepared by GII for the period being trended.

Section 13. In-State Hospital Indexing for Inflation. (1) After an allowable Medicaid cost has been trended to the beginning of a universal rate year, an indexing factor shall be applied to project inflationary cost in the universal rate year.

(2) The department shall apply the inflation factor prepared by GII for the universal rate year as the indexing factor.

Section 14. In-State Hospital Minimum Occupancy Factor. (1) If an in-state hospital's minimum occupancy is not met, allowable Medicaid capital costs shall be reduced by:

(a) Artificially increasing the occupancy factor to the minimum factor; and

(b) Calculating the capital costs using the calculated minimum occupancy factor.

(2) The following minimum occupancy factors shall apply:

(a) A sixty (60) percent minimum occupancy factor shall apply to a hospital with 100 or fewer total licensed beds;

(b) A seventy-five (75) percent minimum occupancy factor shall apply to a hospital with 101 or more total licensed beds; and

(c) A newly-constructed in-state hospital shall be allowed one (1) full universal rate year before a minimum occupancy factor shall be applied.

Section 15. Reduced Depreciation Allowance. The allowable amount for depreciation on a hospital building and fixtures, excluding major movable equipment, shall be sixty-five (65) percent of the reported depreciation amount as shown in the hospital's cost reports.

Section 16. Reimbursement for Out-of-state Hospitals. (1) For inpatient psychiatric or rehabilitation care provided by an acute out-of-state hospital, the department shall reimburse a per diem rate comprised of an operating per diem rate and a capital per diem rate.

(a) The psychiatric operating per diem rate shall be the median operating rate, excluding graduate medical education cost or any provider tax cost, per day for all in-state acute care hospitals that have licensed psychiatric beds pursuant to 902 KAR 20:180.

(b) The psychiatric capital per diem rate shall be the median psychiatric capital per diem rate paid for all in-state acute care hospitals that have licensed psychiatric beds pursuant to 902 KAR 20:180[~~, Psychiatric hospitals; operation and services~~].

(c) The per diem rate shall not include any adjustment mandated for in-state hospitals pursuant to 2006 Ky Acts ch. 252.

(2) For care provided by an out-of-state freestanding psychiatric hospital, the department shall reimburse a per diem rate comprised of a psychiatric operating per diem rate and a capital per diem rate.

(a) The psychiatric operating per diem rate shall equal seventy (70) percent of equal the median operating rate, excluding graduate medical education cost or any provider tax cost, per day for all in-state freestanding psychiatric hospitals.

(b) The psychiatric capital per diem rate shall equal seventy (70) percent of the median psychiatric capital per diem cost for all in-state freestanding psychiatric hospitals.

(c) The per diem rate shall not include any adjustment mandated for in-state hospitals pursuant to 2006 Ky Acts ch. 252.

(3) For care in an out-of-state rehabilitation hospital, the department shall reimburse a per diem rate equal to the median rehabilitation per diem rate for all in-state rehabilitation hospitals minus any adjustment mandated for in-state hospitals pursuant to 2006 Ky Acts. ch. 252.

(4) The department shall apply the requirements of 42 C.F.R. 447.271 on a claim-specific basis to payments made via this section of this administrative regulation.

Section 17. Supplemental Payments. In addition to a payment based on a rate developed under Section 2, 3, or 4 of this administrative regulation, the department***[shall]***:

(1)(a) ***Shall*** make quarterly supplemental payments to an in-state hospital which qualifies as a psychiatric access hospital in an amount:

1.[~~(a)~~] Equal to the hospital's uncompensated costs of providing care to Medicaid recipients and individuals not covered by a third party***[payor]***, not to exceed $6 million annually; and

2.[~~(b)~~] Consistent with the requirements of 42 C.F.R. 447.271; or

(b) ***[~~The department~~]*** May allow an in-state hospital that qualifies as a psychiatric access hospital to participate in and receive enhanced funding under the Hospital Rate Improvement Program described in 907 KAR 10:840 to provide funding for payments described in ***paragraph (a) of this subsection [~~Section 17(1)~~]*** if an average commercial rate methodology is available for that program, ***if[~~provided that~~]***:

1. Upon request of the Department for Behavioral Health, Developmental, and Intellectual Disabilities, the qualifying hospital or hospital system agrees to provide behavioral health care for Medicaid recipients and uninsured individuals with no third party coverage;

2. The hospital functions as the state hospital for state mental health in District IV pursuant to 908 KAR 2:040; **[~~and~~]**

3. The payments described in ***paragraph (a) of this***

subsection [~~Section 17(1)~~] are not duplicated within the fee-for-service or Hospital Rate Improvement Programs; **and**

4. The hospital complies with the qualifying hospital requirements established in 907 KAR 10:840; and

(2) ***Shall*** make an annual payment to an in-state state-designated free-standing rehabilitation teaching hospital that is not state-owned or operated in an amount:

(a) Determined on a per diem or per discharge basis equal to the nonreimbursed costs of providing care to Medicaid recipients. Costs shall be the amount of cost identified on a hospital's most recent cost report received by the department for a fiscal year reduced by the cost of care covered by third parties; and

(b) Equal to the amount of per diem payments pursuant to this administrative regulation or per discharge diagnosis related group payments pursuant to 907 KAR 10:830[~~825~~] received by the hospital for Medicaid recipients not covered by third parties.

Section 18. Certified Public Expenditures. (1) The department shall reimburse an in-state public government-owned hospital the full cost of inpatient care via a certified public expenditure (CPE) contingent upon approval by CMS.

(2) To determine the amount of costs eligible for a CPE, an in-state hospital's allowed charges shall be multiplied by the hospital's operating cost-to-total charges ratio.

(3) The department shall verify whether or not a given CPE is allowable as a Medicaid cost.

(4)(a) Subsequent to a cost report being submitted to the department and finalized, a CPE shall be reconciled with the actual costs reported to determine the actual CPE for the period.

(b) If any difference between actual cost and submitted cost remains, the department shall reconcile any difference with the provider.

Section 19. Access to Subcontractor's Records. If a hospital has a contract with a subcontractor for services costing or valued at $10,000 or more over a twelve (12) month period:

(1) The contract shall contain a provision granting the department access:

(a) To the subcontractor's financial information; and

(b) In accordance with 907 KAR 1:672; and

(2) Access shall be granted to the department for a subcontract between the subcontractor and an organization related to the subcontractor.

Section 20. New Provider, Change of Ownership, or Merged Facility. (1) If a hospital undergoes a change of ownership, the new owner shall continue to be reimbursed at the rate in effect at the time of the change of ownership.

(2) Until a fiscal year end cost report is available, a newly constructed or newly participating hospital shall submit an operating budget and projected number of patient days within thirty (30) days of receiving Medicaid certification.

(a) A prospective per diem shall be set based on the operating budget and projected number of patient days for care not subject to a diagnosis related group method of reimbursement.

(b) A prospective per diem rate set in accordance with paragraph (a) of this subsection shall be tentative and subject to settlement at the time the first audited fiscal year end report is available to the department.

(c) During the projected rate year, the budget shall be adjusted if indicated and justified by the submittal of additional information.

(3) If two (2) or more separate entities merge into one (1) organization, the department shall:

(a) Merge the latest available data used for rate setting;

(b) Combine bed utilization statistics, creating a new occupancy ratio;

(c) Combine costs using the trending and indexing figures applicable to each entity in order to arrive at correctly trended and indexed costs;

(d) Compute on a weighted average the rate of increase control applicable to each entity, based on the reported paid Medicaid days for each entity taken from the cost report previously used for rate setting;

(e) If one (1) of the entities merging has disproportionate status and the other does not, retain for the merged entity the status of the entity which reported the highest number of Medicaid days paid;

(f) Recognize an appeal of the merged per diem rate in accordance with 907 KAR 1:671; and

(g) Require each provider to submit a Medicaid cost report for the period:

1. Ended as of the day before the merger within five (5) months of the end of the hospital's fiscal year end; and

2. Starting with the day of the merger and ending on the fiscal year end of the merged entity in accordance with Section 10 of this administrative regulation.

Section 21. Appeals. (1) An administrative review shall not be available for a facility or service reimbursed via the per diem methodology for the determination of the requirement, or the proportional amount, of any budget neutrality adjustment used in the calculation of the per diem rate.

(2) An administrative review shall be available for a calculation error in the establishment of a per diem rate.

(3) An appeal shall comply with the review and appeal provisions established in 907 KAR 1:671.

Section 22. Federal Financial Participation. A policy established in this administrative regulation shall be null and void if the Centers for Medicare and Medicaid Services:

(1) Denies federal financial participation for the policy; or

(2) Disapproves the policy.

Section 23. Incorporation by Reference. (1) ***[~~The following material is incorporated by reference:~~]***[

~~(a)~~] "Supplemental Medicaid Schedule KMAP-1", January 2007***, is incorporated by reference [~~edition~~]***[~~; and~~

~~(b) "Supplemental Medicaid Schedule KMAP-4", January 2007 edition~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at:

(a) The Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) Online at the department's Web site at: https://chfs.ky.gov/agencies/dms/MAPForms/KMAP1.XLS.

CONTACT PERSON: Krista Quarles, Policy Specialist, 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.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING OR RECEIPT OF WRITTEN COMMENTS

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended After Comments)

301 KAR 2:082. Transportation and holding of live exotic wildlife.

RELATES TO: KRS 150.010, 150.015, 150.186, [~~150.305,~~] 150.320, 150.330, 150.990, 150.183, 150.195, 150.235, 285.065, 285.085

STATUTORY AUTHORITY: KRS 65.877, 150.025(1), 150.090, 150.105, 150.180[~~(6)~~], 150.280, 50 C.F.R. 17, 50 C.F.R. 21[~~.29~~], 18 U.S.C. 42-43, 16 U.S.C. 3371-3378

NECESSITY, FUNCTION, AND CONFORMITY: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 authorizes the department to appoint conservation officers charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property or other animals spreading disease and which should be eliminated to prevent further damage. KRS 150.180[~~(6)~~] authorizes the department to regulate the transportation **and importation**[~~importation~~] of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. 50 C.F.R. 21 establishes the federal standards for holding migratory birds, including raptors. 50 C.F.R. 17 establishes the federal standards for endangered and threatened wildlife. This administrative regulation establishes the procedures for obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of exotic species with the potential to damage native ecosystems, and places restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety.

Section 1. Definition. "Exotic wildlife" means wildlife species that [~~which~~] have never naturally existed in the wild in Kentucky, including [~~introduced~~] species introduced by man that have become naturalized.

Section 2. Transportation Permits and Certificates of Veterinary Inspection. (1) A [~~Pursuant to 301 KAR 2:081, a~~] person shall apply for and obtain a valid transportation permit or permit authorization number from the department for all shipments of exotic wildlife, unless otherwise exempted by this or another administrative regulation, prior to:

(a) Receiving a shipment of wildlife from outside of Kentucky; **[~~or~~]**

(b) **Importing[~~Transporting~~]**[~~Importing~~] exotic wildlife into Kentucky; **or**

(c) Transporting exotic wildlife into Kentucky.[~~or~~

~~(c) Transporting exotic wildlife into and through the state to a destination outside Kentucky.~~]

(2) A copy of a valid transportation permit or permit authorization number shall accompany all shipments of wildlife into [~~and through~~] Kentucky.

(3) An individual transportation permit shall be valid for one (1) shipment of wildlife.

(4) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue.

(5) All shipments [~~Any shipment~~] of wildlife, except for amphibians and reptiles, shall be accompanied by a:

(a) Certificate of veterinary inspection stating that the wildlife is free from symptoms of disease; or

(b) Federal [~~A federal~~] quarantine certificate.

Section 3. Applying for Permits. (1) A person shall apply for a transportation permit by completing the online application process when available at fw.ky.gov, or by submitting the necessary forms, as identified below, found on the department's Web site at fw.ky.gov:[~~, in accordance with 301 KAR 2:081~~].

(a) For an individual transportation permit, an applicant must submit a completed "Individual Transportation Permit Application" form; or

(b) For an annual transportation permit, an applicant must submit a completed "Annual Transportation Permit Application" form.

(2) An applicant for a transportation permit shall only obtain wildlife from a legal source.

(3) A permit holder must be at least eighteen (18) years of age.

(4) An applicant shall submit a completed application and remit the correct fee, as established in 301 KAR 3:022 or 301 KAR 3:061.[

~~(2) The department shall deny a permit to an applicant that:~~

~~(a) Is less than eighteen (18) years of age;~~

~~(b) Has been convicted within the last year of a violation of:~~

~~1. This administrative regulation; or~~

~~2. 301 KAR 2:081;~~

~~(c) Does not submit a completed application; or~~

~~(d) Does not remit the correct fee pursuant to 301 KAR 3:022.~~

~~(3) Failure to provide accurate, factual, and complete information on the application form shall result in:~~

~~(a) Immediate withdrawal or revocation of the permit; and~~

~~(b) Confiscation of the wildlife imported under the permit.~~]

(5)[~~(4)~~] An annual transportation permit holder shall[~~ notify the department of any amendments to the original application at least forty-eight (48) hours prior to any wildlife shipment by~~] submit a revised annual transportation permit application to the department via mail to the address listed on the annual transportation permit application or via email at FWpermits@ky.gov for any amendments to the original application and shall not ship wildlife unless the amendments are approved and a revised permit issued by the department.[~~calling the department by telephone at 800-858-1549, Monday through Friday, between 8 a.m. and 4:30 p.m., Eastern time.~~]

(6)[~~(5)~~] A person **importing,** transporting**,**[~~importing~~] or possessing exotic wildlife shall be responsible for following all applicable federal and state laws and local ordinances [~~and rules~~] regarding [~~captive~~] wildlife.

(7) A person with a valid falconry permit, as established in 301 KAR 2:195, shall not be required to possess a transportation permit for those raptors held under the falconry permit.

(8) An applicant possessing or transporting into Kentucky from outside the state federally protected migratory bird species, shall possess, and provide to the department, a valid United States Fish and Wildlife Service permit, except for persons or entities that meet the conditions listed in 50 C.F.R. 21.12 (a) and (b), 50 C.F.R. 21.13, and 50 C.F.R. 21.14.

(9) Federally endangered exotic species shall not be **imported, transported into Kentucky, or possessed,[~~possessed or transported into 12 Kentucky from outside the state~~]** except the Department of Fish and Wildlife Resources may allow **importation,** transportation**,** or possession of any exotic endangered species of wildlife pursuant to KRS 150.183 and 301 KAR 3:061.

Section 4. Prohibited Species. (1) Except as specified in Section 5 of this administrative regulation, a person shall not **import, transport into Kentucky, or possess[~~possess or transport into Kentucky from outside the state,~~]** [~~import, possess, or transport through Kentucky~~] the following exotic wildlife[~~species~~] that are considered potentially injurious to native ecosystems:

(a) Baya weaver (Ploceus philippinus);

(b) Blackbirds (Genus Agelaius), except native species;

(c) Cape sparrow (Passer melanurus);
(d) Cowbirds (Genus Molothrus), except native species;
(e) Cuckoo (Family Cuculidae), except native species;
(f) Dioch or red-billed quelea (Quelea quelea);
(g) European blackbird (Turdus merula);
(h) Fieldfare (Turdus pilaris);
(i) Flying fox or fruit bat (Genus Pteropus);
(j) Fox (Genus Cerdocyon, Genus Lycalopex, Genus Otocyon, Genus Urocyon and Genus Vulpes);
(k)[~~(j)~~] Gambian giant pouched rat (Cricetomys gambianus);
(l)[~~(k)~~] Giant, marine, or cane toad (Bufo marinus);
(m)[~~(l)~~] Hawaiian rice bird or spotted munia (Lonchura punctulata);[
~~(m) Jack rabbit (Genus Lepus);~~]
(n) Java sparrow (Padda oryzivora);
(o) Madagascar weaver (Foudia madagascariensis);
(p) Mistle thrush (Turdus viscivorus);
(q) Monk or Quaker parakeet (Myiopsitta monachus);
(r) Multimammate rat (Genus Mastomys);
(s) Mute swan (Cygnus olor);
(t) Nutria (Myocastor coypus);
(u) Prairie dog (Cynomys spp.);
(v) Raccoon dog (Nyctereutes procyonoides);[
~~(w) San Juan rabbit (Oryctolagus cuniculus);~~]
(w)[~~(x)~~] Sky lark (Alauda arvensis);
(x)[~~(y)~~] Song thrush (Turdus philomelus);
(y)[~~(z)~~] Starling (Family Sturnidae) including pink starlings or rosy pastors (Sturnus roseus), except for Indian Hill mynahs (Gracula religiosa);
(z)[~~(aa)~~] Suricate or slender-tailed meerkat (Genus Suricata);
(aa)[~~(bb)~~] Tongueless or African clawed frog (Xenopus laevis);
(bb)[~~(cc)~~] Weaver finch (Genus Passer), except Passer domesticus;
(cc)[~~(dd)~~] White eyes (Genus Zosterops);[
~~(ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically from native wild rabbits;~~]
(dd) Wild rabbits, hares, and pikas (Order Lagomorpha);
(ee)[~~(ff)~~] Yellowhammer (Emberiza citrinella); or
(ff) [~~(gg)~~] A member of the following families:
1. Suidae (pigs or hogs), except for domestic swine;
2. Viverridae (civets [~~civits~~], genets, lingsangs, mongooses and fossas); or
3. Tayassuidae (peccaries and javelinas).
(2) Except as specified in Section 5 and 6 of this administrative regulation, a person shall not **import or**[~~import or~~] possess **[~~or transport into Kentucky from outside the state~~]** the following inherently dangerous exotic [~~species of inherently dangerous~~] wildlife:
(a) Alligators or caimans (Family Alligatoridae);
(b) African buffalo (Syncerus caffer);
(c) Bears (Family Ursidae);
(d) Cheetah (Acinonyx jubatus);
(e) Clouded leopard (Neofelis nebulosa);
(f) Crocodiles (Family Crocodylidae);
(g) Elephants (Family Elephantidae);
(h) Gavials (Family Gavialidae);
(i) Gila monsters or beaded lizards (Family Helodermatidae);
(j) Hippopotamus (Hippopotamus amphibius);
(k) Honey badger or ratel (Mellivora capensis);
(l) Hyenas (Family Hyaenidae), all species except aardwolves (Proteles cristatus);
(m) Komodo dragon (Varanus komodoensis);
(n)[~~(m)~~] Lions, jaguars, leopards or tigers (Genus Panthera);
(o) Lynx (Genus Lynx);
(p)[(n)] Old world badger (Meles meles);
(q)[~~(o)~~] Primates, nonhuman (Order Primates);
(r)[~~(p)~~] Rhinoceroses (Family Rhinocerotidae);
(s)[~~(q)~~] Snow leopard (Uncia uncia);
(t)[~~(r)~~] Venomous exotic snakes of the families Viperidae, Atractaspididae, Elapidae, Hydrophidae, and Colubridae, except for hognose snakes (Genus Heterodon);
(u) [~~(s)~~] Wolverine (Gulo gulo); or
(v) [~~(t)~~] Hybrids of all species contained in this list.

Section 5. Exemptions. (1) A facility that is accredited by the Association of Zoos and Aquariums shall:
(a) Not be required to obtain a transportation permit for exotic wildlife;
(b) Be allowed to **import,** possess**,** and transport into Kentucky **[~~from outside the state~~]** federally endangered species and the prohibited exotic species listed in Section 4 of this administrative regulation for official zoo activities; and
(c) Maintain prohibited exotic species in an enclosure sufficient to prevent escape and direct contact with the public.
(2) Commissioner's exemption.
(a) Upon written request, the commissioner may grant a written exemption for the possession or transportation into Kentucky of the prohibited species listed in Section 4.
(b) Only the following entities shall be eligible for an exemption by the commissioner:
1. A facility that is designated as the official zoo of a municipality;
2. A college or university conducting research or education that fulfills a classroom requirement;
3. A lawfully operated circus only **importing, transporting into Kentucky, or possessing species**[~~possessing or transporting species into Kentucky~~] that are not federally endangered, as listed in the current Endangered Species Act list;
4. A facility previously granted an exemption by the commissioner for the purpose of housing confiscated wildlife and serving as an animal holding facility as a service to the Department.
5. A facility previously granted a commissioner's exemption, as a licensed or accredited institute of education or research, that houses prohibited species at a permanent wildlife facility for educational or research purposes.

Section 6. Prohibited Species Requirements.
(1) Prohibited exotic species **imported, transported into Kentucky, or** possessed[~~ or transported into Kentucky~~] shall be maintained within an enclosure sufficient to prevent:
(a) Escape; and
(b) Direct contact with the public.
(2) A person **shall**[~~may~~] apply for a transportation permit to temporarily transport into **[~~and through~~]** the state **[~~to a destination outside of Kentucky~~]** a prohibited animal listed in Section 4(2) of this administrative regulation and shall not:
(a) Remain in the state in excess of forty-eight (48) hours;
(b) Stop in Kentucky for exhibition purposes; or
(c) Sell, trade, gift, barter, offer for sale, trade, gift, barter, or profit in any way from a prohibited animal while in Kentucky.
(3) Except for Lynx, a person who legally possessed wildlife listed in Section 4(2) of this administrative regulation prior to July 13, 2005, may continue to possess the animal through the life of the animal and shall maintain:
(a) Veterinary records;
(b) Acquisition papers for the animal; or
(c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.
(4) Lynx legally held in Kentucky prior to December 1, 2021, may be allowed to remain in possession of the owner through the life of the animal. The owner shall maintain:
(a)[~~1.~~] Veterinary records;
(b)[~~2.~~] Acquisition papers for the animal; or
(c)[~~3.~~] Any other evidence that establishes that the person legally possessed the animal in Kentucky prior to December 1, 2021.
(5) A person who legally possesses wildlife pursuant to subsection (3) or (4) of this section shall not, without an exemption pursuant to Section 5:
(a) Replace the wildlife after its death;
(b) Allow the wildlife to reproduce; or
(c) Transfer wildlife to other persons, except if the owner predeceases the animal, the animal may be transferred to another

person with the approval of the Department's Wildlife Division Director.

(6) If exotic wildlife listed in Section 4 of this administrative regulation escapes, the owner shall immediately contact local emergency services and the department at 800-252-5378 to report the escape.

(7) All bites, as established in KRS 258.065, or contact with applicable exotic animals that results in possible exposure to disease or zoonotic infection, shall be reported to the local county health department within twelve (12) hours.

(8) If an exotic mammal bites a person, or a mammal shows symptoms of a rabies infection, the owner of the animal must arrange for the animal to be killed in a manner as to preserve the brain intact and the animal's head shall be submitted for testing immediately to a laboratory approved by the Secretary for Health and Family Services to be tested for rabies, as established in 902 KAR 2:070 Section 5 and KRS 258.085(1)(c).

[~~Section 5. Exemptions. (1) A facility that is accredited by the American Zoo and Aquarium Association shall:~~

~~(a) Not be required to obtain a transportation permit for exotic wildlife; and~~

~~(b) Be allowed to import, transport, and possess the prohibited exotic species listed in Section 4(1) and (2) of this administrative regulation.~~

~~(2) Upon written request, the department shall consider an exemption for the importation of prohibited exotic species for the following entities:~~

~~(a) A facility that is designated as the official zoo of a municipality;~~

~~(b) A government agency;~~

~~(c) A college or university;~~

~~(d) A licensed or accredited institution of:~~

~~1. Research; or~~

~~2. Education;~~

~~(e) A lawfully operated circus; or~~

~~(f) An exhibitor sponsored or contracted by a lawfully operated state or county fair.~~

~~(3) Wildlife possessed or imported into Kentucky per subsection (2) or (4) of this section shall be maintained within an enclosure sufficient to prevent:~~

~~(a) Escape; and~~

~~(b) Direct contact with the public, except local governments may allow direct contact between the public and Asian elephants (Elephas maximus) if:~~

~~1. An established local ordinance exists that allows the contact; and~~

~~2. That ordinance provides regulatory standards in the areas of:~~

~~a. The safety record of the animal or animals;~~

~~b. Proper public safeguards;~~

~~c. Experience of the handlers;~~

~~d. Protective barriers; and~~

~~e. Third party liability insurance coverage from death or injury in an amount equal to or greater than $3,000,000.~~

~~(4) A person may apply for a transportation permit to temporarily transport into and through the state to a destination outside of Kentucky a prohibited animal listed in Section 4(2) of this administrative regulation and shall not:~~

~~(a) Remain in the state in excess of forty-eight (48) hours;~~

~~(b) Stop in Kentucky for exhibition purposes; or~~

~~(c) Sell, trade, barter, or offer for sale, trade, or barter a prohibited animal while in Kentucky.~~

~~(5) A person who legally possessed wildlife listed in Section 4(2) of this administrative regulation prior to July 13, 2005, may continue to possess the animal and shall maintain:~~

~~(a) Veterinary records;~~

~~(b) Acquisition papers for the animal; or~~

~~(c) Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.~~

~~(6) A person who legally possesses wildlife pursuant to subsection (5) of this section shall not, without an exemption pursuant to subsections (2) and (3) of this section:~~

~~(a) Replace the wildlife; or~~

~~(b) Allow the wildlife to reproduce.~~

~~(7) If exotic wildlife listed in Section 4(1) and (2) of this administrative regulation escapes, the owner shall immediately contact local emergency services and the department at 800-252-5378 to report the escape or release.~~]

Section 7.[~~Section 6.~~] Permit-exempt Animals. The following exotic animals shall not require permits from the department for **importation, transportation into Kentucky, or**[~~ importation, transportation, or~~] possession[**~~ or transportation into Kentucky~~**]:

(1) Alpaca (Vicugna pacos);

(2) American bison (Bison bison);

(3) Breeds and varieties of goats derived from the wild goat or bezoar (Capra hircus);

(4) Camel (Camelus bactrianus and Camelus dromedarius);

(5) Canary (Serinius canaria)

(6)[~~(5)~~] Chinchilla (Chinchilla laniger);

(7)[~~(6)~~] Cockatoo and cockatiel (family Cacatuidae);

(8)[~~(7)~~] Domesticated races of ducks and geese (family Anatidae) morphologically distinguishable from wild ducks or geese;

(9)[~~(8)~~] Domesticated races of the European rabbit (Oryctolagus cuniculus) morphologically distinguishable from wild rabbits;

(10)[~~(9)~~] Domesticated races of mink (Mustela vison), if:

(a) Adults are heavier than 1.15 kilograms; or

(b) The fur color can be distinguished from wild mink;

(11)[~~(10)~~] Domesticated races of rats (Rattus norvegicus or Rattus rattus) or mice (Mus musculus);

(12)[~~(11)~~] Domesticated races of turkeys (Meleagris gallopavo) recognized by the American Poultry Association and the U.S. Department of Agriculture, but shall not include captive held or bred wild turkeys;

(13)[~~(12)~~] Domestic yak (Bos grunniens);

(14)[~~(13)~~] Gerbil (Meriones unguiculatus);

(15)[~~(14)~~] Guinea fowl (Numida meleagris);

(16)[~~(15)~~] Guinea pig (Cavia porcellus);

(17)[~~(16)~~] Hamster (Mesocricetus spp.);

(18)[~~(17)~~] Indian Hill mynah (Gracula religiosa);

(19)[~~(18)~~] Llama (Lama glama);

(20)[~~(19)~~] Parrot, lovebird, [~~cockatiel,~~]budgerigar, macaw, parakeet (except monk parakeet, [~~(~~]M. monachus) (families Psittacidae, Psittaculidae, Psittrichasiidae)[~~and macaw (family Psittacidae)~~];

(21)[~~(20)~~] Peafowl (Pavo cristatus);

(22)[~~(21)~~] Pigeon (Columba domestica or Columba livia) or domesticated races of pigeons;

(23)[~~(22)~~] Ratite, as defined by KRS 247.870; and

(24)[~~(23)~~] Toucan (family Rhamphastidae).

[~~Section 7. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a conservation officer to inspect the holding facilities at any reasonable time.~~

~~(2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any provision of this administrative regulation.~~]

Section 8. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild.

Section 9. Inspections and Access. (1) A person in possession of exotic wildlife, pursuant to a transportation permit or commissioner's exemption, shall allow a conservation officer to inspect the holding facilities and the property on which the holding facilities are located at any reasonable time to carry out the purposes of this regulation.

(2) A transportation permit or commissioner's exemption holder shall allow any department approved representative, accompanied by a conservation officer, to access the holding facilities and the property on which the holding facilities are located at any

reasonable time to carry out the purposes of this regulation.

Section 10. Permit Denial and Revocation. (1) Denial. The department shall deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit, and may confiscate wildlife from a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. Any department regulation; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports, or records;

(c) Acquires wildlife prior to receiving a transportation permit, commissioner's exemption, or certificate of veterinary inspection, except as established in Section 2(5), Section 3(7), Section 5(1) and Section 7;

(d) Fails to comply with any provision of this regulation, 301 KAR 2:041, 301 KAR 2:081, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, 301 KAR 2:251, 301 KAR 3:061, 302 KAR 20:020, 302 KAR 20:040, 50 C.F.R. 17, 50 C.F.R. 21, 18 U.S.C. 42-43, or 16 U.S.C. 3371-3378.

(2) Revocations.

(a) The department shall revoke a transportation permit or commissioner's exemption, and may confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

a. KRS Chapter 150;

b. Any department regulation; or

c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a transportation permit application, certificate of veterinary inspection, federal quarantine certificate, request for commissioner's exemption, federal permits, reports or records;

3. Acquires wildlife prior to receiving a transportation permit or commissioner's exemption, except as established in Sections 3(7) and Section 5(1);

4. Fails to comply with any provision of this regulation, 301 KAR 2:041, 301 KAR 2:081, 301 KAR 2:084, 301 KAR 2:195, 301 KAR 2:230, 301 KAR 2:251, 301 KAR 3:061, 302 KAR 20:020, 302 KAR 20:040, 50 C.F.R. 17, 50 C.F.R. 21, 18 U.S.C. 42-43, or 16 U.S.C. 3371-3378.

(b) A fee shall not be refunded for a permit that is revoked.

(3) Denial period. An applicant for a transportation permit whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications denied for the period established below:

(a) The initial denial period shall be one (1) year;

(b) A second denial period shall be three (3) years;

(c) A third or subsequent denial period shall be five (5) years;

(4) Commissioner's exemption.

(a) A commissioner's exemption shall be revoked and future exemptions may be denied for:

1. Failure to maintain wildlife in an enclosure sufficient to prevent escape and direct contact with the public;

2. Failure to abide by the provisions set forth in an exemption letter or this regulation; or

3. Any other reason for which the Commissioner deems appropriate.

(b) If an exemption is terminated, all prohibited species shall be immediately placed in an enclosure sufficient to prevent escape and direct contact with the public and removed from the state within forty-eight (48) hours.

(5) Confiscated Wildlife.

(a) All captive wildlife may be confiscated if a transportation permit or commissioner's exemption is revoked or denied, or a person **imports, transports into Kentucky, or possesses exotic wildlife[~~possesses or transports wildlife into Kentucky~~]** without a valid transportation permit, commissioner's exemption, or certificate of veterinary inspection, except as established in Section 2(5), Section 3(7), Section 5(1), and Section 7.

(b) Wildlife that is confiscated, as established in this section, shall not be returned to the person, entity, or facility from which they were confiscated, and shall be transferred or euthanized with the approval of the Wildlife Division Director.

Section 11. Administrative Hearings.

(1) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(2) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(3) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(4) The hearing officer's recommended order shall be considered by the commissioner and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Annual Transportation Permit Application", 2021 edition;

(b) "Individual Transportation Permit Application", 2021 edition; and

(c) "Captive Wildlife Prohibited Species report form, 2021 edition;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

RICH STORM, Commissioner
MIKE BERRY, Secretary

APPROVED BY AGENCY: December 14, 2021

FILED WITH LRC: December 15, 2021

CONTACT PERSON: Beth Frazee, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, email fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Beth Frazee

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for importation, transportation, and possession of exotic wildlife.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide a defined process for the holding and transportation of live exotic wildlife. These processes are necessary to provide for the protection of our native ecosystem, health and welfare of native wildlife from disease, and the safety of Kentucky citizens.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 authorizes the department to appoint conservation officers charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property or other animals spreading disease and which should be eliminated to prevent further damage. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets forth the requirements for applying for and receiving

transportation permits and commissioner's exemptions to possess, import, and transport through Kentucky from outside the state live exotic wildlife.

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

(a) How the amendment will change this existing administrative regulation: These post public comment amendments will reduce the unintended impact upon shipping of wildlife created by the language utilized in the originally filed amendment while addressing constitutional concerns by largely reverting the language to the version present in the regulation prior to the originally filed amendment.

(b) The necessity of the amendment to this administrative regulation: The post public comment amendments are necessary to prevent unintended additional burdens to common carriers engaged in the shipping business. The regulation with post comment amendments will continue to protect native rabbit species from disease, which could impact populations, protect the public from potential exposure to rabies, provide better customer service in the form of an online system, and meet statutory requirements pertaining to endangered species. Additionally, the regulation with post commend amendments will continue to improve health and human safety in regards to the possession of live exotic wildlife.

(c) How the amendment conforms 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 affected by this administrative regulation: These amendments will make it easier and more straightforward to apply for a transportation permit. Additionally, these amendments will help protect our citizenry and our wildlife populations from disease and other dangers posed by captive exotic wildlife. These regulations may impact those people who wish to be in possession of live exotic wildlife and those organizations requesting a commissioner's exemption to use or exhibit prohibited species of live exotic wildlife. These amendments are necessary for the health and safety of people and wildlife populations.

(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: These amendments will allow for a more efficient permitting process for those species of live exotic wildlife that are legal to import, transport, and possess while avoiding unintended additional restrictions upon common carriers engaged in shipping wildlife. Additionally, those persons in possession of a newly prohibited species will be allowed to hold that animal until the end of its life.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): A minor cost will be incurred to have grandfathered prohibited species microchipped.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Those persons holding prohibited native wildlife will be allowed to maintain the animal for the remainder of its life.

(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 administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the department on a continuing basis.

(6) What is the source of the 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 other fees or increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No new fees will be established.

(9) TIERING: Is tiering applied? No. Tiering is not applied because all permit holders are treated the 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 Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement 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 65.877 authorizes local governments to regulate or prohibit inherently dangerous wildlife as identified by the department and requires the department to establish procedures for denying or issuing a transportation permit. KRS 150.025(1) authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.090 authorizes the department to appoint conservation officers charged with the enforcement of this chapter. KRS 150.105 authorizes the department to destroy or bring under control any wildlife causing damage to persons, property or other animals spreading disease and which should be eliminated to prevent further damage. KRS 150.180(6) authorizes the department to regulate the importation of wildlife into Kentucky. KRS 150.280 requires the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife.

(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 this administrative regulation during the first year.

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

(c) How much will it cost to administer this program for the first year? There will be no additional costs 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 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:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amended After Comments)

702 KAR 1:191. District employee quarantine leave.

RELATES TO: KRS 156.160, 160.290, 161.155

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance, including regulations for the protection of the physical

welfare and safety of public school children, as well as the pay of teachers during absence because of sickness or quarantine. KRS 156.070 provides the Kentucky Board of Education with the management and control of the common schools and all programs operated in those schools. KRS 160.291 authorizes fringe benefit payments by local boards of education which are deemed to be for services rendered for the benefit of the common schools. This administrative regulation establishes paid quarantine leave to employees in the event of quarantine due to infectious or contagious disease exposure.

Section 1. Quarantine Leave. (1) Each district board of education shall adopt policies providing each eligible full or part-time employee in the school district **at least ten (10) days paid leave per school year for**[~~paid leave during the period the employee is ordered to~~] quarantine due to **exposure to a reportable** infectious or contagious disease **under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health**[~~exposure~~]. This leave shall be in addition to any other leave provided by statute or board policy.

(2) In order to be eligible for leave under this section, the employee shall:

(a) Be ordered to quarantine **by a licensed treating physician, physician's assistant, or advanced practice registered nurse, the Department for Public Health, or a local health department** due to **exposure to a reportable** infectious or contagious disease **under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health** **[**~~exposure by a treating medical professional, a public health department, or the Department for Public Health~~]; and

(b) Have exhausted all accumulated sick leave provided to the employee pursuant to KRS 161.155 and local board of education policies, or be ineligible to utilize accumulated sick leave provided to the employee pursuant to KRS 161.155 and local board of education policies.

(3) A school district **shall**[~~may~~] require the employee to provide written documentation from the entity ordering the employee to quarantine due to exposure to **a reportable** infectious or contagious disease **under 902 KAR 2:020 or any other infectious or contagious disease designated as reportable to a local health department or the Department for Public Health by a valid order or administrative regulation of the local health department serving the school district or the Department for Public Health**.

(4) A school district, at its discretion, may determine quarantine leave pursuant to the section is unnecessary when an employee can fulfill his or her job duties remotely during the quarantine period.

(5) Leave granted pursuant to this section **shall be on a day-by-day basis, as needed, and** shall not accumulate or carry over year-to-year, and shall not be transferrable to any other classification of paid leave established by KRS 161.155, KRS 161.154, or local board of education policy.

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).

JASON E. GLASS, Ed.D., Commissioner & Chief Learner
LU YOUNG, Chairperson

APPROVED BY AGENCY: December 6, 2021

FILED WITH LRC: December 7, 2021 at 3:45 p.m.

CONTACT PERSON: Todd G. Allen, 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: The proposed regulation establishes a minimum of ten days of paid leave for local school district employees in the event of a quarantine order due to exposure to infectious or contagious disease.

(b) The necessity of this administrative regulation: KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate administrative regulations for the "pay of teachers during absence because of sickness or quarantine." KRS 161.155(2) provides sick leave to school district employees upon certification that "the teacher or employee was ill, that the teacher or employee was absent for the purpose of attending to a member of his or her immediate family who was ill, or for the purpose of mourning a member or his or her immediate family." As such, a school district employee who is asymptomatic and undiagnosed with an infectious or contagious disease, yet subject to a quarantine order by a licensed treating physician, physician's assistant, or advanced practice registered nurse, the Department for Public Health, or a local health department, may not meet the requirements set forth in KRS 161.155(2) to utilize sick leave.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate regulations for: The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine. KRS 156.160(1)(h) provides the Kentucky Board of Education with authority to promulgate administrative regulations "necessary or advisable for the protection of the physical welfare and safety of the public school children." This regulation establishes the leave requirements for quarantine due to infectious or contagious disease.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the leave requirements for quarantine due to infectious or contagious disease pursuant to KRS 156.160(1)(l). Furthermore, this regulation provides a leave mechanism for school district employees subject a quarantine order who are otherwise ineligible for sick leave.

(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. This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: N/A.

(c) How the amendment conforms to the content of the authorizing statutes: N/A.

(d) How the amendment will assist in the effective administration of the statues: N/A.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts, local school district employees.

(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 requires school districts to adopt local policies providing at least ten days of leave for employees subject to quarantine due to infectious or contagious disease who have either exhausted all sick leave or are ineligible to utilize sick leave.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): School districts will incur the cost of any leave

provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to reportable infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Districts will be able to provide employees with at least ten days of paid leave per school year when the employee is required to quarantine due to infectious or contagious disease exposure. Furthermore, this regulation ensures that school district employees are not faced with the decision of complying with a quarantine order or being absent without leave, furthering the safety and welfare of public school children.

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

(a) Initially: School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(b) On a continuing basis: School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General funds and federal COVID-19 relief funds (e.g. Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations (CRSSA) Act, and the American Rescue Plan (ARP) Act) when permissible.

(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 anticipated to implement this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied. This regulation applies uniformly to all school districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Local school districts.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160(1)(l) requires the Kentucky Board of Education to promulgate regulations for:
The fixing of holidays on which schools may be closed and special days to be observed, and the pay of teachers during absence because of sickness or quarantine or when the schools are closed because of quarantine. KRS 156.160(1)(h) requires the Kentucky Board of Education to promulgate regulations for “the protection of the physical welfare and safety of the public school children.”

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. School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate revenue.

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

(c) How much will it cost to administer this program for the first year? School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

(d) How much will it cost to administer this program for subsequent years? School districts will incur the cost of any leave provided pursuant to the administrative regulation, in addition to the cost of any necessary substitute. Total costs will be dependent on the number of employees subject to quarantine orders due to exposure to infectious or contagious disease. However, costs are mitigated by requiring employees to exhaust or be ineligible for sick leave, and by allowing school districts to direct employees to work remotely when feasible.

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

Revenues (+/-): N/A

Expenditures (+/-): Unknown

Other Explanation: Specific dollar estimates cannot be determined. The cost of the program is indeterminable and will depend on the numbers of employees placed in quarantine and costs related to obtaining substitute employees where appropriate.

PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(Amended After Comments)

804 KAR 4:221. Alternating proprietorship agreements.

RELATES TO: KRS 243.220

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060 authorizes the board to promulgate reasonable regulations governing procedures relative to the applications for and revocations of licenses, and the supervision and control of the use, manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages. This regulation provides for the sharing of a licensed premises between two or more licensees in accordance with an alternating proprietorship agreement.

Section 1. Definition. "Alternating proprietorship agreement" means a written agreement under which two or more licensees share possession or ownership of a licensed premises and alternate exclusive use of the premises over the term of the agreement.

Section 2. A licensed premises may meet the requirements of KRS 243.220 if it is owned or possessed for a term not less than the license period by two or more eligible licensees under an alternating proprietorship agreement.

Section 3. A licensee **shall[~~may~~]** not enter into an alternating proprietorship agreement with any **person who holds a Kentucky alcoholic beverage license that the licensee is prohibited from holding under Kentucky law[~~other licensee with whom the licensee would have a prohibited interlocking substantial interest under 804 KAR 4:015~~].**

Section 4. Licensees who share a licensed premises in accordance with an alternating proprietorship agreement shall individually meet any requirements of their licenses, including, but not limited to, production and record-retention requirements.

Section 5. This administrative regulation shall not be interpreted to relate to direct shipper licenses.

Section 6. Federal Law. This administrative regulation shall not exempt a person from complying with any applicable federal laws.

ALLYSON C TAYLOR, Commissioner
RAY PERRY, Secretary
APPROVED BY AGENCY: December 15, 2021
FILED WITH LRC: December 15, 2021 at 11:30 a.m.
CONTACT PERSON: Joshua Newton, General Counsel, Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE #226, Frankfort, Kentucky 40601, phone (502) 782-0770, fax (502) 564-4850, email Joshua.Newton@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joshua Newton
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation permits and defines alternating proprietorship agreements so that two or more licensees may share possession or ownership of a licensed premises and alternate exclusive use of the premises.
(b) The necessity of this administrative regulation: KRS 243.220 requires a licensed premise to be owned or leased by the licensee for the term of the license. This regulation allows licensees to enter into agreements to share a licensed premise and identify when each will have sole use of it. This is beneficial to smaller businesses who will now be able to share in the costs of maintaining a premise they may not need to use full-time.
(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation permits sharing of a licensed premise by two or more licensees and outlines how they may accomplish that. KRS 241.060 authorizes the board to promulgate reasonable regulations governing licensing and traffic of alcoholic beverages. This regulation is in conformity with the governing statute in outlining how a premise may be licensed to more than one licensee.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 243.220 prohibits a premise from being licensed unless the applicant has ownership or possession of the premise under a written agreement for the term of the license. This regulation outlines how two or more licensees may share a premise to be licensed and the written agreement required.
(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: NA
(b) The necessity of the amendment to this administrative regulation: NA
(c) How the amendment conforms to the content of the authorizing statutes: NA
(d) How the amendment will assist in the effective administration of the statutes: NA
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The number of licensees that will be affected by the regulation is unknown as it will allow current licensees to share premises under a written agreement and may open the door to others who would like to obtain a license but haven't had the financial ability or logistical need to own or lease a premises individually. Because the regulation does not change production limits or the prohibition on interlocking substantial interests, it will not adversely affect the industry or the consumer. There are no affects to state or local government operations.
(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 not be required to undertake any action to comply with this regulation unless they want to enter into an alternating proprietorship agreement and combine licensed premises. Those wishing to enter into such agreements will continue to operate under the laws they were subject to before implementation of the regulation.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There are no additional costs association with compliance with this regulation, though many licensees may receive a cost benefit by sharing space.
(c) As a result of compliance, what benefits will accrue to the entities: If the regulated entities choose to combine premises they may receive a cost benefit in the reduction of overhead costs for their operations.
(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 associated with implementation of this regulation.
(b) On a continuing basis: There is no additional cost associated with implementation of this regulation.
(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is additional no cost associated with implementation of this regulation and no funding is required.
(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no cost associated with implementation of this regulation and no increase in fees or funding will be necessary for its implementation.
(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation did not establish any fees, and did not directly or indirectly increase any fees.
(9) TIERING: Is tiering applied? Tiering is not applied because this will affect all regulated entities equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Contact Person: Joshua Newton
(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 Alcoholic Beverage Control and local Alcoholic Beverage Control administrators.
(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 243.220, 241.060(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? The specific dollar estimate of revenue this administrative

regulation will generate cannot yet be determined. However, if new businesses are able to open due to the cost sharing this regulation will allow, then revenues associated with new businesses and alcohol taxes may be realized for both state and local governments.

(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 specific dollar estimate of revenue this administrative regulation will generate in subsequent years cannot yet be determined. However, if new businesses are able to open due to the cost sharing this regulation will allow, then revenues associated with new businesses and alcohol taxes may be realized for both state and local governments.

(c) How much will it cost to administer this program for the first year? There are no costs associated with administering this program.

(d) How much will it cost to administer this program for subsequent years? There are no costs associated with administering 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:

PROPOSED AMENDMENTS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

SECRETARY OF STATE
(Amendment)

30 KAR 2:010. Certification of vacancy in nominations

RELATES TO: KRS 118.105
STATUTORY AUTHORITY: KRS 118.105
NECESSITY, FUNCTION, AND CONFORMITY: KRS 14.025(2) requires the Department of State to be responsible for elections. KRS 118.105 authorizes the Secretary of State to certify that a vacancy exists in a nomination because of death, withdrawal, disqualification to hold the office sought, or severe disabling condition which arose after the nomination.

Section 1. Notification of Vacancy.
(1) The Secretary of State shall be notified of the vacancy in a nomination governed by KRS 118.105.
(2) The notification shall:
(a) Be written;
(b) Be dated;
(c) State the reason for the vacancy;
(d) Contain documentation to substantiate the reason for the vacancy;
(e) Be signed by the person making the notification; and
(f) Be notarized.
(3) The notification may be made by:
(a) The candidate;
(b) The governing authority of a party;
(c) A registered voter; or
(d) An opposing candidate.
(4) The notification shall be delivered to the Secretary of State by:
(a) Certified mail;
(b) Fax;
(c) Email; or
(d) Any person authorized by the person making the notification.

Section 2. Documentation to Substantiate Reason for Vacancy.
(1) Documentation to substantiate the reason for a vacancy shall be filed with the notification by the candidate or governing authority of the party as provided by this section. For:
(a) Death of a candidate: a certificate of death or other evidence satisfactory to the Secretary of State, such as a:
1. Certification or written statement from the coroner; or
2. Certification from a funeral director;
(b) Withdrawal of a candidate: the Notice of Candidate Withdrawal form, SBE/SOS/05 (4/21);
(c) Disqualification to hold the office sought: evidence of legal disqualification; and
(d)[~~(c)~~] Severe disabling condition: medical evidence of the condition.
(2) Medical evidence of a severe disabling condition shall consist of medical evidence provided by:
(a) A licensed and practicing:
1. Physician;
2. Osteopath;
3. Psychologist;
4. Psychiatrist; or
(b) Other medical professional qualified to make a determination that the candidate is suffering from a severe disabling condition.
(3) The documentation filed to substantiate the reason for vacancy may be challenged, in writing, by:
(a) The governing authority of an opposing party;
(b) An opposing candidate; or
(c) A registered voter.
(4)(a) The Secretary of State shall review all documentation relating to the reason for a vacancy.
(b) If the Secretary of State determines that additional documentation is required, he or she shall request a review:
1. Of the medical evidence of a severe disabling condition filed with the notification; or
2. By a medical professional specified in subsection (2) of this section.

Section 3. In accordance with KRS 118.105, the Secretary of State shall not certify that a vacancy exists if he or she determines that the documentation filed to substantiate the reason for the vacancy does not establish that a vacancy exists because of:
(1) Death;
(2) Withdrawal;
(3) Disqualification to hold the office sought; or
(4)[~~(3)~~] A severe disabling condition which arose after the nomination.

MICHAEL G. ADAMS, Secretary of State
APPROVED BY AGENCY: December 1, 2021
FILED WITH LRC: December 2, 2021 at 12:58 p.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 25, 2022, at 10:00 a.m. EST, at Office of the Secretary of State. 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. 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 until February 28, 2022. 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: Jennifer Scutchfield, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 782-7417, fax (502) 564-5687, email jscutchfield@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jennifer Scutchfield
(1) Provide a brief summary of:
(a) What this administrative regulation does: This administrative regulation establishes the procedures to certify vacancy in nominations.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures to certify vacancy in nominations.
(c) How this administrative regulation conforms to the content of the authorizing statutes: In order for the Secretary of State to fulfill its duties under KRS 118.105, this administrative regulation is necessary to establish the procedures to certify vacancy in nominations.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is necessary to establish the procedures to certify vacancy in nominations.
(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 legislature added a vacancy can occur because of withdrawal of a candidate. This supports the current version of

KRS 118.105.

(b) The necessity of the amendment to this administrative regulation: The legislature added a vacancy can occur because of withdrawal of a candidate. This supports the current version of KRS 118.105.

(c) How the amendment conforms to the content of the authorizing statutes: The legislature added a vacancy can occur because of withdrawal of a candidate. This supports the current version of KRS 118.105.

(d) How the amendment will assist in the effective administration of the statues: The legislature added a vacancy can occur because of withdrawal of a candidate. This supports the current version of KRS 118.105.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation affects citizens of the Commonwealth that are filing for public office and voting for a candidate.

(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 identified in question (3) will have to familiarize themselves with this regulation and contact our office with questions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The Secretary of State will not incur costs with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulation will reflect current law.

(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: N/A

(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 will not be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes nor increases any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. 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 Office of the Secretary of State.

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 118.105.

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 revenue for state or local governments during the first year.

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

(c) How much will it cost to administer this program for the first year? The administration cost is minimal.

(d) How much will it cost to administer this program for subsequent years? The administration cost will be minimal.

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
State Board of Accountancy
(Amendment)

201 KAR 1:190. Examination sections, applications, and procedures.

RELATES TO: KRS 325.270, 325.261(4)

STATUTORY AUTHORITY: KRS 325.240(2), 325.270(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 325.240(2) authorizes the board to promulgate administrative regulations to administer KRS Chapter 325. KRS 325.270(1) and (2) require the board to authorize examinations for individuals seeking to become certified public accountants, and permit the board to, by administrative regulation, adopt standards and fees governing all examination policies and procedures. KRS 325.261(4) requires passage of an examination prior to a person becoming licensed as a certified public accountant and for the board to determine the subjects to be included on the examination. This administrative regulation establishes the subjects, also referred to as sections, to be included on the examination, the procedures, and fees associated with the administration of the examination.

Section 1. Definitions.

(1) "Accounting course" means the subject matter contained in the course description or catalog issued by a college or university includes auditing, tax, accounting standards, principles, or processes.

(2) "AICPA" means the American Institute of Certified Public Accountants, the entity that prepares and grades the Uniform CPA Examination.

(3) "Business-related subjects" means courses that contain in the course prefix or title an indication that the course subject matter is one (1) of the following: business, finance, marketing, management, economics, computers, statistics, or accounting.

(4) "CLEP credit" means credit granted by a university or college to a prospective student who obtains a passing score on an exam administered through the College Level Examination Program.

(5) "DSST credit" means credit granted by a university or college to a prospective student who obtains a passing score on an exam administered through the Dantes Subject Standardized Testing program.

(6) "Life assessment course" means a course where a student earns credit at a university or college based upon the student's personal life and work experiences.

(7) "Major or concentration in accounting" means a minimum of thirty-nine (39) semester hours in business-related subjects of which twenty-seven (27) semester hours shall consist of accounting courses.

(8) "NASBA" means the National Association of State Boards of Accountancy, which operates a nationwide computer data bank for candidates applying to sit for the Uniform CPA Examination.

(9) "Official transcript" means an official document issued by a college or university that specifies the college course work completed, degrees awarded, the date the degree was awarded, and contains an authorizing signature or seal.

(10) "Prometric or its successor" means the testing service in charge of administering the Uniform CPA Examination.

(11) "Quarter hour" means 66/100ths of a semester hour.

(12) "Testing window" means the two (2) months out of each three (3) month period during a calendar year when an exam candidate may sit for the Uniform CPA Examination.

(13) "Uniform CPA Examination" means the computer-based version of the licensure examination administered by the AICPA.

Section 2. Examination [~~Sections~~]. The board has adopted the Uniform CPA Examination prepared by the AICPA as the examination every candidate seeking to receive a license shall sit for and obtain a passing grade. [~~The sections included on this examination shall be:~~

~~(1) Auditing and Attestation;~~

~~(2) Financial Accounting and Reporting;~~

~~(3) Regulation; and~~

~~(4) Business Environment and Concepts.~~]

Section 3. Grading Procedures and Acquiring Credit for Obtaining a Passing Score.

(1) An exam candidate shall receive a passing score on all sections of the examination to be eligible to receive a license.

(2) The passing score shall be seventy-five (75) on each section. An exam candidate may retain a passing score on any section even though the candidate may have sat for and failed other sections of the examination at the same sitting.

(3) Subject to the exception contained in subsection (4) of this section, an exam candidate may sit for one (1) or any number of the four (4) sections of the examination at a time during a testing window.

(4) An exam candidate shall not sit more than once for the same section of the examination during a testing window. Beginning July 1, 2020 an exam candidate shall not sit for the same section of the examination until after they receive a score for that section.

(5) When an exam candidate initially receives a passing score on a section of the Uniform CPA Examination, the candidate shall have eighteen (18) months following the last day of the month of the administration of that examination section to obtain a passing score on the remaining sections of the examination.

(a) Failure to receive a passing score on the remaining sections of the examination within the eighteen (18) months shall result in the expiration of the initial passing score, but not other sections passed during that eighteen (18) month period.

(b) All sections of the examination shall be passed during an eighteen (18) month time period for the candidate to be considered to have passed the examination.

(6) One (1) request to extend the time to retain passing scores beyond the time restrictions contained in this section shall be granted to a candidate who has sat for one (1) section of the exam during the same testing window when the passing score was to expire. The time extension shall expire on the last day of the testing window that immediately follows the month in which the score was scheduled to expire. Beginning July 1, 2020, an extension shall expire the last day of the calendar quarter from the date the candidate sat for the exam section.

Section 4. Beginning July 1, 2020, testing windows as defined in Section 1(12) of this administrative regulation shall cease to exist.

Section 5. Initial Examination Applicants.

(1) Initial examination application process.

(a) An initial examination applicant shall submit a complete, notarized Application for the Uniform CPA Examination.

(b) The applicant shall:

1. Indicate whether the applicant has been convicted, plead guilty, entered an Alford plea, or a plea of no contest to a felony or misdemeanor, other than a minor traffic violation, and if so, submit with the application:

a. A copy of the judgment or sentence of conviction;

b. A criminal record check report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is dated within six (6) months of the date of the application, or a similar document from the out of state agency where the conviction was entered; and

c. A letter of explanation;

2. Indicate whether the applicant has been denied admission to the Uniform CPA Examination, and if so, attach to the application a letter explaining the reason, date, and jurisdiction of the denial;

3. Indicate whether the applicant has had disciplinary action taken against any professional license, and if so, attach to the application:

a. A letter indicating the jurisdiction and date of action;

b. A copy of all records associated with the action; and

c. An explanation of the circumstances; and

4. Submit an official transcript from each college or university that evidences completion of the educational requirements established in KRS 325.261, which includes a major or concentration in accounting. Course credit hours that are based upon a quarter hour system shall be converted to semester hours.

(c) An applicant requesting reasonable accommodations in testing due to a disability shall complete an Exam Applicant Special Accommodations Request Form supported by documentation no more than three (3) years old from a qualified examiner that shall include:

1. A diagnosis of the disability; and

2. Recommendation for the specific accommodations.

(d) The board shall not be responsible for the costs associated with obtaining the required documentation, but shall be responsible for the costs of reasonable accommodations that are provided to the applicant.

(e) The applicant shall submit a fee with the Application for the Uniform CPA Examination in the amount of:

1. Thirty (30) dollars for the application; and

2. Thirty (30) dollars for each section of the examination the applicant intends to take.

(f) Fees shall be nonrefundable and payment shall be in the form of a check or money order made payable to the Kentucky State Board of Accountancy. If the institution the check or money order is drawn on does not honor the check or money order, the application shall be incomplete and returned.

(2) Educational requirements.

(a) Educational requirements shall be completed at:

1. A college or university within the United States that was accredited by one (1) of the following accrediting associations when the degree was granted:

a. Middle States Association of Colleges and Schools;

b. North Central Association of Colleges and Schools;

c. New England Association of Schools and Colleges;

d. Northwest Association of Schools, Colleges and Universities;

e. Southern Association of Colleges and Schools;

f. Western Association of Schools and Colleges; or

2. The board shall accept course credit hours awarded by a college or university after January 1, 2020 that is not accredited by one (1) of the associations listed in paragraph (a) 1. of this subsection, if those course credit hours receive credit from a college or university accredited by one (1) of the associations specified in paragraph (a) 1. of this subsection following the enrollment of the student in the accredited college or university. This exception does not apply to the course credits listed in subsection (3) of this Section; or

3. A postsecondary educational institution outside the United States with course credits certified by a credentialing agency that is a member of the National Association of Credential Evaluation Services, Inc., or NASBA.

(b) The certification required by paragraph (a)3. of this subsection shall indicate:

1. That the foreign degree is equivalent to a baccalaureate or master's degree earned in an accredited United States college or university as described in KRS 325.261 and this administrative regulation;

2. That the applicant had a major or concentration in accounting;

3. The title of all courses completed by the applicant outside of the United States; and

4. The amount of credit awarded to the applicant for each course.

(c) The board may consult with a Kentucky state-funded four (4) year institution of higher education for assistance in evaluating the hours earned and the accreditation of an educational institution under this subsection.

(3)(a) Effective January 1, 2015, an applicant shall not receive credit toward satisfying the education requirements in KRS 325.261 and this administrative regulation for any credit hours awarded through a life assessment course or for DSST credit.

(b) Effective January 1, 2015, an applicant who received CLEP credit, or credit hours from a college or university for completing an internship or co-op program may use a maximum of six (6) of those hours from each program for a total of twelve (12) hours solely toward satisfying the 150 hour requirement in KRS 325.261(5).

Section 6. (1)(a) The executive director of the board shall review all applications.

(b) If the executive director determines the application satisfies the requirements of this administrative regulation, the application shall be approved.

(c) If the executive director refuses to approve the application, it shall be submitted to the board for its review and consideration at its next regularly scheduled meeting.

(2) Applications approved by the executive director or the board shall be entered into the data bank operated by NASBA. NASBA shall then issue a payment coupon to the applicant that specifies the fees to be paid to NASBA, the AICPA, and Prometric to sit for the exam.

(3) Following payment of the required fees, NASBA shall issue a notice to schedule to the candidate which states the candidate is eligible to contact Prometric or its successor to schedule a date and time to sit for the examination.

(4)(a) A candidate shall have six (6) months from the date of issuance by NASBA of a notice to schedule to sit for the sections of the examination approved by the executive director or the board.

(b) The notice to schedule shall expire when the candidate has sat for the sections approved by the executive director or the board, or at the conclusion of the six (6) month period whichever comes first.

(c) A notice to schedule that is not expired may be extended if a candidate describes in writing that the extension is necessary due to an emergency or a serious illness that will prohibit the candidate from sitting for a section of the exam prior to the conclusion of the six (6) month time period.

(d) To obtain approval to sit for additional sections of the examination, a candidate shall submit a reexam application as described in Section 10 of this administrative regulation.

(5)(a) The exam candidate shall pay all costs associated with sitting for the Uniform CPA Examination charged by NASBA, Prometric or its successor, and the AICPA.

(b) The costs shall be paid no later than ninety (90) days following the date of issuance of the payment coupon from NASBA.

(c) Failure to pay these fees prior to the end of the ninety (90) day time period shall result in the cancellation of the payment coupon and require the candidate to submit a reexam application accompanied by the appropriate fees.

Section 7. Examination Rules of Conduct.

(1) An examination candidate shall present two (2) forms of current and valid identification at the Prometric or its successor examination center. One (1) of these forms of identification shall be a state driver's license, a picture identification card issued by a state motor vehicle licensing agency, or a passport.

(2) The license or picture identification card shall be currently in effect and shall contain a photograph and signature.

(3) Failure to bring this identification to the examination center shall result in the candidate being prohibited from sitting for the examination.

(4) An examination candidate shall comply with all directives of the staff at the Prometric or its successor testing center and the rules of conduct in effect at the testing center.

(5) An examination candidate shall not:

(a) Use written materials or mechanical aids inside or outside the examination room during the course of the examination;

(b) Communicate with any person, other than the testing center staff, inside or outside the examination room, during the course of the examination;

(c) Copy answers or allows his or her answers to be copied;

(d) Substitute an individual in his or her place;

(e) Disclose in any manner any information concerning the examination questions or content;

(f) Falsify or misrepresent educational credentials or other information required for admission to the examination; or

(g) Fail to follow written or announced examination administration procedures.

Section 8. Examination Misconduct Penalties. An examination candidate who violates any of the provisions of this administrative regulation may be prohibited from:

(1) Further participation in that particular examination section;

(2) Receiving grades after sitting for any examination; or

(3) Sitting for subsequent examinations.

Section 9. An exam applicant shall immediately notify the board of a change in his or her mailing address.

Section 10. Reexam Applicants.

(1) Upon request the board shall mail a Reexam Application for the Uniform CPA Exam to every candidate who fails to pass the Uniform CPA Examination.

(2) The reexam application shall be mailed to the most recent address provided by the candidate.

(3) The board shall not be responsible if the reexam application is not delivered by the United States Postal Service.

(4)(a) The applicant shall:

1. Indicate since the approval of the applicant's initial application whether the applicant has been convicted, plead guilty, entered an Alford plea, or a plea of no contest to a felony or misdemeanor, other than a minor traffic violation, and if so, submit with the reexam application:

a. A copy of the judgment or sentence of conviction;

b. A criminal record check report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application, or a similar document from the out of state agency where the conviction was entered; and

c. A letter of explanation; and

2. If not previously submitted, and if the applicant is requesting reasonable accommodations in testing due to a disability, complete an Exam Applicant Special Accommodations Request Form supported by documentation no more than three (3) years old from a qualified examiner that shall include:

a. A diagnosis of the disability; and

b. Recommendation for the specific accommodations.

(b) The reexam application shall be received in the board's office prior to the reexam candidate being considered eligible to sit for any section of the exam.

(5)(a) The candidate shall return the completed reexam application with the reexam fee.

(b) The reexam fee shall be thirty (30) dollars per section. The reexam fee shall be nonrefundable and paid by check or money order made payable to the Kentucky State Board of Accountancy. If the institution the check or money order is drawn on does not honor the check or money order, the application shall be

incomplete and returned.

(6) A reexam candidate who fails to comply with the requirements of this section shall not be permitted to sit for reexam.

(7) The procedures and policies in Section 6 of this administrative regulation shall be applicable to a reexam application.

(8) The reexam candidate shall comply with the requirements of Sections 7, 8, and 9 of this administrative regulation.

Section 11. Examination Grades. Effective April 1, 2020, Kentucky exam candidates will receive their scores via the NASBA Web site: Nasba.org.[~~received from NASBA shall be:~~

~~(1) Posted on the board's Web site; and~~

~~(2) A copy mailed to each affected candidate.~~]

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for the Uniform CPA Examination", October 2014;

(b) "Reexam Application for the Uniform CPA Examination", 2014; and

(c) "Exam Applicant Special Accommodations Request Form", October 2014.

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

DIANE MEDLEY, President

APPROVED BY AGENCY: November 30, 2021

FILED WITH LRC: December 3, 2021 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2022 at 1:00 p.m., EST at the office of the Board located at 332 W. Broadway, Suite 310 Louisville, Kentucky 40202. 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 the 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 the end of the day (11:59 p.m.) February 28, 2022. 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: Joseph P. Donohue, Executive Director, Kentucky State Board of Accountancy, 332 W. Broadway, Suite 310, Louisville, Kentucky 40202, phone (502) 595-3037, fax (502) 595-4281, email joep.donohue@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joseph P. Donohue

(1) Provide a brief summary of:

(a) What this administrative regulation does: Describes the elements and procedures related to the uniform examination required for licensure as a certified public accountant ("CPA").

(b) The necessity of this administrative regulation: To insure that CPA candidates are aware of important information related to the content, procedures, and administration of uniform CPA exam.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 325.270(1) and (2) require the board to authorize examinations for individuals seeking to become certified public accountants, and permit the board to, by administrative regulation, adopt examination policies and procedures.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation notifies CPAs of the content, procedures, and administration of uniform examination required for licensure as a CPA.

(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 eliminates the current reference to specific sections of the Uniform CPE Examination to correspond with changes to the exam being implemented by the American Institute of Certified Public Accountants ("AICPA") in January 2024, and updates the method by which exam candidates are informed of their scores.

(b) The necessity of the amendment to this administrative regulation: The amendment updates the description of the Uniform CPA Examination in the regulation to accurately reflect changes being made to the exam, and advises on changes made to the score notification process.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the authority provided to the board by KRS 325.270(1) and (2) to adopt regulations governing the administration of the Uniform CPA Examination.

(d) How the amendment will assist in the effective administration of the statutes: The update provided by the amendment ensures the regulation will continue to accurately describe elements of the uniform licensing exam that governs the practice of public accounting in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation affects the candidates taking the CPA exam. The number of candidates taking the exam through the Kentucky Board has averaged slightly more than 800 people per year over the last four years.

(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 actions will be required. The amendment just updates its description of the Uniform CPA Examination to maintain its accuracy in light of revisions being made to the exam by the AICPA.

(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.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment will avoid any potential confusion to candidates regarding the Uniform CPA Examination. Existing CPE requirements will be more clearly set forth.

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

(a) Initially: No increase in current expenses.

(b) On a continuing basis: No increase in expenses.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board operates solely on the funds contained in its trust and agency account.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase will be necessary.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: There is no additional fee imposed by this proposed amendment.

(9) TIERING: Is tiering applied? Tiering is not applied since the standards set forth in this regulation govern the CPE requirements of all CPAs.

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 State Board of Accountancy.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 325.240(2), KRS 325.270(1) and (2), and KRS 325.261(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.

(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 increase in current costs is expected.

(d) How much will it cost to administer this program for subsequent years? No increase in expenses for future years is anticipated.

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:

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 002:106. Licensed or permitted facility closures.

RELATES TO: KRS 315.035, 315.0351, 315.036, 315.121, 315.340, 315.342, 315.350, 315.402, 315.4102

STATUTORY AUTHORITY: KRS[,] 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations relating to subject matters governed by KRS Chapter 315. This administrative regulation establishes requirements relating to closure of business by licensees and permit holders.

Section 1. Definitions.

(1) "Involuntary closure" means an interruption of formal business activity resulting from:

(a) Acute illness or incapacitation;

(b) Death;

(c) Fire, flood, or other natural disaster;

(d) Bankruptcy proceedings; or

(e) Court, government, or Board of Pharmacy action.

(2) "Non-use" means a failure to engage in formal business activity within one (1) year of initial licensing or permitting, or renewal of license or permit.

(3) "Permanent voluntary closure" means a licensee or permit holder:

(a) Ceases to do business and permanently closes; and

(b) Does not file application for a license or permit for the same location.

(4) "Temporary closure" means a pharmacy [~~licensee or permit holder~~] whose hours of operation have deviated over a period of two (2) consecutive days, five (5) aggregate[~~consecutive~~] working days within a fourteen (14) day period or nine (9) aggregate working days within a thirty (30) day period from those of record at the Board of Pharmacy office for a reason other than a federal holiday, permanent voluntary closure or involuntary closure.

Section 2. Procedures for Closure Applicable to All Licensees and Permit Holders. (1) Permanent voluntary closure.

(a) A licensee or permit holder shall inform the Board of Pharmacy, and if applicable, the Drug Enforcement Administration (DEA), and the Cabinet for Health and Family Services by written notice fifteen (15) days prior to the anticipated closure and include the following information:

1. Date of business termination;

2. Name, address, and DEA number of registrant to whom the prescription drugs and drug- related devices including controlled substances are to be transferred; and

3. Name, address, and DEA number of registrant to whom the records including inventories, acquisition records, purchase records, and disposition records are to be transferred.

(b) In the absence of directives to the contrary from the DEA, the Board of Pharmacy, or the Cabinet for Health and Family Services, the transfer shall be effected on the assigned date.

(c) The transferor and the transferee shall each maintain copies of the following records relating to transferred controlled substances for at least two (2) years following closure:

1. U.S. Official Order Forms, DEA-222 Schedule II;

2. Schedules III, IV, and V Invoices; and

3. Controlled substances inventory.

(d) The transferee shall maintain copies of the following records relating to prescription drugs and drug-related devices for at least two (2) years following closure:

1. Inventories;

2. Acquisition records;

3. Purchase records; and

4. Disposition records.

(e) The records in paragraph (d) of this subsection may be stored on a computer or by other electronic means and shall be readily retrievable.

(f) Upon termination, a licensee or permit holder shall:

1. Remove all signs pertinent to pharmacy or drugs from the building and premises; and

2. Return the voided permits, the DEA registration, and unused Schedule II Order Forms to their respective office of issue.

(2) Involuntary closure.

(a) Within five (5) days of involuntary closure, a licensee or permit holder, or person authorized to act on behalf of the licensee or permit holder, shall:

1. Notify the Board of Pharmacy in writing; and

2. Guarantee the security and control of the licensed or permitted premises in a manner that will allow continued storage of prescription drugs and drug-related devices, including controlled substances, and records, including patient records, if applicable, for sixty (60) days after the effective date of the involuntary closure.

(b) Within sixty (60) days after the effective date of the involuntary closure, a licensee or permit holder shall make arrangements for the lawful transfer or other disposition of prescription drugs and drug-related devices, including controlled substances, and records.

(c) The Board of Pharmacy may assume control and responsibility of prescription drugs and drug-related devices, including controlled substances, and records, including patient records, if applicable, it deems necessary for disposition, if after the expiration of the sixty (60) day period following the effective date of involuntary closure:

1. A lawful transfer or other disposition has not been made; or

2. An agreement between the Board of Pharmacy and the licensee or permit holder or person authorized to act on behalf of the licensee or permit holder, has not been reached.

(3) Permanent voluntary closure of licensees and permit holders with patient records.

(a) A licensee or permit holder shall conspicuously place a sign notifying the public thirty (30) days in advance of the:

1. Termination date of business; and

2. Name and address of the licensee or permit holder to which prescription files or other patient records will be transferred.

(b) Except when prevented by the exercise of another party's legal rights:

1. The sign shall remain in place for a period of thirty (30) days after the closure; and

2. All efforts shall be undertaken to assure a smooth transition of uninterrupted service to those affected by the closure.

(c) The posting of the sign required by paragraph (a) of this subsection shall not be required if:

1. An application for a pharmacy permit or outsourcing facility license for the same location is filed; or

2. During a sale of a pharmacy or outsourcing facility, prescription records are transferred to another permitted pharmacy or licensed outsourcing facility that is within five (5) miles of the location of the pharmacy or outsourcing facility that is sold and owned by the purchasing entity.

(4) [~~Temporary Closure~~]Deviation of Hours for Non-Pharmacy Licensees and Permit Holders.

(a) Licensees and permit holders whose hours of operations have deviated over a period of five (5) consecutive [~~working~~] days from those of record at the Board of Pharmacy office for a reason other than permanent voluntary closure or involuntary closure shall immediately notify the Board of Pharmacy in writing of the [~~reason for the~~] deviation, reason for the deviation, and the anticipated period of continuance.

(b) The licensee or permit holder shall notify the Board of Pharmacy in writing of the arrangements necessary to provide adequate and continued security and control of all prescription drugs and drug-related devices and records maintained by the licensee or permit holder.

(c) If formal business activity cannot resume within sixty (60) days, or the security and control cannot be maintained, the:

1. License or permit shall be closed; and

2. Procedures for involuntary closure shall be followed.

(5) Temporary Closure of a Pharmacy.

(a) A pharmacy permit holder that is temporarily closed shall immediately notify the Board of Pharmacy in writing of the temporary closure, reason for the closure, the anticipated date of reopening, and the plan to provide emergency patient assistance and access to medication throughout the period of closure.

(b) The pharmacy permit holder shall notify the Board of Pharmacy in writing of the arrangements necessary to provide adequate and continued security and control of all prescription drugs and drug-related devices and records maintained by the licensee or permit holder.

(c) If formal business activity cannot resume within sixty (60) days, or the security and control cannot be maintained, the:

1. Pharmacy shall be closed; and

2. Procedures for involuntary closure shall be followed.

(d) At the time the pharmacy permit holder notifies the Board of Pharmacy of the temporary closure, the pharmacy shall place patient-facing signage on all pharmacy entrances and drive through windows providing up to date notification of the closure. The signage shall include notification of the closest, open pharmacy, regardless of ownership, that can assist patients immediately as well as anticipated date and time of reopening.

(e) The pharmacy permit holder shall update their phone message to include notice of the closure, and if the pharmacy has a Web site, the website shall also indicate the closure. The phone message and the website shall include a method to speak with an on-call pharmacist during regular operating hours on file with the Board of Pharmacy.

(f) The pharmacy permit holder shall have a pharmacist onsite or remotely if a common database is utilized and readily available during the posted pharmacy hours for the purpose of transferring prescription record(s) or reversing adjudicated claim(s) to a third party payer during the time of the temporary closure.

(g) The pharmacy permit holder shall make a reasonable effort to notify prescribers of the temporary closure and time and date of anticipated reopening.

Section 3. Closure of License or Permit Due to Non-use.

(1) The Board of Pharmacy shall close a license or permit due to non-use if:

(a) The licensee or permit holder fails to notify the Board of Pharmacy of initiation of formal business activity within the first year of issuance;

(b) Inspection reveals a failure to engage in formal business activity within the first year of issuance; or

(c) Inspection reveals a failure to engage in formal business activity within one (1) year of renewal.

(2) A licensee or permit holder may request an extension from closure due to non-use. The request shall:

(a) Be in writing;

(b) Include a legitimate reason for the lack of formal business activity; and

(c) Provide a date by which formal business activity will commence or resume.

(3) Upon closure of a license or permit due to non-use, the Board of Pharmacy shall follow procedures for involuntary closure to secure and dispose of any prescription drugs and drug-related devices and records.

Section 4. Duties and Responsibilities of Licensee and Permit Holder. A licensee, permit holder or person authorized to act on behalf of the licensee or permit holder shall:

(1) Fully cooperate with the Board of Pharmacy to promote the efficient administration of action required by the provisions of this administrative regulation; and

(2) Be financially liable to the Board of Pharmacy for expenses incurred by the Board of Pharmacy in its implementation of the provisions of this administrative regulation.

Section 5. Violation. Violations of any of these provisions shall be grounds for the discipline of the license or permit pursuant to KRS 315.121.

LARRY A. HADLEY, R.Ph, Executive Director

APPROVED BY AGENCY: December 14, 2021 at 12:49 p.m.

FILED WITH LRC: December 14, 2021

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2022 at 9:00 a.m. Eastern Time via zoom teleconference with a physical location of 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 February 28, 2022. 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 relating to closure of business by licensees and permit holders.

(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.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the requirements relating to closure of business by licensees and permit holders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:
The proposed amendment to this regulation will ensure the mission of the board included in KRS 315.005 is maintained and that patients have timely access to their medications.

(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 modifies the definition of temporary closures and creates new requirements for pharmacy permit holders that are temporarily closing.

(b) The necessity of the amendment to this administrative regulation: The amendment ensures that patients have timely access to their medications and are placed on notice of the closure and given the opportunity to transfer their prescription elsewhere to be dispensed.

(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 by ensuring that patients have timely access to their medications.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: The board anticipates pharmacies will 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 question (3) will have to take to comply with this administrative regulation or amendment: Pharmacies will have to familiarize themselves with amended language and ensure they follow the amended requirements if temporarily closing. 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 entities identified 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 ensure that the patients of pharmacies are taken care of and their health needs are met.

(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, pharmacist interns, and pharmacy technicians who wish to administer vaccinations.

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:

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:030. Kentucky State Reformatory.

RELATES TO: KRS Chapters 196, 197, 439

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

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the cabinet or any division therein. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Kentucky State Reformatory.

Section 1. Incorporation by Reference. (1) "Kentucky State Reformatory policies and procedures", November 16, 2021[~~May 15, 2018~~], are incorporated by reference. Kentucky State Reformatory policies and procedures include:

KSR 01-00-08	Communication Among the Warden, Management Staff, Department Heads and Inmates (Amended 11/16/21[~~3/14/18~~])
KSR 02-00-01	Inmate Canteen (Amended 11/16/21[~~1/12/17~~])
KSR 02-00-03	Screening Disbursements from Inmate Accounts (Amended 11/16/21[~~1/12/17~~])
KSR 02-00-11	Inmate Accounts (Amended 11/16/21[~~3/14/18~~])
KSR 02-00-13	Inmate Canteen Committee (Amended 11/16/21[~~4/11/16~~])
KSR 06-00-03	Kentucky Open Records Law and Release of

	Institutional and Medical Records (Amended 11/16/21[~~1/12/17~~])
KSR 09-00-28	Restricted Areas (Amended 11/16/21[~~12/14/15~~])
KSR 09-00-30	Parole Board (Amended 11/16/21[~~1/12/17~~])
[~~KSR 10-01-02~~	~~Restrictive Housing Unit General Operational Procedures (Amended 1/12/17)~~
~~KSR 10-01-03~~	~~Restrictive Housing Unit - Inmate Tracking System and Record System (Amended 1/12/17)~~
~~KSR 10-01-09~~	~~Hold Ticket Inmates (Amended 3/14/18)~~]
KSR 10-01-12	Restrictive Housing Unit General Operational Procedures – Unit E/Upper A Wing (Added 11/16/21)
KSR 11-00-01	Meal Planning and Procedure (Amended 11/16/21[~~3/14/18~~])
KSR 11-00-05	Food Service Department Clothing Issuance, Laundry and Sanitation (Amended 11/16/21[~~12/14/15~~])
KSR 11-00-06	Health Standards for Food Service Employees (Amended 11/16/21[~~1/12/17~~])
KSR 12-00-03	State and Personal Hygiene Items Issued to Inmates (Amended 11/16/21[~~3/14/18~~])
KSR 12-00-07	Inmate Barber and Beauty Shop [~~Barbershop~~] (Amended 11/16/21[~~4/11/16~~])
KSR 12-00-09	Treatment of Inmates with Body Lice (Amended 11/16/21[~~3/14/18~~])
KSR 13-00-03	Medication for Inmates Leaving Institutional Grounds (Amended 11/16/21[~~12/14/15~~])
KSR 13-00-04	Medical and Dental Care (Amended 11/16/21[~~5/15/18~~])
KSR 13-00-05	Medical Records (Amended 11/16/21[~~4/11/16~~])
KSR 13-00-09	Institutional Pharmacy Procedures (Amended 11/16/21[~~1/12/17~~])
KSR 13-00-10	Requirements for Medical Personnel (Amended 11/16/21[~~12/14/15~~])
KSR 13-00-17	Special Care (Amended 11/16/21[~~12/14/15~~])
KSR 13-01-01	Death of an Inmate and Notification of Inmate Family About a Critical
KSR 13-02-01	Mental Health Services (Amended 11/16/21[~~12/14/15~~])
KSR 13-02-03	Suicide Prevention and Intervention Program (Amended 11/16/21[~~3/14/18~~])
KSR 13-02-08	Inmate Observer Program (Amended 11/16/21[~~1/12/17~~])
KSR 13-03-01	Correctional Psychiatric Treatment Unit (Added 11/16/21)
KSR 13-03-02	Voluntary and Involuntary Psychotropic Medication Orders (Added 11/16/21)
KSR 14-00-02	Americans with Disabilities Act and Inmate Program Access (Amended 11/16/21[~~12/14/15~~])
KSR 15-00-06	Inmate Identification Cards (Amended 11/16/21[~~3/14/18~~])
KSR 15-00-09	Tobacco Free Environment (Amended 11/16/21[~~12/14/15~~])
KSR 15-00-10	Program Services for Special Housing Placement (Amended 11/16/21[~~3/14/18~~])
[~~KSR 15-01-01~~	~~Responsibilities of Staff Assigned to Units A, B & C (Amended 3/14/18)~~]
KSR 15-01-02	Staff Operational Procedures for Units A, B, and[~~&~~] C (Amended 11/16/21[~~3/14/18~~])
KSR 15-01-03	Inmate Rules for General Population Living Areas (Amended 11/16/21[~~3/14/18~~])
[~~KSR 15-01-06~~	~~Honor Housing Criteria and Rules (Amended 1/12/17)~~]
KSR 15-01-07	Unit B-Nursing Care Facility Operational Procedures and Rules (Amended 11/16/21[~~1/12/17~~])
KSR 15-01-08	Outside Detail (Amended 11/16/21[~~Added 3/14/18~~])
KSR 16-00-02	Inmate Correspondence and Mailroom Operations (Amended 11/16/21[~~3/14/18~~])
KSR 16-00-03	Inmate Access to Telephones (Amended 11/16/21[~~3/14/18~~])
KSR 16-01-01	Inmate Visiting (Amended 11/16/21[~~3/14/18~~])
KSR 17-00-05	Inmate Reception and Orientation (Amended 11/16/21[~~3/14/18~~])
KSR 17-00-07	Inmate Personal Property (Amended 11/16/21[~~3/14/18~~])
KSR 18-00-04	Inmate Transfers, Admission, and Discharge Procedures (Amended 11/16/21[~~3/14/18~~])
KSR 18-00-06	Classification (Amended 11/16/21[~~12/14/15~~])
[~~KSR 18-00-07~~	~~Kentucky State Reformatory Placement Committee (Amended 12/14/15)~~]
KSR 18-01-00	Youthful Offenders (Amended 11/16/21[~~4/11/17~~])
[~~KSR 18-02-01~~	~~Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) (Amended 1/12/17)~~]
KSR 19-00-02	Inmate Work Programs (Amended 11/16/21[~~3/14/18~~])
[~~KSR 19-00-03~~	~~Safety Inspections of Inmate Work Assignment Locations (Amended 3/14/18)~~]
KSR 20-00-01	LaGrange Education Center [~~Programming~~] (Amended 11/16/21[~~5/15/18~~])
[~~KSR 20-00-06~~	~~English as a Second Language (Amended 12/14/15)~~]
KSR 21-00-01	Legal Aide Office and Inmate Law Library Services [~~and Supervision~~]
KSR 21-00-02	Library Services (Amended 11/16/21[~~3/14/18~~])
KSR 22-00-03	Inmate Organizations (Amended 11/16/21[~~3/14/18~~])
KSR 22-00-04	Inmate Recreation Programs (Added 11/16/21)
KSR 22-00-07	Inmate Magazine (Amended 11/16/21[~~1/12/17~~])
KSR 23-00-03	Religious Programming (Amended 11/16/21[~~Added 4/11/17~~])
[~~KSR 24-00-01~~	~~Social Services Staff (Added 12/14/15)~~]
KSR 24-00-02	Substance Abuse and Chemical Dependency Program (Amended 11/16/21[~~1/12/17~~])
KSR 24-00-03	Social Services Program (Amended 11/16/21[~~3/14/18~~])
KSR 25-00-01	Discharge of an Inmate to Hospital or Nursing Home (Amended 11/16/21[~~12/14/15~~])
KSR 26-00-01	Volunteer Services Program (Amended 11/16/21[~~1/12/17~~])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Legal Services, Justice and Public Safety Cabinet, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections website at https://corrections.ky.gov/About/Pages/lrcfilings.aspx.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 16, 2021 at 10:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2022, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes Street, 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 11:59 p.m. February 28, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegsContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Kentucky State Reformatory (KSR).

(b) The necessity of this administrative regulation: This regulation meets statutory requirements in KRS 196.035 and 197.020 and meets American Correctional Association (ACA) policy requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement practices or procedures to ensure the safe and efficient operation of the institution.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference provide direction and information to KSR employees and inmates concerning employee duties, inmate responsibilities, and the procedures that govern operations of the institution.

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

(a) How the amendment will change this existing administrative regulation: The amendment brings KSR into compliance with ACA expected practices and updates the procedures for the institution.

(b) The necessity of the amendment to this administrative regulation: The amendment meets the requirements of KRS 196.035 and 197.020 and updates practices for the institution in part to maintain accreditation with the ACA.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the institution.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and inmates information concerning the effective and orderly management of the institution.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 315 employees and 841 inmates at the Kentucky State Reformatory and all volunteers and visitors to the institution.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Staff, inmates, volunteers, and visitors will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An increase in cost is not anticipated from the changes in operations made in the amendment. An exact cost of compliance is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational changes will assist in the effective and orderly management of the institution.

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

(a) Initially: No additional cost is anticipated.

(b) On a continuing basis: No additional cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Department of Corrections budgeted funds for the institution for the biennium.

(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 anticipated.

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

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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 State Reformatory

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.870 – 61.884, 196.035, 197.020, 439.510

(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.

(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 regulation does not create any revenue for the institution.

(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 regulation does not create any revenue for the institution.

(c) How much will it cost to administer this program for the first year? The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

(d) How much will it cost to administer this program for subsequent years? The regulation impacts how the institution operates, but is not expected to increase costs from what will be budgeted to the institution.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(Amendment)

704 KAR 19:002. Alternative education programs.

RELATES TO: KRS 156.070, 156.160, 160.380

STATUTORY AUTHORITY: KRS 156.070, 156.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 grants the Kentucky Board of Education the authority over the management and control of programs operated in the common schools. KRS 156.160 grants the Kentucky Board of Education the specific authority to promulgate administrative regulations establishing standards which school districts shall meet in program service to students. This administrative regulation establishes minimum requirements for the operation of alternative education programs in school districts.

Section 1. Definitions. (1) "Alternative education program" is

defined by KRS 160.380(1)(b)[~~(a)~~].

(2) "Child with a disability" means a child evaluated in accordance with 707 KAR 1:300, as meeting the criteria listed in the definitions in 707 KAR 1:002 for autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment which has an adverse effect on the child's educational performance and who, as a result, needs special education and related services.

(3) "Individual education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 707 KAR 1:320.

(4) "Individual learning plan" or "ILP" means a comprehensive framework for advising students in grades six (6) through twelve (12) to engage in coursework and activities that will best prepare them to both realize college and career success and become contributing members of their communities.

(5) "Individual learning plan addendum" or "ILPA" means an action plan that addresses the changed educational needs of a student based upon entry into or exit from an alternative education program that includes[~~, as appropriate,~~] academic and behavioral needs of the student, criteria for the student's re-entry into the traditional program, and provisions for regular review of the student's progress throughout the school year while in an alternative education program.

(6) "Involuntary placement" means the placement of a student in an alternative education program by local district school personnel:

(a)1. To ensure the safety of the individual student, the student body, or staff;

2. To meet the educational needs of the student;

3. To transition the student to a placement as a state agency child pursuant to KRS 158.135 and 505 KAR 1:080; or

4. For disciplinary purposes; and

(b) Not made at the request of the parent or emancipated student.

(7) "A1 school" is defined by 703 KAR 5:240(1)(1).

(8) "Off-site program" means an alternative education program located in a separate and dedicated program facility not located within [~~the student's assigned school~~] an existing A1 school.

(9)[~~(8)~~] "On-site program" means an alternative education program located within [~~the student's assigned school~~] an existing A1 school.

(10)[~~(9)~~] "Voluntary placement" means the placement of a student in an alternative education program at the request of the parent or emancipated student and with the agreement of school personnel to better meet the educational needs of the student.

(11) "Long term placement" means a student enrolled in an alternative education program for more than ten school days.

Section 2. General Requirements. (1)(a) A district shall ensure that each alternative education program is not limited in scope or design and is aligned to the academic program of the district.[~~:~~

~~1. Aligns with college and career readiness outcomes;~~

~~2. Is not limited in scope or design; and~~

~~3. Includes training to build capacity of staff and administrators to deliver high-quality services and programming that conform with best practices and guide all students to college and career readiness.~~]

(b) A student enrolled in an alternative education program may be eligible to participate in one (1) or more types of programs to address student learning needs that may include an alternative digital learning environment, credit recovery, or an innovative path to graduation.

(2) Each local board of education shall adopt and annually review policies and procedures for the operation of each alternative education program within the district. Locally-adopted policies and procedures shall include the:

(a) Purpose of the program, including the ways the program supports the district's college and career readiness goals for students;

(b) Eligibility criteria, as appropriate;

(c) Process for entering students into the program;

(d) Process for transitioning students out of the program;

(e) Process for developing the ILPA for students with long term placements, including the composition of the team to develop the ILPA, which shall include an invitation to the [~~parents~~] guardian to participate and, as appropriate, an invitation to the student to participate; [~~and~~]

(f) Procedures for collaboration with outside agencies involved with involuntary placements, including courts or other social service agencies to address student transitions between programs;[~~.~~]

(g) Procedures for regular, periodic monitoring of the alternative education program by the district; and

(h) Procedures for selecting, implementing, and monitoring the impact of professional learning designed to meet the needs of the teachers and students served by the alternative education program.

(3) An alternative education program shall be either an on-site program or an off-site program.

(4) Alternative education program curriculum shall be aligned with the Kentucky [~~Core~~] Academic Standards established in 704 KAR 3:303 and 704 KAR Chapter 8, and the student learning goals in the ILP.

(5) Each alternative education program student shall be subject to the minimum graduation requirements established in 704 KAR 3:305 and any additional local district graduation requirements.

(6) An alternative education program shall be subject to any applicable requirements of Kentucky's Consolidated State Plan[~~703 KAR 5:225 and Kentucky's Elementary and Secondary Education Act Flexibility Waiver~~], or its successor.

(7) Each student participating in an alternative education program shall be eligible to access extracurricular activities as allowed by local district and school council policies and by 702 KAR 7:065 or other applicable organization rules.

(8) Each student participating in an alternative education program shall continue to be able to access resources and services already available in the district, including instructional materials, tutoring, intervention, transportation, library and media services, specialty course work, and counseling services, in furtherance of each student's educational program as determined through the development of the ILPA.

Section 3. Placement of Students. (1)(a) The placement of students by the district in an alternative education program shall be either voluntary or involuntary.

(b) A student entering an alternative education program shall meet the eligibility requirements for the program established by the local board pursuant to Section 2 of this administrative regulation.

(c) The district shall ensure that an ILP, as required by 704 KAR 3:305, exists prior to placement of a student in an alternative education program.

(2)(a) The placement decision for all students with an IEP shall be made through the admissions and release committee (ARC) process pursuant to 707 KAR 1:320.

(b) For a child with a disability, the IEP shall address the changed educational delivery needs of the student based upon entry into or exit from an alternative education program.

(c) The placement decisions for a student who has been identified under 29 U.S.C. §794, Section 504 of the Rehabilitation Act of 1973, as amended, shall be made through a team process consistent with the applicable requirements outlined in 34 C.F.R. Part 104.

Section 4. Costs and Expenditures. Each district shall use the statewide financial management system and chart of accounts to track costs and expenditures associated with each alternative education program operating in the district.

Section 5. Data. (1) Each district shall utilize the student

information system to enter data regarding each student enrolled in an alternative education program.

(2) Data collected shall include demographic, programmatic, or other data fields contained in the student information system or required by the department to track and report student participation, educational programming, achievement, and transition to and from alternative education programs.

(3) Districts are responsible for ensuring that student records are maintained and recorded in the student information system for each student in an alternative education program regardless of whether services are provided by district staff or non-district staff.

Section 6. Personnel. Alternative education program teachers and administrators shall be subject to the teacher certification requirements established in KRS 161.020 School districts.[~~, and~~] shall comply with the classified and certified assignment restrictions established in KRS 160.380(3) when operating alternative education programs.

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).

JASON GLASS, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: December 6, 2021

FILED WITH LRC: December 7, 2021

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 22, 2022 at 10:00 a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, 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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 160.380 defines an alternative education program as “a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments.” This regulation supports the districts in the operation of alternative education programs by creating standard definitions, outlining requirements for district level policies, providing foundational entry criteria, and establishing data collection requirements.

(b) The necessity of this administrative regulation: This regulation ensures that students across the Commonwealth have access to alternative education programs and that those programs are governed following the same set of foundational principles.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.070, 156.160.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation outlines the foundational requirements for the operation of alternative education programs. Districts use this regulation as a starting point when crafting their own local policies.

(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: These amendments seek to provide clarity and uniformity to alternative education programs. The definitions section has been updated to clarify the definition of an on-site versus off-site program and to create a uniform definition of a long term placement. Additionally, the amendment creates a new requirement for additional procedures within district level policies that encourage greater monitoring and interaction between district level staff and alternative education program staff. Finally, the amendment clarifies the expectation that districts ensure that partnering organizations are providing appropriate data for inclusion in the student information system.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to resolve frequent issues identified through the comprehensive monitoring processes deployed by the Kentucky Department of Education. Collectively, these amendments address roughly eighty percent of monitoring findings over the past five years.

(c) How the amendment conforms to the content of the authorizing statute: KRS 160.380 defines the alternative education program. The Kentucky Board of Education promulgated this regulation under the authority granted by KRS 156.070 and 156.160.

(d) How the amendment will assist in the effective administration of the statutes: These amendments seek to resolve frequent findings from KDE’s consolidated monitoring process. Each amendment is the direct result of audit findings and will help to provide clarity for districts seeking to run alternative education programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by the amendments made in this regulation include: All public school districts and alternative education programs. Additionally, this regulation impacts Department of Juvenile Justice facilities that are categorized as alternative education programs and facilities run by the Kentucky Educational Collaborative for State Agency Children (KECSAC).

(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: School districts housing alternative education programs will be required to create two new procedures within policies related to the periodic local monitoring of alternative education programs and the selection of professional learning for teachers working in alternative education programs. The alterations to definitions may require school districts to amend existing policies or practices to align with the changes.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with the amended regulation will ensure that students assigned to alternative education programs have equal access to quality teachers and rigorous coursework. Additionally, the changes will provide greater uniformity in data collection and reporting that will allow the KDE to better support alternative education programs in the future.

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

(a) Initially: KDE will incur initial training costs to update alternative education providers on the new requirements.

(b) On a continuing basis: KDE incurs an ongoing cost of staff

and resources that are already in place.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Enforcement of this regulation is funded by the KDE General Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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? Local education agencies, the Kentucky Department of Education (KDE), the Kentucky Department of Juvenile Justice (DJJ), and the Kentucky Educational Collaborative for State Agency Children (KECSAC) 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 156.070, KRS 156.160

(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. KDE will incur initial training costs to update alternative education providers on the new requirements.

(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.

(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.

(c) How much will it cost to administer this program for the first year? KDE will incur initial training costs to update alternative education providers on the new requirements.

(d) How much will it cost to administer this program for subsequent years? KDE incurs an ongoing cost of staff and resources that are already in place.

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

Revenues (+/-): N/A

Expenditures (+/-): NA

Other Explanation: N/A

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care
(Amendment)

902 KAR 20:018. Operation and services; end-stage renal disease [~~dialysis~~] facilities.

RELATES TO: KRS 216B.010, 216B.015, 216B.040, 216B.042, 216B.045, 216B.050, 216B.055, 216B.075, 216B.085, 216B.105-216B.125, 216B.990(1), (2), 310.021, 314.041, KRS Chapter 333, 335.100, 42 C.F.R. 494.1–494.180, 45 C.F.R. Part 160, Part 164, 42 U.S.C. 1320d-2–1320d-8 [~~314.035, 314.137~~]

STATUTORY AUTHORITY: KRS 216B.042(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.042(1) requires the cabinet to promulgate administrative regulations necessary for the proper administration of the licensure function, which includes establishing licensing standards and procedures to ensure safe, adequate, and efficient [~~of~~] health services and health facilities. This administrative regulation establishes the minimum licensure requirements for the operation of and services provided by end-stage [~~of~~] renal disease (ESRD) [~~dialysis~~] facilities.

Section 1. Definitions. (1) "Administrator" means an individual [~~a person~~] who:

(a) Holds a baccalaureate degree or its equivalent; [~~and~~]

(b) Has at least one (1) year of experience working in an ESRD unit; and

(c) Is responsible for the management of the ESRD facility.

(2) [~~"Anti-HBs" means the antibody to the hepatitis B virus conferred either by vaccination or infection.~~

~~(3)~~] "Dialysis technician" means a person credentialed by the Board of Nursing as a dialysis technician.

(3)[~~(4)~~] "End-[-]stage renal disease" or "ESRD" means a medical condition in which a person's kidneys cease functioning on a permanent basis leading to the need for long-term dialysis or a kidney transplant to maintain life[~~that stage of renal impairment which:~~

~~(a) Is irreversible and permanent; and~~

~~(b) Requires dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life~~].

(4)[~~(5)~~] "ESRD facility" means a facility or entity that provides outpatient maintenance dialysis services, home dialysis training and support, or both.

(5) [~~renal dialysis facility, as included in the definition of "health facility" at KRS 216B.015(10).~~

~~(6) "HBsAg" means the hepatitis B antigen, present in the blood of persons who are infected by the hepatitis B virus.~~

~~(7) "HBV negative" means the absence of the hepatitis B virus, the hepatitis B antigen, and the antibody to the hepatitis B virus.~~

~~(8)~~] "Medical director" means a Kentucky-licensed physician who:

(a) Is board-certified in internal medicine or pediatrics;

(b) Has completed a board-approved training program in nephrology; and

(c) Has[~~is a board eligible or certified nephrologist, internist, or pediatrician with~~] at least twelve (12) months of experience providing care to patients receiving dialysis; or

(d) If the physician does not meet the requirements of paragraphs (a) – (c) of this subsection, has received approval in accordance with 42 C.F.R. 494.140(a)(2) to direct an ESRD facility[~~training in the treatment and management of ESRD patients~~].

(6)[~~(9)~~] "Qualified dietician" means an individual who:

(a) Is [~~a person~~] licensed pursuant to KRS 310.021; and

(b) Has a minimum of one (1) year professional work experience in clinical nutrition as a registered dietitian.

(7)[~~(10)~~] "Qualified medical record technician[~~practitioner~~]" means an individual who:

(a) [~~a person who~~] Has graduated from a program for medical record [~~administrators or~~] technicians that is accredited by the Council on Medical Education of the American Medical Association and the American Medical Record Association;[~~,~~] and

(b)[~~who~~] Is certified as [~~a registered records administrator or~~] an accredited record technician by the American Medical Record Association.

(8)[~~(11)~~] "Qualified registered nurse manager" means a nurse manager responsible for nursing services who:

(a) Is[~~person~~] licensed to practice as a registered nurse under[~~to engage in registered nursing practice pursuant to~~] KRS 314.041;

(b) Is a full-time employee of the ESRD facility; and

(c) Has[~~, who has~~] at least:

1.[~~(a)~~] Twelve (12) months of experience in clinical nursing; and

2. [~~plus~~] Six (6) months of experience in providing nursing care to [~~of ESRD~~] patients on maintenance dialysis[~~; or~~

~~(b) Eighteen (18) months experience in nursing care of ESRD patients~~].

(9)[~~(12)~~] "Qualified social worker" means a clinical social worker licensed and practicing in accordance with KRS 335.100 [~~a social worker licensed to practice in Kentucky, who has completed a course~~

~~of study with specialization in clinical practice at, and holds a masters degree from, a graduate school of social work accredited by the Council on Social Work Education~~].

(10)[~~(13)~~] "Renal dialysis center" means a hospital unit approved to furnish the full spectrum of diagnostic, therapeutic, and rehabilitative services required for the care of ESRD [~~dialysis~~] patients. Services include[~~:~~

~~(a) Including~~] inpatient dialysis furnished directly or under arrangement[~~;~~] and do not include

[~~(b) Excluding~~] renal transplants[~~transportation~~].

(11)[~~(14)~~] "Renal transplantation center" means a hospital unit approved to provide kidney transplants [~~transplantation~~] and other medical and surgical specialty services required for the care of the ESRD transplant patients, including inpatient dialysis furnished directly or under arrangement[~~. A renal transplantation center may also be a renal dialysis center~~].

(12)[~~(15)~~] "Self-care dialysis training" means a program to train an ESRD patient or the patient's helper, or both, to perform dialysis.

Section 2. Requirement for Service. An ESRD [~~A~~] facility shall not be licensed or relicensed as an ESRD [~~a renal dialysis~~] facility unless the facility meets the requirements [~~it provides the services required in Section 4~~] of this administrative regulation.

Section 3. Administration and Operation. (1) Licensee.

(a) The licensee shall be legally responsible for the operation of the ESRD facility and for compliance with federal, state, and local laws and administrative regulations pertaining to the operation of the facility.

(b) The licensee shall develop and enforce written policies for the administration and operation of the ESRD facility. Policies shall include:

1. Personnel practices and procedures;

2. Job descriptions for each level of personnel, including authority and responsibilities for [~~of~~] each classification;

3. Qualifications for medical staff membership;

4. Medical care practices and procedures;

5. Prevention and control of hepatitis, peritonitis, and other infections, including appropriate procedures for:

a. Surveillance and reporting of infections;

b. Housekeeping;

c. Handling and disposal of waste and contaminants;

d. Sterilization and disinfection; and

e. Sterilization and maintenance of equipment; and

6. Procedures to be followed in an emergency, including fire, natural disaster, and equipment failure.

(2) Administrator. An ESRD [~~The~~] facility shall have an administrator responsible for the management of the facility, including enforcement of written policies and protection of patients' [~~personal and property~~] rights.

(3) An ESRD [~~The~~] facility shall:

(a) Demonstrate compliance with the requirements of 42 C.F.R. 494.1 - 494.180, except for an ESRD facility that is state-licensed only[~~Have a permanent site of operation~~]; and

(b) Maintain regularly scheduled hours during which dialysis services are available.

(4) Affiliation agreements. An ESRD [~~A renal dialysis~~] facility shall have a written affiliation agreement or arrangement with a [~~agreements or arrangements, in writing, with~~] renal transplantation center and a renal dialysis center that establishes [~~centers and renal transplantation centers which provide~~] the following:

(a) The agreement between an ESRD facility and a renal transplantation center [~~centers agreement~~] shall ensure the delivery of [~~provide for~~] medical and surgical specialty services required for the care of ESRD patients, including transplantation and inpatient dialysis furnished directly or under arrangement.

(b) The agreement between an ESRD facility and a renal dialysis center [~~centers agreement~~] shall ensure that [~~provide for working relationships under which~~] inpatient hospital care or other hospital services are available promptly to the ESRD [~~dialysis~~] facility's patients as [~~when~~] needed. The agreement shall delineate the following[~~, as follows~~]:

1. Timely transfer or referral of patients between the ESRD [~~renal dialysis~~] facility and the renal dialysis center shall occur if [~~be effected if it is~~] determined to be medically appropriate by the physicians at both the facility and the center.

2. [~~The following~~] Information shall be provided to the recipient facility within one (1) working day of a patient's transfer or referral, including the:

a. Patient care plan;

b. Medical information; and

c. Any other information necessary or useful in the care and treatment of the patient.

(5) Personnel. An adequate number of personnel shall be present to meet the needs of patients at all times, including emergency situations[~~, including medical and nonmedical emergencies~~].

(a) Medical staff. An ESRD [~~The~~] facility shall have an organized medical staff responsible for the:

1. Quality of all medical care provided to patients in the facility; and

2. Ethical and professional practices of the facility's [~~its~~] staff.

(b)1. There shall be a medical director responsible for supervising the staff of the ESRD facility.

2. The medical director shall be a full- or part-time staff member.

3. In the medical director's absence, a physician meeting the qualifications of a medical director or a physician who has received approval in accordance with 42 C.F.R. 494.140(a)(2) to direct an ESRD facility[~~similarly qualified medical staff member~~] shall be [~~either~~] in the unit or immediately available [~~in the community~~] when a patient is being dialyzed.

(c)1. The ESRD facility shall employ at least one (1) full-time qualified registered nurse manager[~~to be~~] responsible for nursing services.

2. If a patient is undergoing dialysis, a qualified registered nurse manager shall be on duty to oversee patient care.

(d) The ESRD facility shall employ [~~or have contracts for services with~~] the following ancillary personnel directly or by contract:

1. A qualified dietician;

2. A qualified medical records technician [~~practitioner~~]; and

3. A qualified social worker.

(6) Incident and accident reports.

(a) An ESRD [~~A~~] facility shall submit an incident report to the cabinet no later than [~~Cabinet for Health Services, Office of the Inspector General, within~~] three (3) days after [~~of the occurrence of~~] a reportable event as described by paragraph (c) of this subsection.

(b) An ESRD [~~A~~] facility shall retain a copy of the incident report for inspection by the cabinet.

(c) A reportable event shall [~~events~~] include:

1. An incident requiring emergency treatment or hospitalization;

2. A cleaning agent left in a machine that is subsequently used on a patient;

3. Contamination of the water supply;

4. Development of infection or communicable disease; or [~~and~~]

5. An accident or other event having a direct or immediate bearing on the health, safety, or security of a patient or staff member.

Section 4. Services. (1)(a) Each patient shall be[~~is~~] admitted under[~~on~~] the medical authority [~~of,~~] and [~~is under the~~] supervision of[~~,~~] the medical director.

(b) In the absence of the medical director, a physician meeting the qualifications of a medical director or a physician who has received approval in accordance with 42 C.F.R. 494.140(a)(2) to direct an ESRD facility shall[~~When absent from the facility the medical director shall designate a qualified physician to~~] be responsible for patient admissions [~~admission~~] and supervision[~~ of patients~~].

(2) Laboratory services.

(a) An ESRD [~~A renal dialysis~~] facility shall have access to laboratory facilities and services (except tissue pathology and histocompatibility) to meet the needs of each ESRD patient[~~, with the~~

~~exception of tissue pathology and histocompatibility testing~~].

(b) The laboratory that provides services shall be [~~performed by~~]:

1. Located

[~~(a) A laboratory~~] in a licensed hospital; or

2.

[~~(b) A laboratory~~] Licensed in accordance with [~~by the Department for Health Services pursuant to~~] KRS Chapter 333.

(3) Medical records.

(a) An ESRD facility shall maintain complete, accurate, and accessible records on [~~A current and complete medical record shall be maintained for~~] each patient, including home patients who elect to receive dialysis supplies and equipment from a supplier that is not a provider of ESRD services and all other home dialysis patients whose care is under the supervision of the facility.

(b) Organization. The supervisor of medical records shall be responsible for the proper documentation, completion, and preservation of the [~~all the facility's medical~~] records.

(c) Indexing. Medical records shall be properly indexed and systematically filed.

(d) Ownership.

1. Medical records shall be the property of the ESRD facility.

2. The original medical record shall not be removed from the facility except by court order or subpoena.

3. Copies of a medical record or portions of the record may be used and disclosed. Use and disclosure shall be as established by paragraph (e) of this subsection.

(e) Confidentiality and Security: Use and Disclosure.

1. The ESRD facility shall maintain the confidentiality and security of medical records in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 U.S.C. 1320d-2 to 1320d-8, and 45 C.F.R. Parts 160 and 164, as amended, including the security requirements mandated by subparts A and C of 45 C.F.R. Part 164, or as provided by applicable federal or state law.

2. The facility may use and disclose medical records. Use and disclosure shall be as established or required by HIPAA, 42 U.S.C. 1320d-2 to 1320d-8, and 45 C.F.R. Parts 160 and 164, or as established in this administrative regulation. [~~A patient's record shall not be removed from the facility's custody except in compliance with a court order or subpoena.~~

~~(e) Confidentiality. A patient's record shall be available for inspection only to members of the professional staff, the patient, or an authorized individual acting in behalf of the patient. Patient records may be used for research or statistical investigation, if each patient's anonymity is protected.~~]

(f) Content. A complete medical record shall be prepared for each patient admitted to the ESRD facility and[~~, to~~] include [~~at least~~] the following information:

1. Name and address of the person or agency responsible for the patient, if applicable[~~and guardian or committee, if any~~];

2. Patient identification information, including the patient's[~~identity data~~]:

a. Name;

b. Address;

c. Date of birth;

d. Gender; and

e. Marital status;

3. Date of admission;

4. Date of transfer to renal transplantation center, if applicable;

5. Referring and attending physicians' names;

6. History and physical examination record prior to the initial treatment;

7. Treatment plans;

8. Records of special examinations, consultations, and clinical, laboratory, and x-ray services;

9. Doctors' orders, dated and signed;

10. Nurses' notes;

11. Dialysis chart including pulse, respiration, and blood pressure;

12. Social evaluation and plan developed by the social worker; and

13. Orders for medication and treatment written in ink and signed by the prescribing practitioner acting within the scope of practice;

14. A record of each medication administered, including[~~to include~~]:

a. Date and time of administration;

b. Type of medication administered;

c. Amount of medication administered;

d. Method of administration;

e. Name of the prescribing practitioner[~~prescribing medication~~]; and

f. Name of the person who administered the medication.

(g) Retention of records. Medical records shall be retained for at least six (6) years from the date of the patient's discharge, transfer, or death.

[~~1. After the death or discharge of an adult patient, the completed medical record shall be placed in an inactive file and retained for five (5) years;~~

~~2. After the death or discharge of a minor patient, the record shall be placed in an inactive file and retained for five (5) years from the date of the event, or three (3) years after the patient reaches the age of majority, whichever is longer.~~]

(4) Pharmaceutical services.

(a) An ESRD [~~The~~] facility shall have provisions for promptly obtaining prescribed drugs and biologicals from a licensed pharmacy [~~pharmacies~~].

(b) The ESRD facility shall provide appropriate methods and procedures for storage, control, and administering of drugs and biologicals.

(c) A medication shall be administered by one (1) of the following practitioners [~~professionals,~~] acting within the individual's professional [~~relevant statutory~~] scope of practice:

1. A physician;

2. A physician's assistant;

3. An advanced nurse registered practitioner;

4. A registered nurse;

5. A licensed practical nurse; or

6. A dialysis technician.

(5) Social services. The ESRD facility shall have a qualified social worker [~~shall be~~] responsible for:

(a) Evaluation of each patient's psychosocial needs [~~social evaluation and treatment~~];

(b) Participating in the ESRD facility's interdisciplinary team review of patient progress and recommending any changes, if needed, in treatment based on the patient's current psychosocial [~~social~~] needs;

(c) Providing casework, counseling services, and referrals for other social services to assist the patient in achieving and sustaining an appropriate psychosocial status as measured by a standardized mental and physical assessment tool chosen by the social worker[~~and group work services to patients and their families~~];

(d) [~~Financial advice;~~

~~(e)~~] Referrals for vocational rehabilitation services; and

(e)[~~(f)~~] Identifying community social agencies and other resources and assisting patients and their families to utilize those resources[~~them~~].

(6) Dietetic services.

(a) The nutritional needs of each patient shall be evaluated by the:

1. Attending physician; and

2. [~~the~~] Qualified dietician.

(b) The dietician, in consultation with the attending physician, shall be responsible for:

1.[~~(a)~~] Assessing the nutritional status [~~and dietetic needs~~] of each patient;

2.[~~(b)~~] Recommending therapeutic diets;

3.[~~(c)~~] Counseling patients and their families on prescribed diets; and

4.[~~(d)~~] Monitoring adherence and response to diets.

(7) Self-care dialysis support services.

(a) An ESRD facility that offers [~~A renal dialysis facility offering~~] self-care dialysis training shall make the following services available [~~either~~] directly, or through an[~~under~~] agreement[~~,~~] or [~~by~~] arrangement with another ESRD facility[~~,~~] upon completion of patient

training:

1. Monitoring the patient's home adaptation, including visits to the patient's home by ESRD facility personnel in accordance with the patient's plan of care [provisions for visits to the home or the facility];

2. Patient consultation as needed [for the patient] with a member of the ESRD facility's interdisciplinary team, e.g., a qualified social worker or [and a] qualified dietician;

3. A recordkeeping system to assure [which assures] continuity of care;

4. Installation and maintenance of dialysis equipment;

5. Testing and appropriate treatment of the dialysis water;

6. Ordering of supplies as needed; and

7. Infection control, including hepatitis and peritonitis.[;

(b) A self-care and home dialysis training nurse shall:

1. Be a registered nurse licensed in accordance with KRS 314.041; and

2. Have at least twelve (12) months of experience in clinical nursing care and [responsible for self-care dialysis training shall have] at least three (3) months of experience in the specific modality for which the nurse will provide self-care training[patients for self-care dialysis].

(8) Dialysis services in a Medicare-certified nursing facility. A Medicare-certified ESRD facility or entity may provide dialysis services to a long-term care resident within a designated area of a Medicare-certified nursing facility as follows:

(a)1. Prior to providing dialysis in the nursing facility, the ESRD facility or entity shall submit a Form CMS-3427 to the cabinet, completing Section 22 and all other applicable fields.

2. Form CMS-3427 is available for download from the Centers for Medicare and Medicaid Services (CMS) website at: https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing-Items/CMS-3427.

(b)1. The ESRD facility or entity shall comply with the guidance established in the CMS State Operations Manual (SOM), chapter 2, section 2271A Dialysis in Nursing Homes.

2. The SOM, Chapter 2, section 2271A is available for download from the CMS website at: https://www.cms.gov/regulations-and-guidance/guidance/manuals/downloads/som107c02.pdf.

(c)1. The ESRD facility shall enter into a written agreement with each Medicare-certified nursing facility for which the ESRD facility will provide dialysis services.

2. The written agreement shall delineate the responsibilities of the ESRD facility and the nursing facility regarding the care of the resident before, during, and after dialysis treatments.

(d) The ESRD facility shall be responsible for the safe delivery of dialysis to the nursing facility resident, including:

1. Review of ESRD staff qualifications, training, and competency evaluation; and

2. Monitoring of all ESRD personnel who:

a. Administer dialysis treatments in the nursing facility; and

b. Provide on-site supervision of dialysis treatments.

Section 5. Physical Environment. (1) Building and equipment.

(a)1. An ESRD facility shall implement and maintain a program to ensure that all equipment is maintained and operated in accordance with the manufacturer's recommendations[used in the facility shall be maintained free of a condition posing a potential hazard to patients or personnel].

2. There shall be a program of preventive maintenance of equipment used in dialysis and related procedures in the ESRD facility.

(b)1. Water used for dialysis purposes shall be analyzed periodically and treated as necessary to maintain a continuous water supply that is biologically and chemically compatible with acceptable dialysis techniques.

2. Records of test results and equipment maintenance shall be maintained at the ESRD facility.

(2) Routine disease testing and infection control.

(a) The licensee shall establish and enforce routine disease testing and infection control policies that [which] are consistent with the most recent guidelines established by the Centers for Disease Control and Prevention for preventing the transmission of infection among chronic hemodialysis patients.

(b) An ESRD [A] facility using a central-batch delivery system shall provide, on the premises or through affiliation agreements, sufficient individual delivery systems for the treatment of any patient requiring special dialysis solutions.

(3) Contamination prevention. (a) An ESRD [A] facility shall use [employ] appropriate techniques to prevent cross contamination between the unit and adjacent hospital or public areas including:

1. Food service areas;

2.[,] Laundry;

3.[,] Disposal of solid waste and blood-contaminated equipment;[,] and

4. Disposal of contaminants into sewage systems.

(b) An ESRD facility shall maintain procedures, [Waste storage and disposal shall be carried out] in accordance with applicable law and accepted [acceptable] public health procedures for the:

1. Handling, storage, and disposal of potential infectious waste; and

2. Cleaning and disinfection of contaminated surfaces, medical devices, and equipment [standards].

ADAM MATHER, Inspector General
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 10, 2021

FILED WITH LRC: December 13, 2021 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on February 21, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 14, 2022, 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 virtually 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 February 28, 2022. 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: Krista Quarles, Policy Analyst, 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 person: Kara Daniel; Stephanie Brammer-Barnes, Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum licensure requirements for the operation of and services provided by end-stage renal disease (ESRD) facilities.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the requirements of KRS 216B.042(1), which requires the Cabinet for Health and Family Services to establish licensure standards and procedures to ensure safe, adequate, and efficient health facilities and health 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(1) by establishing the minimum licensure requirements for the operation of and services provided

by ESRD facilities.

(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 minimum licensure requirements for the operation of and services provided by ESRD facilities.

(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 aligns with revisions to the Centers for Medicare and Medicaid Services State Operations Manual (SOM) which allows Medicare-certified ESRD facilities to provide dialysis services to long-term care residents in Medicare-certified nursing facilities. In addition, this amendment makes technical changes to conform to the administrative regulation drafting requirements of KRS Chapter 13A to improve clarity and flow, and also makes changes to ensure alignment with 42 C.F.R. 491.1 – 491.180.

(b) The necessity of the amendment to this administrative regulation: This amendment is needed to align with federal guidance, please refer to SOM, chapter 2, section 2271A Dialysis in Nursing Homes: https://www.cms.gov/regulations-and-guidance/guidance/manuals/downloads/som107c02.pdf

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 216B.042(1) by establishing the minimum licensure requirements for the operation of and services provided by ESRD facilities.

(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 the minimum licensure requirements for the operation of and services provided by ESRD facilities.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment affects the 150 ESRD facilities licensed 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: Medicare-certified ESRD facilities may provide dialysis services to residents in a Medicare-certified nursing facility.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3). This amendment does not impose additional costs on ESRD facilities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Patients in Medicare-certified nursing facilities will benefit from receiving dialysis treatments in the facility where they reside without need for off-site transportation to an ESRD facility.

(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 Office of Inspector General for implementation of this amendment.

(b) On a continuing basis: There are no additional costs to the Office of Inspector General for 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: The source of funding used for the implementation and enforcement of the licensure function is from federal funds 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: 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 critical access hospitals 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 affects ESRD facilities. This administrative regulation also impacts the Cabinet for Health and Family Services, Office of Inspector General.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 216B.042

(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 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 generate additional revenue in subsequent years.

(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 during 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. 42 C.F.R. 494.1 – 494.180, 45 C.F.R. 160, 164, 42 U.S.C. 1320d-2 - 1320d-8

(2) State compliance standards. KRS 216B.042

(3) Minimum or uniform standards contained in the federal mandate. 42 C.F.R. 494.1 – 494.180 establish the federal conditions of participation for the certification of ESRD facilities. 45 C.F.R. 160, 164, and 42 U.S.C. 1320d-2 – 1320d-8 establish the HIPAA privacy rules to protect individuals' medical records and other personal health information.

(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 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), 605.150(1), 620.051(2)

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 the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605, including KRS 605.130(7), 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. 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 922 KAR 2:280; 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; or

(b) Through another cabinet system, including the Kentucky National Background Check Program established by 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 5[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 records in accordance with 922 KAR 1:510 to be fulfilled 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," 12/2021[~~8/2019~~]; and

(b) "DCC-374, Child Care Central Registry Check," 12/2021[~~8/2019~~].

(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. This material may also be viewed on the department's Web site at https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx.

MARTA MIRANDA-STRAUB, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 19, 2021

FILED WITH LRC: December 13, 2021 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on February 21, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to

the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 14, 2022, 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 virtually 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 February 28, 2022. 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: Krista Quarles, Policy Analyst, 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 Person: Krista Quarles or Laura Begin

(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: This amendment updates the material incorporated by reference, the DPP-156 and DCC-374, for consistency between electronic and hard-copy formats. The forms are being amended to address checks submitted by out of state employers and minors and to allow other forms of identifying information to be submitted.

(b) The necessity of the amendment to this administrative regulation: The cabinet's CA/N registry database was moved from being solely a paper-based process to an online database in order to improve background check efficiency. Minor changes in the forms are necessary to make the electronic versions more intuitive and easier to use. Years ago, the department experienced a backlog in completing these checks, but since moving to an electronic format, the department has been able to complete checks in a timely and responsive manner. In calendar year 2020, over 77,000 child abuse and neglect central registry checks were processed.

(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 background check 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 calendar year 2020, over 77,000 child abuse and neglect central registry checks were processed.

(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 is now available through an electronic format that is efficient and user-friendly. This amendment makes minor changes in the hard-copy and electronic forms. The electronic format allows for a much more timely background check to be completed, necessary for certain 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): Minor form changes are being accomplished through this amendment, which will provide clarification and more options to individuals completing the form.

(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 implement these form changes.

(b) On a continuing basis: There is no cost to implement these form changes. The electronic format that is used in conducting these background checks saves the department in office supplies and postage costs, which was approximately $8,000 per year.

(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 includes 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 site 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, but this amendment is minor and only provides clarification and alternatives for submitting identification.

(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 includes 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 programing. This amendment does not change the fee.

(c) How much will it cost to administer this program for the first year? This electronic format for background checks has minimal maintenance costs, offset by savings in office supplies and postage. This amendment has no cost associated.

(d) How much will it cost to administer this program for subsequent years? This program has minimal maintenance costs, offset by savings in office supplies and postage. This amendment has no cost associated.

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

Public comment periods ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

BOARDS AND COMMISSIONS
Board of Pharmacy
(New Administrative Regulation)

201 KAR 2:440. Legend drug repository.

RELATES TO: 315.191, 315.450, 315.452, 315.454, 315.456, 315.458, 315.460

STATUTORY AUTHORITY: 315.191, 315.458

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers. KRS 315.458 requires the board to promulgate regulations to establish the legend drug repository program. This administrative regulation establishes the legend drug repository program and the requirements to participate in the program.

Section 1. Definitions. (1) "Authorized recipient" means a recipient that has received authorization from the board to participate in the legend drug repository program pursuant to Section 2 and whose authorization has not been revoked by the board pursuant to Section 3.

(2) "Board" means the Kentucky Board of Pharmacy.

(3) "Controlled substance" has the same meaning as defined in KRS 218A.010.

(4) "Dispense" has the same meaning as defined in KRS 315.010.

(5) "Distribute" has the same meaning as defined in KRS 315.400.

(6) "Donor" shall mean any entity legally authorized and permitted to possess drugs, including but not limited to a wholesaler or distributor, third party logistic provider, pharmacy, clinic, surgical or health center, detention and rehabilitation center, laboratory, medical or pharmacy school, prescriber or other health care provider, or health facility. Donor shall also mean government agencies and entitles that are federally authorized to possess drugs including but not limited to drug manufacturers, repackagers, relabelers, outsourcing facilities, Veteran Affairs hospitals, FDA authorized importers such as those under Federal FD&C Section 801, 804, or similar provisions, and prisons.

(7) "Drug" has the same meaning as defined in KRS 315.010.

(8) "Eligible patient" means an individual who is indigent, uninsured or underinsured. Other patients shall be considered eligible if a need for the donated drugs is not identified among indigent, uninsured and underinsured individuals.

(9) "Health care provider" has the same meaning as in KRS 304.17A-005.

(10) "Heath facility" has the same meaning as in KRS 216B.015.

(11) "Original packaging" shall mean the packaging in which the drug was donated by the donor.

(12) "Pharmacist" has the same meaning as defined in KRS 315.010.

(13) "Recipient" means a pharmacy as defined by KRS 315.010.

(14) "Relabeler" has the same meaning as defined in 201 KAR 2:320.

(15) "Repackager" has the same meaning as defined in KRS 315.400.

(16) "Returns processor" shall have the same meaning as in 21 U.S.C. Section 360eee(18) and shall include but is not limited to a reverse distributor.

(17) "Unopened tamper-evident packaging" shall have the same meaning as United States Pharmacopeia (USP) General Chapter 659, Packaging and Storage Requirements including but not limited to unopened unit-dose, multiple dose, immediate, secondary, and tertiary packaging.

Section 2. Participation in the Legend Repository Program. (1) Donors may donate drugs to an authorized recipient. An authorized recipient may receive donated drugs from donors. Prior to the first donation from a new donor, an authorized recipient must verify and record the following:

(a) The donor meets the definition provided in Section 1;

(b) The donor's name, address, phone number, and permit number;

(c) The donor will only make donations of drugs in accordance with Section 3;

(d) If applicable, the donor will remove or redact any patient names and prescription numbers on donated drugs or otherwise maintain patient confidentiality by executing a confidentiality agreement with the authorized recipient.

(2) Any recipient seeking to become an authorized recipient in the program shall complete and provide to the Board the Legend Drug Repository Authorized Recipient Form that includes the specific policies and procedures of the recipient for planned implementation of the repository program. The policies and procedures shall include drug acceptance, destruction or transfer for unauthorized unaccepted drugs, quarantine of donated drugs, the electronic or written maintenance of inventory, storage and maintenance of donated drugs, recordkeeping of dispensed drugs and patient eligibility affidavit forms, separation of donated drugs and repackaging of donated drugs.

(3) The board may revoke the authorization of a recipient to participate in the program by issuing a written notice to the recipient. Such revocation shall include references to the specific requirements that were violated and the corrective actions necessary for the recipient to resume its participation in the program.

(4) Nothing in this chapter shall require a health facility, pharmacy, pharmacist, or practitioner to participate in the program established by this section.

(5) A drug manufacturer, repackager, or wholesaler other than a returns processor participating in this program shall comply with the requirements of 21 U.S.C. Sections 360-1 through 360-4 relating to drug supply chain security.

Section 3. Accepting, Inspecting, and Storing Drugs. (1) An authorized recipient may only accept into inventory donated drugs that:

(a) Are in original, unopened, sealed, and tamper-evident packaging; or have been repackaged under this program in accordance with Section 4.4;

(b) If in a single unit dose, the packaging of that dose must be unopened;

(c) Are not classified as a controlled substance;

(d) Are not visually adulterated or misbranded;

(e) Are not samples;

(f) Have an expiration date of ninety days or greater;

(g) Have packaging that lists the lot number of the drug;

(h) Are not considered to be medical supplies;

(i) Do not require only being dispensed to a patient registered with the drug's manufacturer in accordance with federal Food and Drug Administration requirements; and

(j) Have a USP-recognized method to detect improper temperature variations if the drugs require temperature control other than "room temperature storage."

(2) Donated drugs that do not meet the requirements of Section 3.1 must be disposed by returning it to the drug donor, destroying it by incinerator, medical waste hauler, or other lawful method, or

transferring it to a return processor. A record of disposed drugs shall consist of the disposal method as described above, the date of the disposal, and the name, strength, and quantity of each drug disposed. No other record of disposal shall be required.

(3) All drugs received but not yet accepted into repository inventory shall be quarantined in a separate, designated area.

(4) Prior to or upon accepting a donation or transfer into inventory, an authorized recipient shall maintain a written or electronic inventory of the donation, consisting of the name, strength, and quantity of each accepted drug, and the name address, phone number, and permit number, if applicable, of the donor. This record shall not be required if the two parties are under common ownership. No other record of donation shall be required.

(5) An authorized recipient shall store and maintain donated drugs physically separated from other non-donated inventory and in a secure and temperature-controlled environment that meets the drug manufacturers' recommendations and USP standards.

Section 4. Safe Distribution and Dispensing of Drugs. (1) Notwithstanding any other law or rule, an authorized recipient may:

(a) Distribute donated drugs to another authorized recipient or to an entity participating in a drug donation program operated by another state.

(b) Repackage donated drugs as necessary for storage, dispensing, administration, or distribution in accordance with Section 4.4.

(c) Replenish drugs of the same drug name and strength previously dispensed or administered to eligible patients in accordance with 21 U.S.C. 340B.

(2) An authorized recipient may only administer or dispense drugs that:

(a) Meet the requirements of Section 3.1, including not being visually adulterated or misbranded, as determined by a pharmacist employed by, or under contract, with the health facility or pharmacy;

(b) Are, if dispensed to a patient, repackaged into a new container or have all previous patient information on the donated container redacted or removed;

(c) Are properly labeled in accordance with KRS 217.816;

(d) Have an expiration date that will not expire before the full use by the patient based on the prescribing practitioner's directions for use; and

(e) Are prescribed by a physician, advanced registered nurse or a physician assistant and dispensed by a pharmacist KRS 315.454(1)(d).

(3) An authorized recipient may dispense or administer drugs to an eligible patient only if otherwise permitted by law. Prescription drugs may only be dispensed or administered to patients pursuant to a valid prescription drug order and shall have patient-specific written or electronic records maintained in accordance with KRS Chapter 315 and 201 KAR Chapter 2.

(4) Repackaged drugs shall be labeled with the drug name, strength, and expiration date, and shall be kept in a separate designated area until inspected and initialed by a pharmacist. If multiple packaged donated drugs with varied expiration dates are repackaged together, the shortest expiration date shall be used.

(5) The donation, distribution, transfer, receipt, or facilitation of donations, distribution, transfers, and receipt of drugs pursuant to this chapter shall not be considered wholesale distribution and shall not require licensing as a wholesale distributor.

(6) An entity participating in a drug donation or repository program operated by another state may participate in this program, and in the case of a pharmacy, may dispense donated drugs to residents of this state. This entity is required to comply with all laws and rules in this state.

(7) Indigent and uninsured patients shall have priority access to drugs dispensed through the repository program. If a drug is available and no indigent or uninsured patient requests dispensing of the drug, the drug shall be made available to underinsured patients before dispensing to others. All authorized recipients shall use the Patient Eligibility Affidavit Form provided by the board when confirming a patient's status as indigent, uninsured, underinsured or other.

(8) No legend drug or supply needed to administer a legend drug that are donated for use under this program may be resold.

(9) All legend drugs, with the exception of controlled substances and extemporaneously compounded drugs, are eligible for dispensing under this program.

(10) No handling fee shall be charged to a patient for pharmacy dispensing of a repository drug.

Section 5. Forms and Recordkeeping. (1) All records required by this chapter shall be retained in physical or electronic format, on or off the authorized recipient's premise for a period of five (5) years. A donor or authorized recipient may contract with one another or a third-party to create and/or maintain records on each other's behalf. An identifier, such as a serial number or barcode, may be used in place of any or all information required by a record or label pursuant to this chapter if it allows for such information to be readily retrievable. Upon request by the board, the identifier used for requested records shall be replaced with the original information. An identifier shall not be used on patient labels when dispensing or administering a drug.

(2) An entity which chooses to participate in the program shall make all records available to audit by the board within forty-eight (48) hours.

(3) When performing any action associated with this program or otherwise processing donated drugs for tax, manufacturer, or other credit, an authorized recipient is considered to be acting as a returns processor and shall comply with all recordkeeping requirements for nonsaleable returns under federal law.

(4) A donation, or other transfer of possession or control, shall not be construed as a change of ownership unless it is specified as such by the authorized recipient. If a record of the donation's transaction information or history is required, the history shall begin with the donor of the drugs, shall include all prior donations, and, if the drugs were previously dispensed, shall only include drug information required to be on the patient label in accordance with KRS Chapter 315 and 201 KAR Chapter 2.

Section 6. Authority. This chapter shall have sole authority over the program and shall supersede any inconsistent law or rule.

Section 7. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "USP 659 Packaging and Storage Requirements," 05/2017;

(b) "Legend Drug Repository Authorized Recipient Form," Form Rep. 1121A (12/2021);

(c) "Legend Drug Repository Patient Eligibility Affidavit Form," Form Rep. 1121B (12/2021).

(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 a.m. to 4:30 p.m.

LARRY A. HADLEY, R.Ph., Executive Director

APPROVED BY AGENCY: December 14, 2021

FILED WITH LRC: December 14, 2021 at 12:49 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2022 at 9:00 a.m. Eastern Time via zoom teleconference with a physical location of 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 February 28, 2022. 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) What this administrative regulation does:

(a) This administrative regulation establishes the legend drug repository program for pharmacies within the Commonwealth and sets requirements relating to the ability for a pharmacy to accept drugs as partof the legend drug repository program.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations. Moreover, KRS 315.482 directs the Board to create by administrative regulation a legend drug repository program.

(c) How this administrative regulation conforms to the content of the authorizing statues: This administrative regulation establishes the legend drug repository program and sets forth requirements relating to requirements of the legend drug repository program.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administration regulation will ensure the intent of the legislature is followedand the legend drug repository program is created. .

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

(a) How the amendment will change this existing administrative regulation: Notapplicable. This is a new regulation.

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

(c) How the amendment conforms to the content of the authorizing statutes:Not applicable. This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: Not applicable. This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacies will be affected by this amendment, but participation in the legend drug repository program is completely optional.

(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 will have to familiarize themselves with amended language and ensure they follow the requirements if they choose to participate in the legend drug repository program.

(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 regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation will ensure that the patients of pharmacies are provided with free medication in the case that a pharmacy participates in the program and patients meet the eligibility requirements. For pharmacies, this ensures drugs are not wasted.

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

(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 anyfees.

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacies equally thatchoose to participate in the program.

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) and KRS 315.458.

(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 localgovernment (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:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(New Administrative Regulation)

702 KAR 1:116. Annual in-service training of district board members.

RELATES TO: KRS 160.180

STATUTORY AUTHORITY: KRS 156.070, 160.180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to manage and control the common schools, including prescribing administrative regulations the Kentucky Board of Education deems necessary for the efficient management, control, and operation of public schools. KRS 160.180 requires that all local school board members complete an established number of hours of in-service training annually, based on number of years of experience, and requires

that the Kentucky Board of Education identify the criteria for fulfilling such requirements. This administrative regulation establishes standards for the annual in-service training of district board members.

Section 1. Content of training. (1) The in-service training requirements for all district school board members established in KRS 160.180 shall include:

(a) Three (3) hours of school finance training annually, one (1) hour of ethics training annually, and one (1) hour of superintendent evaluation training annually for school board members with zero to three (3) years of experience. School board members with zero to three (3) years of experience may acquire the remainder of their hours in these topics or topics listed in Section 2(1)(b) of this administrative regulation;

(b) Two (2) hours of school finance training annually, one (1) hour of ethics training annually, and one (1) hour of superintendent evaluation training annually for school board members with four (4) to seven (7) years of experience; or

(c) One (1) hour of school finance training annually, one (1) hour of ethics training annually, and one (1) hour of superintendent evaluation training biennially for school board members with eight (8) or more years of experience.

(2) For board members with four (4) or more years of experience, the remaining hours of required training may include but not be limited to the following subjects:

(a) The basic role and responsibility of the district school board and its members;

(b) Curriculum and instruction;

(c) Relations with superintendent and staff;

(d) School law; and

(e) Community relations.

(3) To qualify toward meeting the in-service board member training requirements of KRS 160.180 and this administrative regulation, the required training activity shall not be:

(a) The regular work of the school board, such as the attendance of meetings or the conduct of hearings;

(b) Irrelevant to the pertinent knowledge and skills of school board membership; or

(c) A public relations or social activity, such as graduation or other student events.

Section 2. Providers of Training. (1)(a) The Kentucky School Boards Association (KSBA) shall be the provider of eight (8) hours of district board member in-service training for school board members who are required to obtain twelve (12) hours of in-service training annually. Board members may acquire remaining hours of training required by KRS 160.180 from either the KSBA or other providers as described in subsection (2) of this section.

(b) The KSBA shall offer training on eight (8) of the eleven (11) following topics annually and shall offer training on all eleven (11) topics at least once during every twenty-four (24) month period:

1. School law;
2. School finance;
3. Community relations;
4. Policy development;
5. Personnel relations;
6. Curriculum and instruction;
7. Superintendent/board relations;
8. Goal setting/decision making;
9. Employment and evaluation of the superintendent;
10. Educational services provided for the exceptional, gifted and other special population children; and
11. Ethics.

(c) The KSBA shall coordinate with the chief state school officer annually to develop an in-service training plan for approval by the Kentucky Board of Education on or before November 1 of each year for use in the following calendar year.

(2) Training providers, other than the KSBA, shall only provide training through courses that are:

(a) Customized for school board members;

(b) Approved by the department; and

(c) In compliance with the requirements of this administrative regulation.

(3)(a) If board members opt to get all of their training hours through the KSBA, then they shall have KSBA credit them for these hours. If they obtain hours from any provider other than the KSBA, a copy of proof of attendance including a recitation of the time, date, location, and description of the in-service training shall be sent by the course provider to KSBA within two (2) weeks of completion of the training so that proper credit can be given.

(b) The KSBA shall combine such hours with hours of in-service training received through KSBA training activities. These records shall be submitted annually by the KSBA to the Kentucky Board of Education.

(c) Each provider of training hours shall conduct an evaluation of each training course, which is offered by the provider during a calendar year and submitted by a local board member for training hours credit under this administrative regulation, and compile responses to be submitted to the KSBA within sixty (60) days of completion of the training.

Section 3. Failure to Acquire Training. Subject to extensions granted under Section 4 of this administrative regulation, the names of all district school board members who fail to complete the required in-service training set forth in KRS 160.180 and this administrative regulation shall be transmitted by the department to the Attorney General.

Section 4. Extension of Time. (1) The Kentucky Board of Education may grant newly appointed or elected school board members who take office after June 30th of a particular year an extension of time within which to acquire a maximum number of unacquired hours equal to the difference between the required number of hours and one (1) hour per month for each full month actually served during the year, and such extensions shall extend no longer than through the remainder of the term being served or the next two (2) calendar years, whichever is longer.

(2) The Kentucky Board of Education may grant newly appointed or elected members who take office prior to July 1, but on or after March 1, of a particular year an extension of time, for an appropriate period of time not to exceed two (2) calendar years, within which to obtain the balance of any required, but unacquired in-service hours for the initial year of new service. Any such extension to acquire hours shall not exceed the difference between the required number of hours and one (1) hour per month for each full month actually served during the year.

(3) The Kentucky Board of Education, in cases of emergency as demonstrated by the district board member, may grant an extension of time within which a local board member shall complete the required hours of in-service training. Serving as a district board member less than a full year shall not constitute an emergency for which an extension may be granted pursuant to this subsection.

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).

JASON E. GLASS, Ed.D., Commissioner of Education
LU S. YOUNG, Ed.D., Chairperson

APPROVED BY AGENCY: December 6, 2021

FILED WITH LRC: December 7, 2021 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 22, 2022 at 10:00 a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative

regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the criteria for fulfilling the training requirements of KRS 160.180 for school district board of education members.

(b) The necessity of this administrative regulation: KRS 160.180 requires school district board of education members to fulfill its requirements for the number of hours of annual in-service training and directs the agency to provide criteria for that training. This administrative regulation details the criteria for training content, course standards, the consequences for failure to meet the training requirements, and the avenue for extension of time to meet the training requirements.

(c) How this administrative regulation conforms to the content of the authorizing statute:
KRS 160.180 establishes the number of hours of in-service district board member training required annually and directs the agency to provide the criteria for that training in an administrative regulation. This administrative regulation conforms to the content of the authorizing statute by providing the criteria for that training.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation outlines the criteria for the training required of district board members and the reporting mechanism for ensuring district board members meet the training requirement of KRS 160.180.

(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 statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 171 public school districts and their governing boards.

(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: School district board of education members will be required to complete annual training as provided in KRS 160.180 and 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): School districts already bear the cost of the training required of district board members in KRS 160.180. There would be no additional cost to continue to meet the training requirements of that statute and this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulation establishes minimum training requirements to increase the district boards' efficacy in the areas of ethics, school finance, and superintendent evaluation, which should result in better management of school districts.

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

(a) Initially: No additional cost

(b) On a continuing basis: No additional cost

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General school district 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 in fees or funding will be necessary to implement this change.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There will be no increase in fees with this administrative regulation.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? School districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 160.180.

(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.
School districts already bear the cost of the training required of district board members in KRS 160.180. There would be no additional cost to continue to meet the training requirements of that statute and 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? No additional revenue will be generated by this regulation.

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

(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 (+/-): None

Expenditures (+/-): No additional expenditures

Other Explanation:

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Board of Education
Department of Education
(New Administrative Regulation)

704 KAR 3:395. Extended school services.

RELATES TO: KRS 15 6.070, 158.070, 158.6451, 158.6453, 158.792

STATUTORY AUTHORITY: KRS 158.070(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(4) authorizes the Kentucky Board of Education to promulgate administrative regulations necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. KRS 158.070(8) requires schools to provide

continuing education for students who need additional instructional time to achieve the outcomes defined in KRS 158.6451. KRS 158.070(8) requires the Kentucky Board of Education to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts to provide these services and for waivers to deliver those services during the regular school day. This administrative regulation establishes requirements for extended school services.

Section 1. Definitions. (1) “At-risk students” or “At-risk” is defined in KRS 157.360(2)(a).

(2) “Average daily attendance” or “ADA” is defined by KRS 157.320(1).

(3) "Diagnostic assessment" means an assessment that is used to identify gaps in student learning in specific content areas.

(4)"Extended school services" or "ESS" means instructional and support services provided:

(a) By school districts for students who are unlikely to achieve proficiency, transition to the next level of learning successfully, or be able to meet the academic expectations in KRS 158.6451 without additional time or differentiated opportunity to learn;

(b) At times separate from the regular school day, regular school week, or the minimum school term, unless a district’s request for a waiver meets the criteria established in Section 7 of this administrative regulation and has been approved by the commissioner; and

(c) As interventions included in the student's intervention plan, to ensure that the student remains in school and is on track to meet goals for postsecondary education and career after high school.

(5) "Formative assessment" is defined by KRS 158.6453(1)(e).

(6) "Individual learning plan" or "ILP" means a comprehensive framework for advising students in grades six (6) through twelve (12) to engage in coursework and activities that will best prepare them to both realize college and career success and become contributing members of their communities.

(7) "Interim assessments" is defined by KRS 158.6453(1)(f).

(8) "Student intervention plan" means a plan written to identify the specific intervention goals for a student and used to track student progress on those goals.

(9) "Summative assessment" is defined by KRS 158.6453(1)(g).

(10) "Support services" means services that provide technical, administrative, and logistical support to facilitate and enhance instruction and that:

(a) Are provided to enable the student to realize the benefits of the instructional program; and

(b) Include services, such as transportation, instructional materials or supplies, student snacks, school-based counseling, community-based mentoring, academic advising, parent training for follow through, or referrals for social, health, or financial assistance through appropriate service agencies.

Section 2. Instructional Program. (1) The major emphases of extended school services shall be to provide additional time and differentiated opportunity to learn in a program in which rigorous academic and enrichment content are aligned with individual student needs to improve the present level of performance in one (1) or more content areas. Priority for ESS services shall be placed on designing and delivering services to students at academic risk with the specific objective that students are able to:

(a) Progress from grade to grade with their cohort;

(b) Exit elementary school ready to meet academic expectations at the middle school level;

(c) Exit middle school ready to meet academic expectations at the high school level; and

(d) Exit high school ready to meet academic expectations at the postsecondary education level and in the workplace, with an emphasis on literacy and mathematics.

(2) The extended school services provided to a student shall be planned, documented, and evaluated through the student intervention plan. The instructional program for extended school services shall include:

(a) Diagnostic assessments to determine areas of highest academic need of the individual student;

(b) Development of goals, in consultation with classroom teachers, parents, and students, for eliminating the identified academic need, including timelines and specific measurable outcomes;

(c) Formative and summative assessments to facilitate student progress and to determine if the student has achieved the learning goals of the student’s intervention plan;

(d) Instructional strategies that are differentiated and that do not replicate practices that have proven to be ineffective for the student in the traditional classroom;

(e) A plan for collaboration and consistent use of interventions among the teachers supporting the student in core academic classes and those providing supports through extended school services;

(f) Counseling and academic advising to remove barriers to achievement; and

(g) Regular communication with the parent or guardian.

(3) The instructional program may utilize a variety of scheduling models including:

(a) Programs operated during the regular school day as provided in Section 7 of this administrative regulation;

(b) Extended day programs which are scheduled at any time outside of the regular school day;

(c) Night programs;

(d) Saturday programs;

(e) Summer programs; or

(f) Flexible school calendars which allow eligible students to attend school for a longer period of time than other students.

(4) The district's comprehensive school improvement plan shall include opportunities to collaborate with businesses, colleges, and community organizations to provide services and advising in off-campus locations as part of or aligned with the extended school services programs.

(5) Extended school services programs shall not supplant instructional time of the regular school program but shall extend time and provide differentiated opportunity to learn in a specific area of academic need.

(6) Certified staff, including administrators, teachers, and advisors, shall collaborate to plan, deliver, and evaluate extended school services instruction and supports as part of a student's intervention plan.

(7) Teachers providing instruction in extended school programs shall meet the same professional qualifications as teachers who are employed in the regular school program.

(8) Teachers providing instruction in extended school programs shall be provided with professional development on effective instructional strategies for meeting the needs of at-risk students and the use of formative assessment strategies to monitor progress.

(9) Certified staff shall supervise noncertified tutors.

(10) Extended school services shall be provided to eligible students who are in the first year of the primary school program through the twelfth grade. Students shall be eligible to receive these services until they graduate from the twelfth grade or reach twenty-one (21) years of age, whichever comes first.

Section 3. Student Selection. (1) Each school district shall select pupils who need additional instructional time or differentiated opportunity to learn as described in Section 2(1) of this administrative regulation. A student shall not be selected or assigned to receive extended school services for disciplinary purposes or for any kind of in-school suspension.

(2) Within its scope of authority, a local board of education may mandate the participation of eligible students in extended school services through the adoption of a written policy, which shall describe all conditions under which attendance will be required and shall provide a description of any exceptions permissible under the policy.

(3) The policy for attendance in extended school services shall

include:

(a) Identification of the learning goals and benchmarks that, if achieved, indicate that the student may exit the extended school services program;

(b) The conditions under which a student's absence may be considered excused or unexcused; and

(c) The arrangements for transporting the students mandated to attend an ESS program.

(4) If requested by the Kentucky Department of Education, the local school board shall provide notice of the policy in the district's annual extended school services program report, which is submitted at the same time as the district's comprehensive school improvement plan.

(5) One (1) or more of the following shall be used to determine which students shall be eligible for and in greatest need of extended school services:

(a) Teacher recommendation;

(b) Academic performance data, including diagnostic, formative, interim, or summative assessments; or

(c) Student performance on high school, college, or workforce readiness assessments required by KRS 158.6459.

(6) Local school boards shall approve and disseminate procedures whereby students who have a greater need as determined by the eligibility criteria shall be referred and selected first to receive extended school services. These procedures shall not exclude students who have greater academic need from referral or selection for extended school services due to the inability of the parent or student to provide transportation.

(7) A local school district shall solicit input from parents and the community to identify potential barriers to participation. Identified barriers shall be addressed through engagement with community partners or through use of off-campus locations of after school, weekend, or evening ESS programs.

(8) Schools shall inform parents and guardians of extended school services including:

(a) The rationale for offering extended school services, including data about educational achievement and future earnings, opportunities for postsecondary education and training, and consequences of failure to obtain a high school diploma;

(b) A specific notification to parents or guardians of their child's eligibility to be assigned to extended school services, including the manner in which a personalized student intervention plan and goals will be included as part of the student's individual learning plan to help ensure that the student is able to achieve the student's academic and career goals; and

(c) Written procedures for parents or guardians to request reconsideration of their child's eligibility for extended school services.

Section 4. Funding. (1) Each school district shall be eligible to receive a grant award from available funds to provide extended school services. Available funds shall be the amount of the total appropriation less two (2) percent for state administrative costs.

(2) The commissioner shall distribute the available funds as follows:

(a) One-third (1/3) of the available funds shall be distributed based on the most recent average daily attendance (ADA);

(b) One-third (1/3) of the available funds shall be distributed based on the most recent percentage of at-risk students; and

(c) One-third (1/3) of the available funds shall be distributed based on the combined reading and mathematics novice percentage (RMN) as determined by the most recent state assessment.

(3) The funds to be distributed based on ADA shall be allocated to districts as follows:

(a) Determine the percentage each district shall receive for ADA by dividing the district's ADA by the total ADA of all districts in the state.

(b) The amount the district shall receive shall equal the resulting percentage multiplied by the total funds to be distributed based on ADA.

(4) The funds to be distributed based on at-risk shall be allocated to districts as follows:

(a) Determine each district's at-risk proportion by multiplying its at-risk percentage by its ADA.

(b) The state total at-risk shall be the sum of the at-risk proportions of all districts in the state.

(c) Determine the percentage each district shall receive for at-risk by dividing the district's at-risk proportion by the state total at-risk.

(d) The amount the district shall receive shall equal the resulting percentage multiplied by the total funds to be distributed based on at-risk.

(5) The funds to be distributed based on RMN shall be allocated to districts as follows:

(a) Determine each district's RMN proportion by multiplying its RMN percentage by its ADA.

(b) The state total RMN shall be the sum of the RMN proportions of all districts in the state.

(c) Determine the percentage each district shall receive for RMN by dividing the district's RMN proportion by the state total RMN.

(d) The amount the district shall receive shall equal the resulting percentage multiplied by the total funds to be distributed based on RMN.

(6) Sum the district's portions for ADA, at-risk, and RMN to determine the district's total ESS allocation.

(7) To ensure the opportunity for all school districts to provide extended school services, no school district shall receive a grant of less than $15,000.

(8) Grant awards shall be made to each school district upon approval by the commissioner of an application described in Section 5 of this administrative regulation. Regular grant funds shall be available for use by districts for fifteen (15) months through September 30 of the last year of the grant period. All services shall be delivered by September 30 of the last year of the grant period and all expenditures shall be paid for extended school services by December 30 of the last year of the grant period.

(9) (a) Funds received for extended school services shall be expended for instructional and support services necessary to provide an effective program.

(b) Support services shall include salaries of personnel.

(c) Transportation and staff development related to the provision of extended school services shall be considered permissible support services.

(d) Funds for extended school services shall not be used for capital outlay or indirect costs.

(e) School districts shall be authorized to enter contractual agreements if needed to provide comprehensive extended school service programs.

(f) Funds may be expended for instructional materials and supplies if a need is demonstrated and the district does not have the supplies and materials otherwise available.

(g) A portion of the funds may be used for administrative costs, which shall not exceed five (5) percent of the district's allocation.

(h) Students shall not receive monetary compensation to attend the extended school services program.

(i) School districts shall maintain on file the written criteria for the selection of personnel employed in extended school services and shall ensure staffing decisions are made to best meet the needs of students.

(10) Financial records for extended school services shall be maintained by each school district and shall be submitted to the Department of Education via the state technology system.

Section 5. Requesting Funds. (1) A request for the use of extended school services funds shall be submitted as part of the district's comprehensive improvement plan.

(2)(a) District applications for funds shall be approved by the commissioner prior to the encumbrance or expenditure of funds for extended school services by any school district, including the contracting of personnel for extended school services.

(b) Approval of programs as described in each district's comprehensive improvement plan, required program reports, and

request for a waiver for alternative service delivery shall be based on this administrative regulation and KRS 158.070.

Section 6. Program Evaluation. For the purpose of program evaluation, the Kentucky Department of Education shall collect in the student information system the following data for all schools:

(1) Number of students receiving extended school services

(2) Content areas where services received;

(3) Hours of service provided;

(4) Demographic data for students receiving extended school services; and

(5) Student improvement as a result of extended school services.

Section 7. Waiver for Alternative Service Delivery. (1) The commissioner may consider a request for a waiver to operate an extended school services program during the school day or to use an alternative delivery format. A request for a waiver shall include:

(a) A rationale describing why a program during the school day or an alternative daytime program is needed;

(b) A description of the instructional program that meets the criteria established in Section 2 of this administrative regulation;

(c) A description of the student selection process that meets the criteria in Sections 2 and 3 of this administrative regulation; and

(d) A detailed and accurate budget that includes correct financial codes, which establishes that an employee compensated with extended school services funds is delivering extended school services during the time for which the employee is being compensated with extended school services funds.

(2) For the purpose of program evaluation, the Kentucky Department of Education shall collect the following additional data from schools receiving a school day or an alternative program waiver:

(a) Evaluation and evaluative data as approved in the waiver application; and

(b) Data relative to the effectiveness of the extended school service program, including:

1. Pre- and post-student qualitative and quantitative performance data;

2. Student attendance at extended school services; and

3. Promotion and graduation data.

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).

JASON GLASS, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: December 6, 2021

FILED WITH LRC: December 7, 2021 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 22, 2022 at 10:00 a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation fulfills the requirements of KRS 158.070(8), to provide an extended school services (ESS) program designed to assist individual students who are having difficulty in one or more content areas.

(b) The necessity of this administrative regulation: KRS 158.070(8) requires the Kentucky Board of Education (KBE) to promulgate a regulation to address extended school opportunities and provide for the allotment of funds to school districts to provide instructional programs for pupils who are identified as needing additional time to master content.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 158.070(8) states that schools must provide continuing education for those students who are determined to need additional time to achieve the educational goals outlined for Kentucky's schools in KRS 158.6451. KRS 158.070(8) requires the KBE to promulgate administrative regulations establishing criteria for the allotment of grants to local school districts, including criteria for a district's request for a waiver to use an alternative service delivery option. The regulation sets forth the provisions for how extended school programs must meet the educational goals set by the General Assembly; the grant process and funding calculation; and the waiver process required by the law.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes:

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

(a) How the amendment will change this existing administrative regulation: 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 statute: N/A

(d) How the amendment will assist in the effective administration of the statutes: N/A

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation include local education agencies, school councils, and the Kentucky Department of Education.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional actions will be needed as local education agencies currently provide extended school services within their districts.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no new costs to local education agencies.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This regulation replaces 704 KAR 3:390, the former extended school services regulation.

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

(a) Initially: No initial costs are associated with this administrative regulation beyond staff preparation and promulgation of the regulation.

(b) On a continuing basis: No additional costs are associated with this regulation beyond the annual determinations and awards to local districts.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general funds are appropriated by the General Assembly to

local districts for extended school services.

(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 state funding is anticipated for the implementation of this administration regulation.

(8) State whether this administrative regulation establishes any fees or directly or indirectly increases any fees: No direct or indirect fees are associated with the administrative regulation.

(9) TIERING: Is tiering applied? While all districts are eligible to participate in the state appropriated grant funding for extended school services, KRS 158.070(8) requires funding to be targeted to districts with struggling students and that funds should be allotted to provide additional services to students not meeting state targets/performance expectations.

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? Local education agencies and the Kentucky Department of Education.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the 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. The regulation may have a minimal fiscal impact on the allotment of funds to local education agencies for extended school services. The allocation formula has been updated to reflect the new assessment and accountability provisions. In part, the allocation formula relies on a calculation of a district's overall score, which the new accountability system does not calculate. The allocation formula in this regulation relies on a newly updated combined reading and mathematics novice percentage, which will align funding to local education agencies identified with the lowest performing students in the federally required math and reading assessments. The formula continues to rely on average daily attendance and the rate of free and reduced lunch eligibility (formerly referenced as economic deprivation).

(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 new costs to school districts anticipated with this regulation, however, as with any funding allocation formula a local education agency's attendance, rate of free and reduced lunch eligibility, and novice percentages may shift. These are the factors that drive the calculation.

(d) How much will it cost to administer this program for subsequent years? There are no new costs to school districts anticipated with this regulation. Minimal staff time at the Kentucky Department of Education will be required on an annual basis after the adoption of this administrative regulation.

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

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: The General Assembly appropriates funding for Extended School Services.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Board of Education
Department of Education
(New Administrative Regulation)

704 KAR 7:170. Corporal punishment.

RELATES TO: KRS 156.160, KRS 158.6451, KRS 503.110, KRS 503.050, KRS 503.070

STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.444

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 grants the Kentucky Board of Education the management and control of the common schools and all programs operated within those schools. KRS 156160(1)(h) requires the Kentucky Board of Education to promulgate administrative regulations necessary or advisable for the protection of the physical welfare and safety of public school students. KRS 158.444 requires the Kentucky Board of Education to promulgate administrative regulations relating to school safety, student discipline, and related matters.

Section 1. Definitions. (1) "Corporal punishment" means the deliberate infliction of physical pain by any means upon the whole or any part of a student's body as a penalty or punishment for student misbehavior;

(2) "Qualified mental health professional" means the same as defined in KRS 202A.011(12);

(3) "Dangerous instrument" means the same as defined in KRS 500.080;

(4) "Deadly weapon" means the same as defined in KRS 500.080;

(5) "Physical injury" means the same as defined in KRS 500.080; and(6) "Serious physical injury" means the same as defined in KRS 500.080.

Section 2. No student with an Individual Education Program (IEP) pursuant to 707 KAR Chapter 1, 504 plan pursuant to Section 504 of the Rehabilitation Act of 1973, or identified as a homeless or foster care youth pursuant to 704 KAR 7:090 shall be subjected to corporal punishment.

Section 3. (1) Within the first five (5) days of enrollment each school year, the school shall request written consent from the legal guardian of each student to use corporal punishment as a behavior intervention for their child. The written consent shall inform the legal guardian of how to access the student code of conduct, describe the code of conduct violations that may result in corporal punishment, and notify the legal guardian that consent may be withdrawn at any point during the school year. Absent valid written consent signed by the legal guardian, corporal punishment shall not be administered.

(2) Before administering corporal punishment to a pupil, the school shall contact the child's legal guardian to provide prior notification and receive affirmative verbal consent.

Section 4. Notwithstanding the provisions of KRS 503.070 and KRS 503.050, prior to administering corporal punishment to a pupil, the school shall attempt to remedy problematic behavior through other non-physical means.

Section 5. (1) Corporal punishment may only be administered by the Principal or Assistant Principal. Corporal punishment shall only be administered in the presence of at least one additional certified staff member who is the same gender as the student.

(2) No staff member shall be compelled to administer or witness corporal punishment.

Section 6. (1) After administering corporal punishment, the school shall ensure that the student receives a minimum of thirty (30) minutes of counseling provided by the school's guidance counselor, school social worker, school psychologist, or other qualified mental health professional no later than the end of the next school day.

(2) Each incidence of corporal punishment must be recorded in the student information system. Schools shall report:

(a) The time and date which the punishment was administered;

(b) The name and position of the individual who administered the punishment;

(c) The names and positions of any witnesses to the punishment;

(d) The time and date of the prior consent required under Section 3;

(e) The name and relationship of the individual providing consent under Section 3;

(f) The behavioral interventions deployed prior to corporal punishment as required under Section 4; and

(g) The time and date of the student counseling appointment required under Section 5.

Section 7. (1) Each local board of education shall adopt a policy that either:

(a) Prohibits the use of corporal punishment in the district; or

(b) Allows the use of corporal punishment in the district.

(2) If the local board of education adopts a policy allowing the use of corporal punishment, its policy shall:

(a) Define the circumstances under which corporal punishment may be deployed which shall not exceed the justification included in KRS 503.110;

(b) Define the procedures for deploying such punishment;

(c) Define the tool or instrument to be used when administering corporal punishment and include a prohibition on the use of dangerous instruments or deadly weapons;

(d) Define the limits on corporal punishment and ensures that corporal punishment does not result in physical injury or serious physical injury; and

(e) Define the procedures for documenting and reporting such punishment.

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).

JASON GLASS, Commissioner of Education
LU YOUNG, Chair

APPROVED BY AGENCY: December 6, 2021

FILED WITH LRC: December 7, 2021 at 3:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 22, 2022 at 10:00 a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Todd G. Allen, 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 503.110 allows for the use of physical force upon a student when the school "believes that the force used is necessary to promote the welfare of a minor… or maintain discipline in a school, class, or other group." This practice is commonly referred to as corporal punishment. This regulation seeks to establish minimum requirements for the use of corporal punishment including a requirement to attain parental consent prior to use, requirements for the deployment of additional behavior management best practices and supports, and requirements for documentation and reporting.

(b) The necessity of this administrative regulation: The American Academy of Child and Adolescent Psychiatry states that corporal punishment may be harmful to children. As such, this regulation seeks to reduce the potential for harm by providing foundational requirements, requiring parental notification and consent, and establishing reporting procedures.

(c) How this administrative regulation conforms to the content of the authorizing statute: The regulation conforms to the authority given to the Kentucky Board of Education in KRS 156.070, 156.160, and 158.444.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation creates uniformity in the deployment of corporal punishment across the Commonwealth. It seeks to protect the public's right to provide input by mandating that local school districts adopt policies related to corporal punishment. Additionally, it seeks to protect the parent's rights by requiring prior notification and consent. Finally, the regulation establishes minimum reporting requirements so that relevant administrative bodies and the public can better understand how corporal punishment is being deployed.

(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 regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statute: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will impact approximately thirty five public schools 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: Districts will be required to adopt corporal punishment policies and report details of corporal punishment in the student information system.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Schools and districts will have uniform corporal punishment procedures and the public will have greater access to detailed information about the use of corporal punishment in Kentucky.

(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 administer this program.

(b) On a continuing basis: KDE incurs an ongoing cost of staff and resources already in place.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Enforcement of this regulation is funded by the KDE General Fund.

(7) Provide an assessment of whether an increase in fees or

funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) 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? Local education agencies and the Kentucky Department of Education.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070, KRS 156.160, KRS 158.444

(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. No additional expenditures are anticipated because of this amendment.

(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.

(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.

(c) How much will it cost to administer this program for the first year? There is no initial cost to administer this program.

(d) How much will it cost to administer this program for subsequent years? KDE incurs an ongoing cost of staff and resources already in place.

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

Revenues (+/-): N/A

Expenditures (+/-): NA

Other Explanation: N/A

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Administrative Regulation)

803 KAR 2:321. Occupational health and environmental control.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1910.6, 1910.94-1910.98

STATUTORY AUTHORITY: KRS 338.051(3), 338.061

NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. KRS 338.061 authorizes the board to establish, modify, or repeal standards and reference federal standards. This administrative regulation establishes the occupational health and environmental control standards that are enforced by the Department of Workplace Standards in general industry.

Section 1. Definitions. (1) “Act” means KRS Chapter 338.

(2) “Assistant Secretary” means Secretary, Labor Cabinet, or Commissioner, Department of Workplace Standards, Labor Cabinet.

(3) “C.F.R.” means Code of Federal Regulations.

(4) “Standard” is defined by KRS 338.015(3).

(5) “U.S. Department of Labor” means Kentucky Labor Cabinet, Mayo-Underwood Building, 3rd Floor, Frankfort, Kentucky 40601, or the U.S. Department of Labor.

Section 2. Except as modified by the definitions in Section 1, general industry shall comply with 29 C.F.R. 1910, Subpart G, Occupational Health and Environmental Control published by the Office of the Federal Register, National Archives and the Records Services, General Services Administration.

JAMIE LINK, Secretary of Labor

APPROVED BY AGENCY: November 22, 2021

FILED WITH LRC: November 23, 2021 at 11:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 21, 2022, at 10:00 am ET. The hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8)(b) (2020) and the continuing state of emergency. Public access to the meeting will be available at https://us06web.zoom.us/j/86990674099?pwd=WWs1MEV5UTE0N1VBbmFVSVE3eDhWUT09, passcode 609938; or by telephone at (713) 353-0212, or (888) 822-7517 toll free, conference code 194378. 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 was received by that date, the hearing may be cancelled. A transcript for 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 until February 28, 2022. 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: Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Robin Maples

(1) Provide a brief summary of:

(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since December 15, 1989, defines terms not used in the federal standard. Section 2 adopts the requirements of 29 C.F.R. 1910, Subpart G, Occupational Health and Environmental Control.

(b) The necessity of this administrative regulation: Kentucky operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) that provides employee occupational safety and health (OSH) protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this regulation to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. The Labor Cabinet must promulgate this administrative regulation to ensure the state is at least as effective as the federal requirement. This administrative regulation ensures Kentucky’s compliance with the federal mandates, maintains Kentucky’s primacy, and retains federal funding.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky

Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement. This administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA.

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

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

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth in general industry covered by KRS Chapter 338.

(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 compliance duties are imposed, and no immediate 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 is no additional cost to the OSH Program to implement this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement.

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

(a) Initially: There is no cost to the OSH Program to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to the OSH Program 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: Current state and federal 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: There is neither an increase in fees nor an increase in funding necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. Accordingly, in order to maintain the state program as effective as the federal program, Kentucky must adopt the federal requirement or develop an equivalent standard.

(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(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 stricter, additional, or different responsibilities.

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 unit, part, or division of local government covered by KRS 338 and engaged in construction activities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(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. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any cost to the employer.

(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 (+/-): Unknown.

Expenditures (+/-): Unknown.

Other explanation: This administrative regulation does not impose any additional requirements or expenditures to the employer.

LABOR CABINET
Department of Workplace Standards
Division of Occupational Safety and Health Compliance
Division of Occupational Safety and Health Education and Training
(New Administrative Regulation)

803 KAR 2:426. Stairways and ladders.

RELATES TO: KRS Chapter 338, 29 C.F.R. 1926.1050 - 1060
STATUTORY AUTHORITY: KRS 338.051(3), 338.061
NECESSITY, FUNCTION, AND CONFORMITY: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health regulations and authorizes the chairman to reference federal standards without approval if necessary to meet federal time requirements. This administrative regulation establishes standards that are enforced by the Department of Workplace Standards in construction.

Section 1. Definitions. (1) "C.F.R." means Code of Federal Regulations.
(2) "Employee" is defined by KRS 338.015(2).
(3) "Employer" is defined by KRS 338.015(1).
(4) "Standard" means "occupational safety and health standard" as defined by KRS 338.015(3).

Section 2. Except as modified by Section 1 of this administrative regulation, the construction industry shall comply with 29 C.F.R. 1926, Subpart X, Stairways and Ladders published by the Office of the Federal Register, National Archives and Records Services, General Services Administration.

JAMIE LINK, Secretary of Labor
APPROVED BY AGENCY: November 22, 2021
FILED WITH LRC: November 23, 2021 at 11:15 a.m.
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 21, 2022, at 10:00 a.m. ET. The hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph (8)(b) (2020) and the continuing state of emergency. Public access to the meeting will be available at https://us06web.zoom.us/j/86990674099?pwd=WWs1MEV5UTE0N1VBbmFVSVE3eDhWUT09, passcode 609938; or by telephone at (713) 353-0212, or (888) 822-7517 toll free, conference code 194378. 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 was received by that date, the hearing may be cancelled. A transcript for 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 until February 28, 2022. 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: Robin Maples, OSH Standards Specialist, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-4107, fax (502) 564-4769, email Robin.Maples@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Robin Maples
(1) Provide a brief summary of:
(a) What this administrative regulation does: Section 1 of this administrative regulation, effective since December 15, 1989, defines terms not used in the federal standard. Section 2 adopts the requirements of 29 C.F.R. 1926, Subpart X, Stairways and Ladders.
(b) The necessity of this administrative regulation: Kentucky operates a State Plan approved by the Occupational Safety and Health Administration (OSHA) that provides employee occupational safety and health (OSH) protections. OSHA approves, monitors, and provides funding to Kentucky. It is necessary to promulgate this regulation to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. The Labor Cabinet must promulgate this administrative to ensure the state is at least as effective as the federal requirement. This administrative regulation ensures Kentucky's compliance with the federal mandates, maintains Kentucky's primacy, and retains federal funding.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 338.051(3) requires the Kentucky Occupational Safety and Health Standards Board to promulgate occupational safety and health administrative regulations and authorizes the chairman to reference federal standards without board approval if necessary to meet federal time requirements. This administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA. This regulation complies and conforms with the authorizing statutes.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement. This administrative regulation is necessary to meet the requirements established in Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1), which all require the Kentucky OSH Program to be as effective as OSHA.
(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
(a) How the amendment will change this existing administrative regulation: Not applicable.
(b) The necessity of the amendment to this administrative regulation: Not applicable.
(c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
(d) How the amendment will assist in the effective administration of the statutes: Not applicable.
(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all employers in the Commonwealth in general industry covered by KRS Chapter 338.
(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 compliance duties are imposed, and no immediate 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 is no additional cost to the OSH Program to implement this administrative regulation.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation promotes worker safety and health throughout Kentucky and ensures the state is as effective as the federal requirement.
(5) Provide an estimate of how much it will cost to implement

this administrative regulation:

(a) Initially: There is no cost to the OSH Program to implement this administrative regulation.

(b) On a continuing basis: There is no continuing cost to the OSH Program 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: Current state and federal 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: There is neither an increase in fees nor an increase in funding necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation neither establishes any fees nor directly or indirectly increases any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. All employers covered by KRS Chapter 338 are treated equally.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(2) State compliance standards. The Kentucky OSH Program is mandated to be at least as effective as the federal requirement. Accordingly, in order to maintain the state program as effective as the federal program, Kentucky must adopt the federal requirement or develop an equivalent standard.

(3) Minimum or uniform standards contained in the federal mandate. Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(1).

(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 stricter, additional, or different responsibilities.

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 unit, part, or division of local government covered by KRS 338 and engaged in construction activities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 338.051, KRS 338.061, Public Law 91-596 84 STAT. 1590, 29 C.F.R. 1902.3(c)(1), 29 C.F.R. 1902.3(d)(1), 29 C.F.R. 1902.3(d)(2), 29 C.F.R. 1902.37(b)(3), 29 C.F.R. 1953.1(a), 29 C.F.R. 1953.1(b), 29 C.F.R. 1953.5(a)(1), 29 C.F.R. 1953.(a)(2), 29 C.F.R. 1956.2(a), and 29 C.F.R. 1956.10(d)(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. None.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any cost to the employer.

(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 (+/-): Unknown.

Expenditures (+/-): Unknown.

Other explanation: This administrative regulation does not impose any additional requirements or expenditures to the employer.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Health Data and Analytics
Division of Health Benefit Exchange
(Repealer)

900 KAR 10:201. Repeal of 900 KAR 10:200.

RELATES TO: KRS 194A.050(1), 45 C.F.R. Parts 155, 156, 42 U.S.C. 18022, 18031, 18042, 18054

STATUTORY AUTHORITY: KRS 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Office of Health Data and Analytics, Division of Health Benefit Exchange has responsibility to administer the Kentucky Health Benefit Exchange. KRS 194A.050(1) requires the secretary of the cabinet to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth; to operate the programs and fulfill the responsibilities vested in the cabinet; and to implement programs mandated by federal law. This administrative regulation repeals 900 KAR 10:200 as this regulation is no longer necessary because the cabinet is implementing a state-based exchange, pursuant to and in accordance with 42 U.S.C. 18031 and 45 C.F.R. Parts 155 and 156.

Section 1. 900 KAR 10:200, Kentucky State Based Exchange on the Federal Platform is hereby repealed.

ANDREW BLEDSOE, Deputy Executive Director
ERIC C. FRIEDLANDER, Secretary

APPROVED: BY AGENCY: November 16, 2021

FILED WITH LRC: December 13, 2021 at 2:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on February 21, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 14, 2022, 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 virtually 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 February 28, 2022. 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: Krista Quarles, Policy Analyst, 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 person: Melea Rivera or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation repeals 900 KAR 10:200.

(b) The necessity of this administrative regulation: This administrative regulation is necessary as Kentucky will no longer operate a state-based exchange on the federal platform.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation repeals 900 KAR 10:200.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation repeals 900 KAR 10:200.

(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 administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a repealer administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a repealer administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a repealer administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: This administrative regulation will affect approximately 80,000 individuals that may apply for health insurance in a qualified health plan to be offered on the Kentucky Health Benefit Exchange, 7 issuers, approximately 300 agents, approximately 350 kynectors, and 100 small employers wishing to participate on the Small Business Health Insurance Options Program (SHOP). This administrative regulation will also affect the Kentucky Department of Insurance.

(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: Each entity will be aware that the Kentucky Health Benefit Exchange will be moving from a state based exchange on the federal platform to a state based exchange operating on a state platform.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will make each entity aware that the Kentucky Health Benefit Exchange will be moving from a state based exchange on the federal platform to a state based exchange operating on a state platform.

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

(a) Initially: The estimated cost to implement a state-based exchange will be $5,000,000 to the state but will result in significant savings to Kentuckians through reductions in health insurance premiums.

(b) On a continuing basis: The estimated cost will be $2,000,000 annually.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding to be used for the implementation and enforcement of this administrative regulation will be from Division of Health Benefit Exchange's existing budget. No new funding will be needed to implement the provisions of 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 increase in fees or funding is necessary.

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

(9) Tiering: Is tiering applied? Tiering was not appropriate because the administration regulation applies equally to all individuals and entities regulated by it.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. 18022, 18031, 18042, 18054, 45 C.F.R. Parts 155, 156.

(2) State compliance standards. KRS 194A.050(1)

(3) Minimum or uniform standards contained in the federal mandate. The Affordable Care Act establishes the creation of the American Health Benefit Exchange as identified in Section 1311(a) of the Affordable Care Act. The "Kentucky Health Benefit Exchange" (KHBE) is the Kentucky state-based exchange conditionally approved by the US Department of Health and Human Services. This administrative regulation establishes the definitions used in 900 KAR Chapter 10, which is the chapter related to the functions of KHBE.

(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 stricter 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? This administrative regulation affects the Office of Health Data and Analytics, Division of Health Benefit Exchange, within the Cabinet for Health and Family Services and the Department of Insurance within the Public Protection and Regulation Cabinet.

(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), 42 U.S.C. 18022, 18031, 18042, 18054, 45 C.F.R. Parts 155, 156.

(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 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.

(c) How much will it cost to administer this program for the first year? Approximately $2,000,000.

(d) How much will it cost to administer this program for subsequent years? Approximately $2,000,000.

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

Revenues (+/-):

Expenditures (+/-): $2,000.000

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(New Administrative Regulation)

921 KAR 4:122. Assistance for low-income households with water or wastewater utility arrears.

RELATES TO: KRS Chapter 13B, 194A.070, KRS 205.240, 278.0154(6), 42 U.S.C. 9902(2), Pub.L. 116-260, Pub.L. 117-2

STATUTORY AUTHORITY: KRS 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to adopt administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the Commonwealth and promulgate administrative regulations necessary to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 194A.070 authorizes the cabinet to utilize and promote community resources for the delivery of services. KRS 205.240 states that all money received from the United States for the public assistance functions administered by the cabinet are hereby appropriated and shall be available to the secretary for expenditure. This administrative regulation establishes the eligibility and assistance criteria for low-income households to receive assistance with paying water or wastewater utility arrears.

Section 1. Definitions. (1) "Agency" means Community Action Kentucky (CAK), or a local community action agency contracted to provide the service.

(2) "Authorized representative" means the person who presents to an agency a written statement signed by the head of the household, or spouse of the head of the household, authorizing that person to apply on the household's behalf.

(3) "Crisis component" means the component that provides assistance to households that are experiencing a home water or wastewater emergency.

(4) "Economic unit" means one (1) or more persons sharing common living arrangements.

(5) "Emergency" means, at the time of application, the household:

(a) Is without water;

(b) Shall be disconnected from a water utility service within forty-eight (48) hours; or

(c) Shall be without water as established in Section 3(3) of this administrative regulation.

(6) "Gross household income" means all earned and unearned income, including lump sum payments received by a household during the calendar month preceding the month of application.

(7) "Household" means an individual or group of individuals who are living together in the principal residence as one (1) economic unit and who purchase water or wastewater in common.

(8) "Household demographics" means an applicant's:

(a) Address;

(b) Household composition that includes:

1. Size;

2. Age group;

3. Relationship to applicant;

4. Sources of income; and

5. Type of housing; and

(c) Water and wastewater source.

(9) "Principal residence" means the place:

(a) Where a person is living voluntarily and not on a temporary basis;

(b) An individual considers home;

(c) To which, when absent, an individual intends to return; and

(d) Is identifiable from another residence, commercial establishment, or institution.

(10) "Subsidy component" means the component that provides an eligible household with:

(a) A payment to the household's water or wastewater provider; or

(b) A payment to a landlord, if water or wastewater is included in the rent.

Section 2. Application. (1) A household or authorized representative applying for water or wastewater utility assistance shall provide to an agency the following:

(a) Proof of household income;

(b) The most recent:

1. Water bill;

2. Wastewater bill; or

3. Verification that water or wastewater is included in the rent;

(c) A statement of household demographics; and

(d) A Social Security number, or a permanent residency card, for each household member.

(2) An application shall not be considered complete until the required information, as specified in subsection (1) of this section, is received by the agency.

Section 3. Eligibility Criteria. (1) Gross household income shall be at or below 150 percent of the official federal poverty income guidelines updated annually in the Federal Register by the U.S. Department of Health and Human Services pursuant to 42 U.S.C. 9902(2).

(2) The household shall be responsible for paying:

(a) The water or wastewater bill; or

(b) Water or wastewater costs as a portion of the rent.

(3) Crisis component. In addition to meeting the criteria in subsections (1) and (2) of this section, an applicant shall have:

(a) Water or wastewater utility arrears;

(b) Entered into a payment plan due to water or wastewater utility arrears;

(c) Received a past-due or disconnect notice;

(d) A currently disconnected water or wastewater service; or

(e) Received a notice of eviction due to nonpayment of rent, if water or wastewater cost is included as a portion of the rent.

Section 4. Assistance.

(1) For a subsidy component, a maximum assistance amount of $400 may be provided for a current water utility bill or water utility arrears, a current wastewater utility bill or wastewater utility arrears, or a combination thereof. Payment shall be made to the household's water or wastewater provider, or landlord if the utility is included in rent, as follows:

(a) The amount of assistance shall be based upon household income and whether the household is responsible for water, wastewater, or both.

(b) A household living in federally assisted housing or receiving a utility allowance shall be eligible for a lesser amount of assistance.

(2) For a crisis component, a maximum assistance amount of $800 may be provided for water utility arrears, wastewater utility arrears, or a combination thereof. Payment shall be made to the household's water or wastewater provider, or landlord if the utility is included in rent, as follows:

(a) The amount of assistance shall be the minimum needed to address the household's arrearages or alleviate a water or wastewater emergency.

(b) A household living in federally assisted housing may be eligible.

(c) A household may receive crisis component assistance more than one (1) time, but shall not receive more than the maximum assistance amount unless a case-by-case determination is made that no other funding source is available to alleviate a household emergency.

(3) A household may receive assistance for subsidy, crisis, or both.

Section 5. Assistance Delivery Method. Payment shall be authorized by a one (1) party check made payable to the

household's:

(1) Water or wastewater utility provider or providers; or

(2) Landlord, if the cost of water or wastewater is included as a portion of the rent.

Section 6. Right to a Fair Hearing. (1) An individual who has been denied assistance or whose application has not been acted upon within the time standards established in Section 7 of this administrative regulation shall be provided an administrative review by the agency.

(2) An individual dissatisfied with the results of an administrative review may request a hearing be held in accordance with 921 KAR 2:055 and KRS Chapter 13B.

Section 7. Time Standards. (1) An eligibility determination shall be made by an agency within fifteen (15) working days after receipt of information required by Section 2 of this administrative regulation.

(2) An applicant shall have fifteen (15) working days from the date of application to provide the information required by Section 2 of this administrative regulation to an agency, or the application shall be denied.

Section 8. Water or Wastewater Provider Responsibilities. A provider accepting payment pursuant to this administrative regulation for water or wastewater utility services provided to an eligible recipient shall comply with the following provisions:

(1) Reconnection of utilities shall be accomplished upon receipt of payment.

(2) A household shall be charged, in the normal billing process, the difference between actual cost of water or wastewater and amount of payment made pursuant to this administrative regulation.

(3) An assistance recipient shall be treated the same as a household not receiving this assistance, with the exception established in KRS 278.0154(6).

(4) The household on whose behalf assistance is provided shall not be discriminated against in the services provided.

(5) A landlord shall not increase the rent of a recipient household due to receipt of assistance provided pursuant to this administrative regulation.

MARTA MIRANDA-STRAUB, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 19, 2021

FILED WITH LRC: December 1, 2021 at 8:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on February 21, 2022, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by February 14, 2022, 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 virtually 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 February 28, 2022. 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: Krista Quarles, Policy Analyst, 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 person: Laura Begin or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the criteria and process for low-income households to receive assistance in paying water or wastewater utility arrears accumulated between May 27, 2021, and September 30, 2023. This program is provided through the federal Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funding in order to assist households with utility arrears incurred during the COVID-19 pandemic.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the criteria and process through which low-income households may receive assistance in paying water or wastewater utility arrears accumulated during the COVID-19 pandemic. This program is similar to the Low Income Home Energy Assistance Program (LIHEAP), which provides assistance to low-income households with heating and cooling utility costs. This administrative regulation is being filed as an emergency in accordance with KRS 13A.190(1)(a)1. and 2., as providing this assistance to eligible low-income households in the commonwealth will ensure the provision of water and wastewater utilities to at-risk individuals, protecting public health, safety, and welfare, and federal funding will be lost if not used during the specified time period.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to KRS 194A.050, which requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the citizens of the commonwealth and to qualify for the receipt of federal 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 eligibility and assistance criteria for the implementation of this program, which is designed to ensure the health and welfare of low-income households by ensuring the maintenance of water and wastewater utility services.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation is not an amendment; however, it is necessary to establish the criteria and process for low-income households to receive assistance in paying water or wastewater utility arrears accumulated between May 27, 2021, and September 30, 2023.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is not an amendment but is necessary to establish the criteria and process through which low-income households may receive assistance in paying water or wastewater utility arrears accumulated during the COVID-19 pandemic.

(c) How the amendment conforms to the content of the authorizing statutes: This new administrative regulation conforms to KRS 194A.050, which requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to maintain the health, personal dignity, integrity, and sufficiency of the citizens of the commonwealth and to qualify for the receipt of federal funds.

(d) How the amendment will assist in the effective administration of the statutes: This new administrative regulation assists in the effective administration of the statutes by establishing eligibility and assistance criteria for the implementation of this program, which is designed to ensure the health and welfare of low-income households by ensuring the maintenance of water and wastewater utility services.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The cabinet holds a master agreement

with Community Action Kentucky (CAK), which subcontracts with twenty-two community action agencies and one local government to provide utility assistance throughout Kentucky's 120 counties. The cabinet will work through CAK to provide this utility assistance in the same manner LIHEAP assists with heating and cooling utility payments. In SFY 2019, Kentucky served approximately 156,694 low-income households with utility payment assistance through LIHEAP. Water and wastewater utility providers will also benefit from the implementation of this 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: Eligible households must present their most recent water or wastewater utility bill demonstrating that they have water or wastewater utility arrears, have entered into a payment plan due to water or wastewater utility arrears, have received a past-due or disconnect notice, or have received a notice of eviction due to nonpayment of rent, if water or wastewater cost is included as a portion of the rent. If the household meets all requirements established in this administrative regulation, they shall receive arrearage payment assistance.

(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 to eligible households complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Eligible households meeting the requirements of this administrative regulation may receive arrearage payment assistance up to $1,200 subsidy and crisis components in order to assist in the maintenance of water or wastewater utilities and ensure the health and welfare of low-income households in the commonwealth. Water and wastewater utility providers (or landlords if these utilities are part of rent) will be the recipients of this funding and will benefit from the implementation of this program.

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

(a) Initially: The Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds are being used to implement this administrative regulation. Approximately $18.6 million in funds have been provided for this program and up to 15% may be used for administrative costs.

(b) On a continuing basis: The cabinet will not operate this program and implement this administrative regulation until funds are exhausted. Unless extended, The Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds may only be used to cover costs incurred during the period of time beginning May 27, 2021, and ending September 30, 2023.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds are being used to implement this administrative regulation. Approximately $18.6 million has been provided to Kentucky for the purpose of implementing this program.

(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 new 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 directly or indirectly establish or increase fees.

(9) TIERING: Is tiering applied? This administrative regulation contains eligibility criteria that must be met in order to obtain this assistance, but this program will be provided in a like manner statewide so that tiering is not applicable.

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 for Community Based Services will be impacted by this administrative regulation. The cabinet holds a master agreement with Community Action Kentucky (CAK), which subcontracts with twenty-two community action agencies and one local government to provide utility payment assistance throughout Kentucky's 120 counties. Municipal water and wastewater systems will benefit from the payment of customer arrears.

(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), 194A.070, KRS 205.240, Pub. L. 116-260, Pub. L. 117-2.

(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.

(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 during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation is temporary and will not generate revenue for the state or local government in subsequent years.

(c) How much will it cost to administer this program for the first year? The cabinet is utilizing federal Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds to implement this administrative regulation. Approximately $18.6 million in funds have been provided for this program.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation and program is temporary in nature as, unless extended, the Consolidated Appropriations Act, 2021, and the American Rescue Plan Act (ARPA) of 2021 funds may only cover costs incurred up to September 30, 2023.

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:

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of December 9, 2021

Call to Order and Roll Call

The December meeting of the Administrative Regulation Review Subcommittee was held on Thursday, December 9, 2021 at 1 p.m. in Room 149 of the Capitol Annex. Senator West, Co-Chair, called the meeting to order, the roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative David Hale, Co-Chair; Senators Julie Raque Adams, Ralph Alvarado, and David Yates; Representatives Randy Bridges, Deanna Frazier, and Mary Lou Marzian.

LRC Staff: Sarah Amburgey, Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

Guests: Becky Gilpatrick, Miles Justice, Kentucky Higher Education Assistance Authority; Natalie Cummins, Office of Adult Education; Cassie Trueblood, Education Professional Standards Board; Johnna Ballinger, Michael Wilson, Department of State; Jenni Scutchfield, Office of Secretary of State; Taylor Brown, State Board of Elections; Chris Chamness, Personnel Cabinet; Eden Davis, Larry Hadley, Board of Pharmacy; Kelly Jenkins, Jeffrey Prather, Board of Nursing; Steven Fields, Kentucky Department of Fish and Wildlife Resources; Carrie Bauer, David Beck, Shawn Hensler, Tony Schreck, Kentucky State Fair Board; Bradley Arterburn, Amy Barker, Brenn Combs, Dana Peacock, Matt Travis, Jeremy Triplett, Kentucky State Police; Melissa Beck, Deaidra Douglas, Dr. Frank Kubala, John Moberly, Kevin Rader, Department of Criminal Justice Training; Wayne Burd, Jerame Brown, Michael Dossett, Jon Johnson, Mark McCoy, Larissa Plecha, Ricky Sizemore, Mike Smith, Department of Highways; Todd Allen, Matt Ross, Department of Education; Lisa Lang, Kentucky State University; Sam Flynn, Dale Hamblin, Robert Walker, Department of Workers' Claims; Joshua Newton, Allyson Taylor, Alcoholic Beverage Control; Abigail Gall, Shaun Orme, Chad Thompson, Department of Insurance; Shan Dutta, Marc Guilfoil, Tim Schmitz, Jennifer Wolsing, Kentucky Horse Racing Commission; Kim Minter, Kelli Rodman, Donna Veno, Office of Telehealth Services; Julie Brooks, Andrea Flinchum, Bob Ford, Dr. Steven Stack, Department for Public Health; Steve Bechtel, Lee Guice, Lisa Lee, Amy Richardson, Jonathan Scott, Department for Medicaid Services; Laura Begin, Department for Community Based Services; Dr. Sarah Hanover, Department for Community Based Services; Sandy Woodall, EC Learn of Kentucky; Melanie Barker, KACCO; Robin Billingsley, self; Dana Bixler, Notebook Learning Center; Karen Sullivan, Little Angels Child Care.

The Administrative Regulation Review Subcommittee met on Thursday, December 9, 2021, and submits this report:

The following effective Administrative Regulation was reviewed pursuant to KRS 13A.030(3):

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Community Based Services: Protection and Permanency

922 KAR 2:090. Child-care center licensure. Laura Begin, regulation coordinator; Kelli Rodman, executive director; and Dr. Sarah Vanover, division director, represented the department. Sandy Woodall, executive director, EC Learn of Northern Kentucky, appeared in support of this administrative regulation. Melanie Barker, founder of KACCO and owner and director of ABC Children's Academy; Dana Bixler, owner, Notebook Learning Center; and Karen Sullivan, office manager, Little Angels Child Care, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair West, Ms. Sullivan stated that there had been a misunderstanding among the department, cabinet officials, and providers regarding CPR certification. Some child care providers believed they had obtained the required certification; however, the department's electronic system was denying the certification approval. Ms. Sullivan requested that the department accept the certification that these providers had received.

In response to a question by Co-Chair West, Ms. Barker stated that certification was being accepted by some and denied by others in the cabinet. She described a timeline of contact with the cabinet in the process of attempting to verify CPR certification. The department allowed a grace period, ending at the conclusion of 2021, to obtain the proper certification. Ms. Barker requested that the grace period be extended until the end of the current certification period. Providers had not been notified of the change of approved certification providers.

In response to questions by Co-Chair West, Ms. Rodman stated that this administrative regulation was previously amended based on federal language. Each provider must have at least one (1) person certified to perform CPR for specific age ranges while children were present at the provider's facility. The department needed to further investigate this matter in order to comment further. Additionally, there was an ongoing credentialing appeal that limited the department's ability to comment. Ms. Begin stated that this issue was complicated and that the department had allowed a grace period for proper credentialing, ending at the conclusion of 2021. The cabinet was able to provide free, cabinet-approved certification to ameliorate this situation.

In response to a question by Co-Chair West, Ms. Bixler stated that the timing of this situation was unfortunate. If staff needed to be recertified, even if the certification was free of charge, due to staffing shortages, it would not be practical for staff to be absent from work to attend the certification.

In response to a question by Co-Chair West, Ms. Woodall stated that this administrative regulation was comprised of best practices to keep children as safe as possible. These were potentially matters of life and death.

In response to a question by Co-Chair West, Ms. Rodman stated that there was a difference between CPR training and CPR certification. Certification involved instruction and the performance of CPR techniques, while training was primarily instruction. Only one (1) person must be certified to perform CPR for specific age ranges while children were present at the provider's facility. Ms. Bixler stated that all staff at her facility were required to be certified in order to provide for absences and other needs. Many facilities required that multiple staff be certified.

In response to a question by Co-Chair West, Ms. Barker stated that the course she was involved with taught high-quality infant, pediatric, and adult CPR.

Co-Chair West stated that there seemed to be significant confusion and a communication breakdown. Ms. Rodman agreed that the cabinet would continue to work with stakeholders regarding this matter.

Administrative Regulations Reviewed by this Subcommittee:

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY: Early Childhood Development Scholarship Program

11 KAR 16:001. Definitions for 11 KAR Chapter 16. Becky Gilpatrick, director of student aid, and Miles Justice, senior associate counsel, represented the authority.

11 KAR 16:010. Early Childhood Development Scholarship Program applicant selection process.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Council on Postsecondary Education: Adult Education and Literacy

13 KAR 3:010. GED Testing Program. Natalie Cummins, GED administrator, represented the council.

In response to a question by Co-Chair Hale, Ms. Cummins stated that the fee increases were an error, which the agency amendment corrected.

In response to questions by Co-Chair West, Ms. Cummins stated that KY Skills U had been moved along with the Council on Postsecondary Education, which was reorganized under the Education and Workforce Development Cabinet.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A; and (3) to amend Section 5 to decrease the fees to the original amounts of: (a) ten (10) dollars for processing the duplicate transcript request; and (b) twenty-five (25) dollars to issue the duplicate diploma and transcript. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:020. Provision of instruction for individuals sentenced by a court to participate in educational programs.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 1 to establish the minimum qualification requirements of instructors. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:030. Qualifications for progressing satisfactorily through a GED preparation program.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:040. GED Incentives Program.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; (2) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to delete material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:050. GED eligibility requirements.

A motion was made and seconded to approve the following amendments: (1) to establish a new Section 1 to add definitions; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

13 KAR 3:060. High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College Systems institutions.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs 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.

Education Professional Standards Board: Teaching Certificates

16 KAR 2:040. Interdisciplinary early childhood education, birth to primary. Cassie Trueblood, counsel, represented the board.

16 KAR 2:050. Certificates for teachers of exceptional children/communication disorders.

A motion was made and seconded to approve the following amendments: to amend 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.

Certification Procedures

16 KAR 4:020. Certification requirements for teachers of exceptional children.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

SECRETARY OF STATE: Trademarks and Service Marks

30 KAR 3:010. Application for registration of trademarks and service marks. Johnna Ballinger, supervisor, Administrative Section, and Michael Wilson, director, represented the Secretary of State.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 through 6 to comply with the drafting requirements of KRS Chapter 13A; (2) to amend Sections 1 and 2 for consistency with the application form; and (3) to amend Section 6 to revise material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

30 KAR 3:020. Application for renewal of registration.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 2 to revise material incorporated by reference. Without objection, and with agreement of the agency, the amendments were approved.

30 KAR 3:030. Classification of goods and services for registration of trademarks and service marks.

Address Confidentiality Program

30 KAR 6:011. Kentucky address confidentiality program. Jennifer Scutchfield, Assistant Secretary of State, represented the Secretary of State.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 6 and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

STATE BOARD OF ELECTIONS: Statewide Voter Registration

31 KAR 3:010. Current address of Kentucky registered voters and distribution of voter registration lists. Taylor Brown, general counsel, represented the board.

In response to questions by Co-Chair Hale, Mr. Brown stated that the State Board of Elections typically received one (1) or two (2) requests for voter registration outside of the US. The intention of this amendment was to increase data security.

A motion was made and seconded to approve the following amendments: to amend Section 7 and the material incorporated by reference to: (1) update statutory and regulatory references; (2) delete outdated and unnecessary fields; and (3) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Forms and Procedures

31 KAR 4:195E. Consolidation of precincts and precinct election officers.

In response to a question by Senator Alvarado, Mr. Brown stated that 31 KAR 4:195E, 31 KAR 4:200E, and 31 KAR 5:025E were filed on an emergency basis in response to House Bill 574 from the 2021 Regular Session of the General Assembly. These

were needed in the event of special elections, of which there were three (3) in 2021.

31 KAR 4:200E. Chain of custody for records during an election contest.

In response to questions by Co-Chair West, Mr. Brown stated that this administrative regulation established each procedure related to chain of custody for election documents. The purpose was to encourage confidence in election security. County election boards and sheriff's offices made comments to further enhance this process; therefore, the State Board of Elections intended to revise these procedures based on those comments in the near future.

Voting

31 KAR 5:025E. Ballot standards and election security.

PERSONNEL CABINET: Personnel Board, Classified

101 KAR 2:210E. 2022 Plan Year Handbook for the Public Employee Health Insurance Program. Christopher Chamness, staff attorney, represented the board.

101 KAR 2:210. 2022 Plan Year Handbook for the Public Employee Health Insurance Program.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:030. License transfer. Eden Davis, general counsel, and Larry Hadley, executive director, represented the board.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 2:074. Pharmacy services in hospitals.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 6, and 7 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 2:412E. Ordering and administering vaccinations.

In response to questions by Senator Alvarado, Ms. Davis stated that the provisions in this administrative regulation were congruent with federal law. There was immunity from liability pertaining to immunization against coronavirus (COVID-19). The federal law provided for epinephrine administration for anaphylactic reactions to immunization. Mr. Hadley stated that there was no specific protocol for each potential reaction; however, the board would consider adding those provisions.

In response to questions by Co-Chair West, Ms. Davis stated that this administrative regulation did not constitute a blanket immunization authorization. These provisions were for immunization against coronavirus (COVID-19) (with FDA approval or an emergency use authorization) and seasonal flu for individuals aged nineteen (19) and older. Physicians already had administration authorization pursuant to their scope of practices under physicians' licensure boards. Children were typically immunized in a physician's office; however, many routine adult immunizations were done at pharmacies.

Board of Nursing

201 KAR 20:215. Continuing competency requirements. Jeffrey Prather, general counsel, represented the board.

In response to a question by Co-Chair West, Mr. Prather stated that the board found "implicit bias" studies that demonstrated that there were different outcomes from treatment affected by individual backgrounds, such as race and social class.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 3, 5, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 20:320. Standards for curriculum of prelicensure registered nurse and practical nurse programs.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO 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.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Water Patrol

301 KAR 6:001. Definitions for 301 KAR Chapter 6. Steven Fields, staff attorney, represented the department.

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.

Kentucky State Fair Board: Fairgrounds and Exhibition Center

303 KAR 1:005. Vehicle speed. Carrie Bauer, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

303 KAR 1:010. Vehicle parking.

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 requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

303 KAR 1:015. Traffic flow.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

303 KAR 1:075. Conduct and operation of concessions and exhibits.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 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.

303 KAR 1:080. Exposition Center, grounds; dissemination of material; demonstrations.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to make clarifications; (2) to add a new Section 2 to establish that these requirements shall not apply during the annual Kentucky State Fair, in accordance with 303 KAR 1:100; (3) to add a new Section 3 to incorporate by reference the diagram of the Fair Grounds and Exposition Center and the Activity Permit Application; and (4) 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.

303 KAR 1:090. Exhibition Center, dissemination of material; demonstrations.

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.

303 KAR 1:100. Exposition Center, grounds; sales and dissemination of real property, fixtures and goods, solicitation of contribution or sales during annual State Fair; rental of space; use of sound amplification equipment.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

303 KAR 1:110. Procurement procedures.

JUSTICE AND SAFETY CABINET: Department of State Police: Medical Examiner Protocols

502 KAR 12:010. Sexual assault forensic-medical examination protocol. Amy Barker, assistant general counsel, and Jeremy Triplett, forensic lab manager, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3 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.

Automated Fingerprint Identification System

502 KAR 14:010. Provision and maintenance of automated fingerprint identification system equipment and programs in detention centers. Submission of fingerprints by jailers to the Kentucky State Police.

A motion was made and seconded to approve the following amendments: (1) to amend Section 7 to update material incorporated by reference; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 through 4, 6, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Polygraph

502 KAR 20:020. Detection of deception examiners.

A motion was made and seconded to approve the following amendments: to amend Sections 2 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Sex Offender Registration System

502 KAR 31:020. Sex Offender Registration System.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 4, 5, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Law Information Network of Kentucky

502 KAR 40:010. Law Information Network of Kentucky.

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 requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Methamphetamine

502 KAR 47:010. Methamphetamine.

Trial Board Proceedings

502 KAR 50:010. Admissibility of evidence.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Criminal Justice Training: Kentucky Law Enforcement Council

503 KAR 1:060. Definitions for 503 KAR Chapter 1. Melissa Beck, executive staff advisor, and Deaidra Douglas, assistant general counsel, represented the council.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

503 KAR 1:080. Certification of schools.

503 KAR 1:090. Approval of course curriculums.

In response to a question by Co-Chair Hale, Ms. Douglas and Ms. Beck stated that course curriculum requirements were the same for Kentucky training facilities as those for out-of-state training facilities.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 1:100. Certification of instructors.

A motion was made and seconded to approve the following amendment: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

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

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 5 and 7 to comply with the drafting requirements of KRS Chapter 13A and make technical changes. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 1:120. Professional development in-service training: training requirements; recognized courses; records.

A motion was made and seconded to approve the following amendment: to amend Section 3 to make a technical correction. Without objection, and with agreement of the agency, the amendment was approved.

503 KAR 1:140. Peace officer, telecommunicator, and court security officer professional standards.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, 6, 8, 10 through 13, 15, and material incorporated by reference to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 1:170. Career Development Program.

A motion was made and seconded to approve the following amendments: to amend Sections 3, 13 through 17, 25, 26, 28, 29, 31, and 34 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

General Training Provision

503 KAR 3:020. Law enforcement training course trainee requirements; misconduct; penalties; discipline procedures.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 5 and 8 through 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 3:030. Training charges.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 3:050. Telecommunications (Public Safety Dispatch) Academy graduation requirements; records.

In response to a question by Co-Chair Hale, Ms. Douglas stated that these academies pertained to informational databases that required specialty training.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 3, 4, 6, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Concealed Deadly Weapons

503 KAR 4:010. Definitions for 503 KAR Chapter 4.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 4:040. Required instructor training.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 4:050. Required content and conduct of applicant training course.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 13 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Law Enforcement Foundation Program Fund

503 KAR 5:080. Definitions.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 5:100. Disbursement of salary supplement funds; audits.

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 and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

TRANSPORTATION CABINET: Department of Highways: Maintenance

603 KAR 3:100. Noxious weeds and invasive plants to be eradicated from rights-of-way. Jerame Brown, branch manager; Wayne Burd, assistant director of operations; Jon Johnson, assistant general counsel; Larisa Plecha, staff attorney III; Mark McCoy, engineering assistant; and Ricky Sizemore, branch manager, represented the department.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Traffic

603 KAR 5:360. Transportation Cabinet use of interstate and parkway signs to locate missing persons.

In response to questions by Representative Frazier Gordon, Mr. Burd stated that the Amended After Comments version of this administrative regulation added flexibility regarding who could request sign posting related to a missing person. A missing person sign was posted for four (4) hours; however, there was an option to request an extension after four (4) hours. Mr. Johnson stated that leaving a missing person posting too long could mean that other missing person postings would not be possible. Mr. Brown stated that there were less than forty (40) interstate devices and that a missing person message would go up on all boards.

In response to questions by Co-Chair Hale, Ms. Plecha stated that, after four (4) hours of posting, a request for the posting to continue could be submitted.

Representative Frazier Gordon stated that there should be a way to extend posting before the four (4) hours ends, especially if the posting was during overnight hours.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 2 to expand the reporting requirements. Without objection, and with agreement of the agency, the amendments were approved.

Billboards

603 KAR 10:011E. Repeal of 603 KAR 010:002, 010:010, and 010:021.

603 KAR 10:040E. Advertising devices.

603 KAR 10:040. Advertising devices.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 4, 6, 8, and 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

KENTUCKY BOARD OF EDUCATION: Department of Education: School Terms, Attendance, and Operation

702 KAR 7:125. Pupil attendance. Todd Allen, general counsel, and Matt Ross, executive advisor, represented the department.

In response to questions by Senator Alvarado, Mr. Allen stated that this administrative regulation had been filed as an emergency before the 2021 Special Session of the General Assembly. That session provided funding; therefore, the emergency version was withdrawn. This ordinary administrative regulation remained due to a data component.

In response to a question by Co-Chair West, Mr. Allen stated that pupil attendance was general based on the SEEK formula; however, pursuant to Senate Bill 1 from the 2021 Special Session of the General Assembly, attendance was temporarily based on the previous year's data.

KENTUCKY STATE UNIVERSITY: Board of Regents

745 KAR 1:035. Procurement procedures. Lisa Lang, general counsel, represented the board.

In response to questions by Co-Chair West, Ms. Lang stated that the purpose of this administrative regulation was to align KSU's procurement procedures with the authorizing statute, which had changed formatting. There was no substantive change to procurement procedures themselves. The authorizing statute that changed formatting applied to all universities.

In response to a question by Representative Frazier Gordon, Ms. Lang stated that she was not prepared to discuss the procurement procedures themselves, but just this administrative regulation.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND

CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

LABOR CABINET: Department of Workers' Claims

803 KAR 25:305E. Workers' compensation expedited hearings pursuant to occupational exposure to COVID-19. Sam Flynn, general counsel; Dale Hamblin, assistant general counsel; and Robert Walker, commissioner, represented the department.

In response to a question by Senator Alvarado, Mr. Walker stated that this administrative regulation was filed as an emergency to comply with an Executive Order that was extended during the 2021 Special Session of the General Assembly and because an ordinary administrative regulation would not be in place in time to expedite hearings.

In response to questions by Co-Chair West, Mr. Walker stated that this administrative regulation was not affected by the liability waiver passed by the General Assembly.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing

804 KAR 4:212. In-State Distilled Spirits Supplier License. Joshua Newton, general counsel, and Allyson Taylor, 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 3, 7, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

804 KAR 4:251. Special temporary licenses.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 and 3 through 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

804 KAR 4:480. License surrender.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Insurance: Kinds of Insurance; Limits of Risk; Reinsurance

806 KAR 5:025. Credit for reinsurance. Abigail Gall, regulation coordinator; Shaun Orme, executive advisor; and Chad Thompson, general counsel, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 3, 5 through 8, 10, 11, 13, 14, and 16 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Kentucky Horse Racing Commission: Standardbred Racing

810 KAR 5:030. Claiming races. Shan Dutta, deputy general counsel; Tim Schmitz, Chief Standardbred Judge; and Jennifer Wolsing, general counsel, represented the commission.

810 KAR 5:060. Entries and starters.

810 KAR 5:070. Running of the race.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Communicable Diseases

902 KAR 2:020. Reportable disease surveillance. Julie Brooks, regulation coordinator; Andrea Flinchum, contract supervisor; Kelli Rodman, executive director; and Dr. Steven Stack, commissioner, represented the department.

902 KAR 2:230E. COVID-19 antibody administration center.

902 KAR 2:240E. COVID-19 test acquisition and distribution.

A motion was made and seconded to approve the following amendment: to amend Section 2 to make a correction. Without objection, and with agreement of the agency, the amendment was approved.

902 KAR 2:250E. COVID-19 vaccine storage.

Department for Medicaid Services: Medicaid Services

907 KAR 1:030. Home health agency services. Lisa Lee, deputy commissioner, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1 and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 1:604. Cost-sharing prohibited within the Medicaid program

Hospital Services Coverage and Reimbursement

907 KAR 10:815. Per Diem inpatient hospital reimbursement.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 17, and 23 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

907 KAR 10:830. Acute care inpatient hospital reimbursement.

Department for Community Based Services: Protection and Permanency

922 KAR 1:565. Service array for a relative or fictive kin caregiver. Laura Begin, regulation coordinator, and Kelli Rodman, executive director, represented the department.

The following administrative regulations were deferred or removed from the December 9, 2021, subcommittee agenda:

DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

40 KAR 3:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.

PERSONNEL CABINET: Personnel Board

101 KAR 1:335. Employee actions.

101 KAR 1:345. Disciplinary actions.

101 KAR 1:365. Appeal and hearing procedures.

101 KAR 1:367. Standards of conduct and technology governing recording board proceedings.

101 KAR 1:375. Employee grievances and complaints.

101 KAR 1:395. Restoration from military duty.

101 KAR 1:400. Promotion.

Kentucky Retirement Systems: General Rules

105 KAR 1:210. Disability procedures.

105 KAR 1:310. Fred Capps Memorial Act.

105 KAR 1:330. Purchase of service credit.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 2:430. Emergency orders and hearings.

Board of Cosmetology
201 KAR 12:082E. Education requirements and school administration.

Board of Embalmers and Funeral Directors
201 KAR 15:030E. Fees.

201 KAR 15:030. Fees.

201 KAR 15:040. Examination.

201 KAR 15:050. Apprenticeship and supervision requirements.

201 KAR 15:110. Funeral establishment criteria.

201 KAR 15:125. Surface transportation permit.

Board of Nursing
201 KAR 20:471. Repeal of 201 KAR 020:470.

201 KAR 20:472. Initial approval for dialysis technician training programs.

201 KAR 20:474. Continuing approval and periodic evaluation of dialysis technician training programs.

201 KAR 20:476. Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement.

201 KAR 20:478. Dialysis technician scope of practice, discipline, and miscellaneous requirements.

Board of Licensure for Massage Therapy
201 KAR 42:010. Goals for massage therapy sessions.

201 KAR 42:020. Fees.

201 KAR 42:030. Licensee's change of name, home address, or place of business.

201 KAR 42:035. Application process, exam, and curriculum requirements.

201 KAR 42:040. Renewal and reinstatement.

201 KAR 42:050. Complaint procedure and disciplinary action.

201 KAR 42:060. Code of ethics and standards of practice for massage therapists.

201 KAR 42:070. Endorsement.

201 KAR 42:110. Continuing education requirements.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Game
301 KAR 2:082. Transportation and holding of live exotic wildlife.

Hunting and Fishing
301 KAR 3:010. Public use of Wildlife Management Areas.

301 KAR 3:026. Access to Wildlife Management Areas for mobility-impaired individuals.

Wildlife
301 KAR 4:001. Selection of Fish and Wildlife Resources Commission nominees.

301 KAR 4:010. Districts.

301 KAR 4:020. Ballard Wildlife Management Area restrictions.

301 KAR 4:100. Peabody Wildlife Management Area use requirements and restrictions.

301 KAR 4:110. Administration of drugs to wildlife.

Licensing
301 KAR 5:001. Definitions for 301 KAR Chapter 5.

301 KAR 5:030. Purchasing licenses and permits.

301 KAR 5:100. Interstate Wildlife Violators Compact.

JUSTICE AND SAFETY CABINET: Department of State Police: Driver Training
502 KAR 10:010. Definitions.

502 KAR 10:020. Department facilities; facility inspection; conflict of interest.

502 KAR 10:030. Instructor's license.

502 KAR 10:035. Commercial driver's license skill testing.

502 KAR 10:040. Training school facilities.

502 KAR 10:050. Contracts and agreements.

502 KAR 10:060. School advertising.

502 KAR 10:070. Training vehicle, annual inspection.

502 KAR 10:080. License suspension, revocation, denial.

502 KAR 10:090. Procedure for denial, suspension, nonrenewal or revocation hearings.

502 KAR 10:110. Third-party CDL skills test examiner standards.

502 KAR 10:120. Hazardous materials endorsement requirements.

Concealed Deadly Weapons
502 KAR 11:010. Application for license to carry concealed deadly weapon.

502 KAR 11:060. License denial and reconsideration process.

502 KAR 11:070. License revocation and suspension notice and reinstatement process.

Law Enforcement Officers Safety Act of 2004
502 KAR 13:010. Application for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:030. Range qualification for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers.

502 KAR 13:040. Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers.

502 KAR 13:050. Replacement of licenses to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers.

502 KAR 13:060. Change of personal information regarding certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers.

502 KAR 13:080. Incomplete application for certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers.

General Traffic

502 KAR 15:010. Traffic collision.

502 KAR 15:020. Abandoned vehicles.

Criminal History Record Information System

502 KAR 30:010. Criminal History Record Information System.

502 KAR 30:020. Arrest and disposition reporting procedure.

502 KAR 30:030. Audit of Criminal History Record Information System.

502 KAR 30:050. Security of centralized criminal history record information.

502 KAR 30:060. Dissemination of criminal history record information.

502 KAR 30:070. Inspection of criminal history record information by record subject.

Kentucky Missing Child Information Center

502 KAR 35:010. Definitions.

502 KAR 35:020. Capabilities of the Missing Child Information Center computer system.

502 KAR 35:030. Quality of information reported to the Kentucky Missing Child Information Center.

502 KAR 35:040. Reporting of missing children by law enforcement agencies.

502 KAR 35:050. Statistical analysis of information related to missing children.

Candidate Selection

502 KAR 45:005. Definitions.

502 KAR 45:015. Qualifications.

502 KAR 45:035. Application and selection process.

502 KAR 45:045. Aptitude examination.

502 KAR 45:075. Register.

502 KAR 45:085. Medical examination.

502 KAR 45:105. Appointment.

502 KAR 45:115. Appeals.

502 KAR 45:150. Physical Fitness Test (PFT).

TRANSPORTATION CABINET: Department of Highways: Right-of-way

603 KAR 4:035. Logo sign panels; placement along fully controlled and partially controlled access highways.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Kentucky Board of Education: General Administration

702 KAR 1:191. District Employee Quarantine Leave.

Department for Libraries and Archives: Archives

725 KAR 1:010. Records officers; duties.

725 KAR 1:020. Recording and reproducing public records.

725 KAR 1:025. Transfer of public records.

725 KAR 1:030. Scheduling public records for retention and disposal; procedures.

725 KAR 01:040. Collection and distribution of reports and publications.

725 KAR 1:050. Records management program.

725 KAR 1:061. Records retention schedules; authorized schedules.

Libraries

725 KAR 2:015. Public library facilities construction.

725 KAR 2:080. Interstate Library Compact.

Department of Workforce Investment: Office of Vocational Rehabilitation

781 KAR 1:010. Office of Vocational Rehabilitation appeal procedures.

781 KAR 1:020. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 1:030. Order of selection and economic need test for vocational rehabilitation services.

781 KAR 1:040. Rehabilitation technology services.

781 KAR 1:050. Carl D. Perkins Vocational Training Center.

Office for the Blind

782 KAR 1:010. Kentucky Business Enterprises.

782 KAR 1:070. Certified driver training program.

Kentucky Commission on Proprietary Education

791 KAR 1:010. Applications, permits, and renewals.

791 KAR 1:020. Standards for licensure.

791 KAR 1:025. Fees.

791 KAR 1:027. School record keeping requirements.

791 KAR 1:030. Procedures for hearings.

791 KAR 1:035. Student protection fund.

791 KAR 1:040. Commercial driver license training school curriculum and refresher course.

791 KAR 1:050. Application for license for commercial driver license training school.

791 KAR 1:060. Application for renewal of license for commercial driver license training school.

791 KAR 1:070. Commercial driver license training school instructor and agency application and renewal procedures.

791 KAR 1:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools.

791 KAR 1:100. Standards for Kentucky resident commercial driver training school facilities.

791 KAR 1:150. Bond requirements for agents and schools.

791 KAR 1:155. School closing process.

791 KAR 1:160. Transfer of ownership, change of location, change of name, revision of existing programs.

LABOR CABINET: Department of Workplace Standards: Labor Standards; Wages and Hours

803 KAR 1:005. Employer-employee relationship.

803 KAR 1:025. Equal pay provisions, meaning and application.

Labor Standards; Wages and Hours

803 KAR 1:060. Overtime pay requirements.

803 KAR 1:063. Trading time.

803 KAR 1:065. Hours worked.

803 KAR 1:066. Recordkeeping requirements.

803 KAR 1:070. Executive, administrative, supervisory or professional employees; salesmen.

803 KAR 1:075. Exclusions from minimum wage and overtime.

803 KAR 1:080. Board, lodging, gratuities and other allowances.

803 KAR 1:090. Workers with disabilities and work activity centers' employee's wages.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing

804 KAR 4:221. Alternating proprietorship agreements.

Department of Insurance: Health Insurance Contracts

806 KAR 17:350. Life insurance and managed care.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Telehealth Services: Telehealth

900 KAR 12:005. Telehealth terminology and requirements. Kim Minter, staff assistant; Kelli Rodman, executive director; and Donna Veno, division director, represented the office.

In response to questions by Senator Alvarado, Ms. Veno stated protocols for an emergent situation included that a provider obtain the location and contact information for the patient. The provider would then use that information to contact emergency services if necessary. Ms. Rodman stated that to add further specificity to these protocols, the office would need to work in coordination with the appropriate licensure boards.

Senator Alvarado stated that Kentucky was ranked as the highest state in terms of medical liability. This protocol would add further liability concerns for providers and might stifle the use of telehealth. Additionally, there were questions as to exactly what constituted telehealth. For example, would a message left on a provider's voicemail constitute telehealth and create a liability concern related to voicemail?

In response to a question by Co-Chair West, Ms. Rodman stated that this administrative regulation had an accompanying emergency administrative regulation, which was filed in order to include telehealth terminology in the insurance packets for the 2022 plan year.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs 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.

In response to a question by Co-Chair West, Ms. Veno stated that the office would agree to defer this administrative regulation because there was no federal funding that would be negatively impacted by deferral. A motion was made and seconded to defer consideration of this administrative regulation, as amended, to the January 10, 2022, meeting of this subcommittee. Without objection, and with agreement of the agency, the deferral was approved.

Department for Public Health: Sanitation

902 KAR 10:120. Kentucky public swimming and bathing facilities.

902 KAR 10:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments.

902 KAR 10:190. Splash pads operated by local governments.

Health Services and Facilities

902 KAR 20:081. Operations and services; home health agencies.

902 KAR 20:460E. Essential visitor programs; visitation guidelines for long-term care facilities.

Office of Inspector General: Division of Health Care

906 KAR 1:180. Operation and services; personal services agencies.

Department for Medicaid Services: Medicaid Services

907 KAR 1:005. Nonduplication of payments.

Outpatient Pharmacy Program

907 KAR 23:020. Reimbursement for outpatient drugs.

Department for Aging and Independent Living: Office of Dementia Services

910 KAR 4:010. Alzheimer's and dementia services curriculum review and approval.

The subcommittee adjourned at 3:10 p.m. The next meeting of this subcommittee was tentatively scheduled for January 10, 2022, at 1 p.m.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(10), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

INTERIM JOINT COMMITTEE ON TRANSPORTATION
Meeting of November 15, 2021

The IJC on Transportation met on November 15, 2021 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on October 6, 2021, pursuant to KRS 13A.290(6):

605 KAR 001:030
605 KAR 001:035
605 KAR 001:215

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 15, 2021 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES
Meeting of November 23, 2021

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Health, Welfare, and Family Services for its meeting of November 23, 2021, having been referred to the Committee on November 3, 2021, pursuant to KRS 13A.290(6):

November 3, 2021
201 KAR 020:057 Proposed
201 KAR 021:035 Proposed
201 KAR 021:054 Proposed
201 KAR 021:070 Proposed
201 KAR 021:090 Proposed
201 KAR 021:100 Proposed
201 KAR 022:045 Proposed
201 KAR 047:010 Proposed
201 KAR 047:030 Proposed
902 KAR 048:010 Proposed
902 KAR 048:020 Proposed
902 KAR 048:030 Proposed
902 KAR 048:040 Proposed
907 KAR 023:020 Emergency
921 KAR 001:400 Proposed
921 KAR 002:015 Proposed
921 KAR 003:060 Proposed
921 KAR 004:116 Proposed
922 KAR 001:300 Proposed
922 KAR 001:380 Proposed
922 KAR 002:160 Emergency

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 23, 2021 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES
Meeting of November 23, 2021

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Health, Welfare, and Family Services for its meeting of November 23, 2021, having been referred to the Committee on November 3, 2021, pursuant to KRS 13A.290(6):

November 3, 2021
201 KAR 020:057 Proposed
201 KAR 021:035 Proposed
201 KAR 021:054 Proposed
201 KAR 021:070 Proposed
201 KAR 021:090 Proposed
201 KAR 021:100 Proposed
201 KAR 022:045 Proposed
201 KAR 047:010 Proposed
201 KAR 047:030 Proposed
902 KAR 048:010 Proposed
902 KAR 048:020 Proposed
902 KAR 048:030 Proposed
902 KAR 048:040 Proposed
907 KAR 023:020 Emergency
921 KAR 001:400 Proposed
921 KAR 002:015 Proposed
921 KAR 003:060 Proposed
921 KAR 004:116 Proposed
922 KAR 001:300 Proposed
922 KAR 001:380 Proposed
922 KAR 002:160 Emergency

INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND FAMILY SERVICES
Meeting of December 15, 2021

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 23, 2021 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Health, Welfare, and Family Services for its meeting of December 15, 2021, having been referred to the Committee on December 1, 2021, pursuant to KRS 13A.290(6):

December 1, 2021
201 KAR 002:050 Proposed
201 KAR 002:076 Proposed
201 KAR 006:020 Proposed
201 KAR 008:520 Proposed
922 KAR 002:160 Proposed
923 KAR 002:470 Proposed

The following administrative regulation was approved as amended at the Committee meeting pursuant to KRS 13A.320:

900 KAR 012:005 Emergency

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the December 15, 2021 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

AGENCY AMENDMENT

CABINET FOR HEALTH AND FAMILY SERVICES Office of Health Data and Analytics

900 KAR 12:005E. Telehealth Terminology and Requirements.

Page 2
Section 1(3)
Line 2
After “by”, insert “KRS”.

Page 2
Section 2(1)(e) and (f) Lines 19 through 23
After the notation, “(e)”, delete paragraph (e) in its entirety, and delete the notation, “(f)”. Renumber the remaining paragraphs accordingly.

Page 3
Section 2 renumbered (e)1.
Line 1
After “code”, delete ““02””.

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 48th year of the *Administrative Register of Kentucky*, from July 2021 through June 2022.

Locator Index - Effective Dates **G - 2**

Lists all administrative regulations published or continuing through the KRS Chapter 13A review process during this Register year. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other actions that may affect the regulation.

NOTE: Regulations listed with a "47 Ky.R." or "48 Ky.R." notation are regulations that were originally published in previous years' issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the last *Register* year ended.

ALSO NOTE: 2021 legislation may affect the expiration date of some regulations. Generally, the expiration dates listed in this index are based on KRS Chapter 13A provisions.

KRS Index **G - 17**

A cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication during this *Register* year.

Certifications Index **G - 32**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index **G - 33**

A list of administrative regulations that have had technical, non-substantive amendments made during this *Register* year. 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*; however, they are usually available for a short time on the Legislative Research Commission's Web site.

Subject Index **G - 34**

A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Administrative regulations published in previous Register years may appear in this index if a regulation had not completed the KRS Chapter 13A review process by the beginning of *Register* year 48. The "*Register* number" or "Ky.R. number" is listed the first time a regulation is published during that Register year. Once the regulation has been published in another *Register* year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in 46 Ky.R. or 47 Ky.R., please visit our online *Administrative Registers of Kentucky*.

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.

13A as amended by Senate Bill 1 and Senate Bill 2.

EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. This index reflects the KRS Chapter 13A-established expiration dates; however, expiration dates may be impacted by 2021 legislation including: Regular Session legislation: House Joint Resolution 77; KRS Chapter 39A, as amended by Senate Bill 1; and by KRS Chapters 13A and 214, as amended by Senate Bill 2; or Special Session legislation: House Joint Resolution 1; or KRS Chapter 13A as amended by Senate Bill 1 and Senate Bill 2.

Regulation Number	Ky.R. Page No.	Effective Date
016 KAR 002:220E	48 Ky.R. 253	6-25-2021
016 KAR 002:230E	48 Ky.R. 255	6-25-2021
030 KAR 005:011E	48 Ky.R. 1703	10-29-2021
030 KAR 005:021E	48 Ky.R. 1704	10-29-2021
030 KAR 005:031E	48 Ky.R. 1706	10-29-2021
030 KAR 005:041E	48 Ky.R. 1708	10-29-2021
030 KAR 005:051E	48 Ky.R. 1710	10-29-2021
030 KAR 005:060E	48 Ky.R. 1711	10-29-2021
030 KAR 006:011E	48 Ky.R. 1093	9-15-2021
031 KAR 004:195E	48 Ky.R. 256	6-23-2021
031 KAR 004:200E	48 Ky.R. 258	6-23-2021
031 KAR 005:025E	48 Ky.R. 259	6-23-2021
040 KAR 001:040E	48 Ky.R. 262	6-28-2021
101 KAR 002:095E	47 Ky.R. 172	1-29-2021
As Amended	2534	5-11-2021
Replaced	2573	8-31-2021
101 KAR 002:210E	48 Ky.R. 1095	9-15-2021
200 KAR 002:006E	47 Ky.R. 1730	1-29-2021
Replaced	1811	8-31-2021
200 KAR 003:020E	48 Ky.R. 263	7-1-2021
Impacted by 2021 legislation		
200 KAR 008:505E	47 Ky.R. 1735	1-27-2021
Impacted by 2021 legislation		
200 KAR 017:110E	48 Ky.R. 5	6-2-2021
201 KAR 002:106E	48 Ky.R. 1997	12-14-2021
201 KAR 002:410E	47 Ky.R. 1343	11-23-2020
As Amended	1871	2-22-2021
Withdrawn		8-10-2021
201 KAR 002:411E	48 Ky.R. 734	8-10-2021
Withdrawn		10-11-2021
201 KAR 002:412E	48 Ky.R. 1466	10-11-2021
As Amended	1098	9-14-2021
201 KAR 002:411E	48 Ky.R. 734	8-10-2021
201 KAR 012:082E	48 Ky.R. 1468	10-1-2021
Am Comments	2009	12-14-2021
201 KAR 015:030E	48 Ky.R. 268	6-30-2021
201 KAR 015:040E	48 Ky.R. 270	6-30-2021
201 KAR 015:050E	48 Ky.R. 272	6-30-2021
201 KAR 015:110E	48 Ky.R. 276	6-30-2021
201 KAR 015:125E	48 Ky.R. 279	6-30-2021
201 KAR 035:010E	47 Ky.R. 1872	3-5-2021
Am Comments	2536	5-13-2021
As Amended	48 Ky.R. 15	6-8-2021
Replaced	334	8-26-2021
201 KAR 035:020E	47 Ky.R. 1874	3-5-2021
Am Comments	2538	5-13-2021
As Amended	48 Ky.R. 16	6-8-2021
Replaced	68	8-26-2021
201 KAR 035:025E	47 Ky.R. 1878	3-5-2021
Am Comments	2542	5-13-2021
Replaced	338	8-26-2021
201 KAR 035:040E	47 Ky.R. 1880	3-5-2021
Am Comments	2544	5-13-2021
Replaced	340	8-26-2021
201 KAR 035:050E	47 Ky.R. 1884	3-5-2021
Am Comments	2547	5-13-2021
Replaced	341	8-26-2021
201 KAR 035:055E	47 Ky.R. 1886	3-5-2021
Replaced	48 Ky.R. 341	8-26-2021
201 KAR 035:070E	47 Ky.R. 1889	3-5-2021
Am Comments	2550	5-13-2021
Replaced	342	8-26-2021
201 KAR 035:075E	47 Ky.R. 1893	3-5-2021
Am Comments	2554	5-13-2021
Replaced	345	8-26-2021
201 KAR 035:080E	47 Ky.R. 1895	3-5-2021
Am Comments	2556	5-13-2021
Replaced	346	8-26-2021
301 KAR 002:221E	47 Ky.R. 1184	10-30-2020
Replaced	1937	6-3-2021
501 KAR 006:080E	47 Ky.R. 1186	11-2-2020
Replaced	1748	7-6-2021
601 KAR 002:233E	47 Ky.R. 2335	4-12-2021
Replaced	48 Ky.R. 429	11-30-2021
603 KAR 010:011E	48 Ky.R. 736	7-30-2021
603 KAR 010:040E	48 Ky.R. 737	7-30-2021
Am Comments	1483	10-15-2021
605 KAR 001:215E	47 Ky.R. 2526	5-12-2021
Replaced	48 Ky.R. 1130	11-15-2021
702 KAR 001:190E	47 Ky.R. 503	8-12-2020
702 KAR 001:191E	48 Ky.R. 744	8-11-2021
Withdrawn		12-8-2021
702 KAR 00:192E	48 Ky.R. 1999	12-8-2021
702 KAR 001:195E	48 Ky.R. 746	8-12-2021
As Amended	760	8-17-2021
Impacted by 2021 legislation		
702 KAR 007:125E	48 Ky.R. 748	8-11-2021
Withdrawn		12-8-2021
787 KAR 001:360E	47 Ky.R. 2527	5-4-2021
Replaced	48 Ky.R. 800	11-30-2021
803 KAR 002:181E	47 Ky.R. 2529	5-13-2021
Replaced	48 Ky.R. 2531	11-30-2021
803 KAR 002:182E*(r)*	47 Ky.R. 2531	5-13-2021
	48 Ky.R. 2531	11-2-2021
803 KAR 002:320E	47 Ky.R. 1527	1-13-2021
Replaced	2376	8-3-2021
803 KAR 002:321E	48 Ky.R. 2001	11-23-2021
803 KAR 002:330E	48 Ky.R. 753	7-20-2021
803 KAR 002:426E	48 Ky.R. 2003	11-23-2021
803 KAR 025:305E	48 Ky.R. 1473	9-28-2021
810 KAR 002:001E	47 Ky.R. 1900	2-25-2021

Regulation Number	46 Ky.R. Page No.		Effective Date
Replaced	48 Ky.R.	353	8-12-2021
810 KAR 003:001E	47 Ky.R.	1903	2-25-2021
Replaced	48 Ky.R.	354	8-12-2021
810 KAR 004:001E	47 Ky.R.	1905	2-25-2021
Replaced	48 Ky.R.	355	8-12-2021
810 KAR 005:001E	47 Ky.R.	1908	2-25-2021
Replaced	48 Ky.R.	357	8-12-2021
810 KAR 006:001E	47 Ky.R.	1912	2-25-2021
Replaced	48 Ky.R.	359	8-12-2021
810 KAR 006:010E	47 Ky.R.	1916	2-25-2021
Replaced	48 Ky.R.	362	8-12-2021
810 KAR 006:030E	47 Ky.R.	1919	2-25-2021
Replaced	48 Ky.R.	372	8-12-2021
810 KAR 008:025E	48 Ky.R.	1714	10-29-2021
811 KAR 001:251E*(r)*	47 Ky.R.	1923	2-25-2021
Expired			10-5-2021
900 KAR 012:005E	48 Ky.R.	755	7-28-2021
Am Comments		1489	10-15-2021
As Amended - IJC		2009	12-15-2021
902 KAR 002:211E	47 Ky.R.	1533	1-5-2021
Am Comments		2558	4-28-2021
As Amended	48 Ky.R.	18	6-8-2021
Withdrawn			6-11-2021
902 KAR 002:212E	48 Ky.R.	281	6-16-2021
Impacted by 2021 legislation			
902 KAR 002:213E	48 Ky.R.	757	8-12-2021
As Amended		760	8-17-2021
Impacted by 2021 legislation			
902 KAR 002:221E	48 Ky.R	7	6-4-2021
902 KAR 002:230E	48 Ky.R.	1474	10-1-2021
902 KAR 002:240E	48 Ky.R.	1476	10-1-2021
As Amended		2014	12-9-2021
902 KAR 002:250E	48 Ky.R.	1477	10-1-2021
902 KAR 004:150E	47 Ky.R.	1925	3-5-2021
902 KAR 020:160E	47 Ky.R.	897	10-13-2020
Replaced		1980	6-16-2021
902 KAR 020:440E	47 Ky.R.	908	10-13-2020
Replaced		1989	6-16-2021
902 KAR 020:460E	48 Ky.R.	1479	10-1-2021
902 KAR 030:210E	47 Ky.R.	1926	3-5-2021
907 KAR 015:070E	47 Ky.R.	915	10-13-2020
Replaced		1996	6-16-2021
907 KAR 015:080E	47 Ky.R.	922	10-13-2020
Replaced		2001	6-16-2021
907 KAR 023:020E	48 Ky.R.	283	6-29-2021
Am Comments		1099	9-15-2021
921 KAR 001:400E	48 Ky.R.	286	6-29-2021
Replaced		1563	11-23-2021
921 KAR 002:015E	48 Ky.R.	289	7-1-2021
Replaced		1564	11-23-2021
921 KAR 003:025E			
Resubmitted	47 Ky.R.	1535	1-15-2021
As Amended		2342	4-13-2021
921 KAR 003:026	48 Ky.R.	9	6-11-2021
Expired			9-22-2021
921 KAR 003:027E	48 Ky.R.	10	6-11-2021
Replaced		236	10-20-2021
921 KAR 004:116E	48 Ky.R.	295	7-1-2021
Replaced		689	11-23-2021
921 KAR 004:122E	48 Ky.R.	2005	12-1-2021
922 KAR 001:490E			
Resubmitted	47 Ky.R.	1737	2-8-2021
Am Comments		2344	4-12-2021
As Amended		2560	5-11-2021
Replaced	48 Ky.R.	377	8-26-2021
922 KAR 002:160E	48 Ky.R.	299	7-1-2021
Am Comments		1102	9-14-2021
Replaced		1614	12-15-2021
922 KAR 002:415E	47 Ky.R.	1928	3-15-2021
As Amended		2523	4-13-2021
Withdrawn			5-10-2021

ORDINARY ADMINISTRATIVE REGULATIONS

Regulation Number	46 Ky.R. Page No.		Effective Date
011 KAR 016:001			
Amended	48 Ky.R.	1203	
011 KAR 016:010			
Amended	48 Ky.R.	1205	
013 KAR 001:020			
Amended	47 Ky.R.	1797	
As Amended		2565	8-31-2021
013 KAR 003:010			
Amended	48 Ky.R.	842	
As Amended		2015	
013 KAR 003:020			
Amended	48 Ky.R.	843	
As Amended		2015	
013 KAR 003:030			
Amended	48 Ky.R.	844	
As Amended		2016	
013 KAR 003:040			
Amended	48 Ky.R.	846	
As Amended		2016	
013 KAR 003:050			
Amended	48 Ky.R.	847	
As Amended		2017	
013 KAR 003:060			
Amended	48 Ky.R.	849	
As Amended		2017	
013 KAR 004:010			
Amended	47 Ky.R.	1805	
As Amended		2572	8-31-2021
016 KAR 001:030			
Amended	48 Ky.R.	1624	
016 KAR 002:180			
Amended	48 Ky.R.	444	
As Amended		1492	
016 KAR 002:220	48 Ky.R.	704	
As Amended		1492	
016 KAR 002:230	48 Ky.R.	705	
016 KAR 003:060			
Amended	47 Ky.R.	2614	
As Amended	48 Ky.R.	763	11-30-2021
016 KAR 002:040			
Amended	48 Ky.R.	1207	
016 KAR 002:050			
Amended	48 Ky.R.	1210	
As Amended		2018	
016 KAR 003:070			
Amended	48 Ky.R.	445	
As Amended		1493	
016 KAR 004:020			
Amended	48 Ky.R.	1213	
As Amended		2019	
016 KAR 004:050			
Amended	48 Ky.R.	447	
As Amended		1494	
016 KAR 005:010			
Amended	48 Ky.R.	449	
As Amended		1494	
016 KAR 005:020			
Amended	47 Ky.R.	2616	
As Amended	48 Ky.R.	764	11-30-2021
016 KAR 006:010			
Amended	48 Ky.R.	462	
Am Comments		1581	
016 KAR 009:090			
Amended	47 Ky.R.	2619	
As Amended	48 Ky.R.	766	11-30-2021

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date
030 KAR 001:011	48 Ky.R. 1431	
Withdrawn		11-15-2021
030 KAR 002:010		
Amended	48 Ky.R. 2111	
030 KAR 003:010		
Amended	48 Ky.R. 1215	
As Amended	2021	
030 KAR 003:020		
Amended	48 Ky.R. 1217	
As Amended	2022	
030 KAR 003:030		
Amended	48 Ky.R. 1218	
030 KAR 005:011	48 Ky.R. 1964	
030 KAR 005:021	48 Ky.R. 1965	
030 KAR 005:031	48 Ky.R. 1967	
030 KAR 005:041	48 Ky.R. 1968	
030 KAR 005:051	48 Ky.R. 1970	
030 KAR 005:060	48 Ky.R. 1822	
030 KAR 006:011	48 Ky.R. 1432	
As Amended	2022	
031 KAR 003:010		
Amended	47 Ky.R. 2621	
As Amended	2024	
031 KAR 004:195	48 Ky.R. 707	
Withdrawn	*	11-15-2021
031 KAR 004:200	48 Ky.R. 708	
Withdrawn	*	11-15-2021
031 KAR 005:025	48 Ky.R. 709	
Withdrawn	*	11-15-2021
040 KAR 001:040	48 Ky.R. 712	
As Amended	1506	
040 KAR 003:020		
Amended	48 Ky.R. 850	
040 KAR 006:010		
Amended	48 Ky.R. 852	
As Amended	1722	
040 KAR 006:020		
Amended	48 Ky.R. 856	
As Amended	1724	
040 KAR 006:030	48 Ky.R. 1062	
As Amended	1726	
101 KAR 001:325		
Amended	48 Ky.R. 1825	
101 KAR 001:335		
Amended	48 Ky.R. 1220	
101 KAR 001:345		
Amended	48 Ky.R. 1223	
101 KAR 001:365		
Amended	48 Ky.R. 1224	
101 KAR 001:367		
Amended	48 Ky.R. 1226	
101 KAR 001:375		
Amended	48 Ky.R. 1229	
101 KAR 001:395		
Amended	48 Ky.R. 1230	
101 KAR 001:400		
Amended	48 Ky.R. 1232	
101 KAR 002:095		
Amended	47 Ky.R. 1807	
As Amended	2573	8-31-2021
101 KAR 002:210		
Amended	48 Ky.R. 1233	
103 KAR 001:160	47 Ky.R. 1710	
As Amended	2356	8-3-2021
103 KAR 008:090		
Amended	48 Ky.R. 465	
Am Comments	1584	
103 KAR 016:270		
Amended	48 Ky.R. 466	
Am Comments	1585	
103 KAR 016:320		
Amended	48 Ky.R. 484	
As Amended	1506	
103 KAR 016:352		
Amended	48 Ky.R. 486	
As Amended	1507	
103 KAR 018:020		
Amended	48 Ky.R. 488	
As Amended	1508	
103 KAR 018:090		
Amended	48 Ky.R. 490	
As Amended	1509	
103 KAR 026:100		
Amended	47 Ky.R. 1610	
As Amended	2357	8-3-2021
103 KAR 026:131	47 Ky.R. 1857	
As Amended	48 Ky.R. 20	10-5-2021
103 KAR 027:050		
Amended	48 Ky.R. 491	
As Amended	1509	
103 KAR 027:150		
Amended	48 Ky.R. 492	
As Amended	1510	
103 KAR 027:230		
Amended	48 Ky.R. 495	
103 KAR 030:091		
Amended	48 Ky.R. 497	
As Amended	1511	
103 KAR 030:120		
Amended	48 Ky.R. 501	
As Amended	1514	
103 KAR 030:140		
Amended	48 Ky.R. 504	
103 KAR 030:190		
Amended	48 Ky.R. 506	
As Amended	1515	
103 KAR 030:250		
Amended	48 Ky.R. 509	
As Amended	1517	
105 KAR 001:210		
Amended	48 Ky.R. 858	
105 KAR 001:270		
Amended	47 Ky.R. 2623	
As Amended	48 Ky.R. 767	11-30-2021
105 KAR 001:310		
Amended	48 Ky.R. 866	
105 KAR 001:330		
Amended	48 Ky.R. 873	
200 KAR 002:006		
Amended	47 Ky.R. 1811	8-31-2021
200 KAR 003:020		
Amended	48 Ky.R. 510	
As Amended	1517	
200 KAR 017:100	48 Ky.R. 215	
201 KAR 001:100		
Amended	47 Ky.R. 1816	
As Amended	2575	
201 KAR 001:190		
Amended	48 Ky.R. 2112	
201 KAR 002:030		
Amended	48 Ky.R. 1235	
As Amended	2025	
201 KAR 002:040		
Amended	47 Ky.R. 2029	
As Amended	48 Ky.R. 22	7-21-2021
201 KAR 002:050		
Amended	48 Ky.R. 877	12-15-2021
201 KAR 002:061		
Amended	47 Ky.R. 2421	
As Amended	48 Ky.R. 310	8-26-2021

Regulation Number	46 Ky.R. Page No.		Effective Date
201 KAR 002:074			
Amended	48 Ky.R.	1237	
As Amended		2026	
201 KAR 002:076			
Amended	48 Ky.R.	879	
As Amended		1726	12-15-2021
201 KAR 002:106			
Amended	48 Ky.R.	2116	
201 KAR 002:171	47 Ky.R.	2179	
As Amended	48 Ky.R.	23	7-21-2021
201 KAR 002:205			
Amended	47 Ky.R.	2031	
As Amended	48 Ky.R.	23	7-21-2021
201 KAR 002:270			
Amended	48 Ky.R.	100	
As Amended		1112	10-20-2021
201 KAR 002:360			
Amended	48 Ky.R.	101	
As Amended		1112	10-20-2021
201 KAR 002:380			
Amended	47 Ky.R.	1422	
Am Comments		2404	
As Amended		2577	6-16-2021
201 KAR 002:390			
Amended	47 Ky.R.	2032	
As Amended	48 Ky.R.	24	7-21-2021
201 KAR 002:420	48 Ky.R.	217	10-20-2021
As Amended		1113	
201 KAR 002:430	48 Ky.R.	1063	
201 KAR 002:440	48 Ky.R.	2131	
201 KAR 006:020			
Amended	48 Ky.R.	515	
As Amended		1727	12-15-2021
201 KAR 006:040			
Amended	48 Ky.R.	1828	
201 KAR 008:520			
Amended	48 Ky.R.	103	
Am Comments		1603	
As Amended		1728	12-15-2021
201 KAR 009:270			
Amended	47 Ky.R.	2424	
Am Comments	48 Ky.R.	833	
As Amended		1113	10-20-2021
201 KAR 009:290	47 Ky.R.	2495	
As Amended	48 Ky.R.	770	10-20-2021
201 KAR 012:082			
Amended	48 Ky.R.	1627	
201 KAR 014:015			
Amended	48 Ky.R.	1830	
201 KAR 014:030			
Amended	48 Ky.R.	1831	
201 KAR 014:040			
Amended	48 Ky.R.	1833	
201 KAR 014:050			
Amended	48 Ky.R.	1834	
201 KAR 014:065			
Amended	48 Ky.R.	1835	
201 KAR 014:085			
Amended	48 Ky.R.	1837	
201 KAR 014:105			
Amended	48 Ky.R.	1839	
201 KAR 014:110			
Amended	48 Ky.R.	1841	
201 KAR 014:115			
Amended	48 Ky.R.	1843	
201 KAR 014:125			
Amended	48 Ky.R.	1844	
201 KAR 014:150			
Amended	48 Ky.R.	1846	
201 KAR 014:180			
Amended	48 Ky.R.	1848	
201 KAR 015:030			
Amended	48 Ky.R.	517	
201 KAR 015:040			
Amended	48 Ky.R.	519	
201 KAR 015:050			
Amended	48 Ky.R.	521	
201 KAR 015:110			
Amended	48 Ky.R.	524	
201 KAR 015:125			
Amended	48 Ky.R.	527	
201 KAR 020:057			
Amended	48 Ky.R.	529	
As Amended		1521	11-23-2021
201 KAR 020:065			
Amended	47 Ky.R.	1819	
As Amended		2578	6-16-2021
201 KAR 020:215			
Amended	48 Ky.R.	533	
As Amended		2029	
201 KAR 020:220			
Amended	48 Ky.R.	1849	
201 KAR 020:280			
Amended	48 Ky.R.	1841	
201 KAR 020:320			
Amended	48 Ky.R.	537	
Am Comments		1773	
As Amended		2031	
201 KAR 020:360			
Amended	48 Ky.R.	1855	
201 KAR 020:370			
Amended	47 Ky.R.	1823	
As Amended		2581	6-16-2021
201 KAR 020:411			
Amended	47 Ky.R.	1824	
As Amended		2582	6-16-2021
201 KAR 020:471	48 Ky.R.	218	
201 KAR 020:472	48 Ky.R.	220	
Am Comments		1605	
201 KAR 020:474	48 Ky.R.	224	
201 KAR 020:476	48 Ky.R.	227	
201 KAR 020:478	48 Ky.R.	230	
201 KAR 020:480			
Amended	48 Ky.R.	1858	
201 KAR 020:506			
Amended	47 Ky.R.	2036	7-21-2021
201 KAR 020:660			
Amended	47 Ky.R.	1827	
As Amended		2584	6-16-2021
201 KAR 021:035			
Amended	48 Ky.R.	105	
As Amended		1525	11-23-2021
201 KAR 021:054			
Amended	48 Ky.R.	106	
As Amended		1525	11-23-2021
201 KAR 021:070			
Amended	48 Ky.R.	108	11-23-2021
201 KAR 021:090			
Amended	48 Ky.R.	109	11-23-2021
201 KAR 021:100			
Amended	48 Ky.R.	110	11-23-2021
201 KAR 022:045			
Amended	48 Ky.R.	541	
As Amended		1525	11-23-2021
201 KAR 022:170			
Amended	47 Ky.R.	1424	6-16-2021
201 KAR 023:070			
Amended	47 Ky.R.	1247	
Am Comments		1744	
As Amended		1933	6-16-2021

Regulation Number	46 Ky.R. Page No.	Effective Date
201 KAR 023:150	47 Ky.R. 1503	
Am Comments	2012	
As Amended	2357	6-16-2021
201 KAR 026:115		
Amended	47 Ky.R. 2037	
As Amended	48 Ky.R. 312	8-26-2021
Amended	1859	
201 KAR 026:121		
Amended	47 Ky.R. 2039	
As Amended	48 Ky.R. 313	8-26-2021
201 KAR 026:125		
Amended	47 Ky.R. 2041	8-26-2021
Amended	48 Ky.R. 1861	
201 KAR 026:130		
Amended	47 Ky.R. 2042	
As Amended	48 Ky.R. 313	8-26-2021
Amended	48 Ky.R. 1863	
201 KAR 026:155		
Amended	47 Ky.R. 2046	
As Amended	48 Ky.R. 316	8-26-2021
Amended	48 Ky.R. 1866	
201 KAR 026:160		
Amended	48 Ky.R. 1868	
201 KAR 026:171		
Amended	47 Ky.R. 2048	
As Amended	48 Ky.R. 317	8-26-2021
201 KAR 026:175		
Amended	48 Ky.R. 1870	
201 KAR 026:180		
Amended	47 Ky.R. 2052	
As Amended	48 Ky.R. 320	8-26-2021
Amended	48 Ky.R. 1873	
201 KAR 026:185		
Amended	47 Ky.R. 2054	
As Amended	48 Ky.R. 320	8-26-2021
201 KAR 026:190		
Amended	47 Ky.R. 2056	
As Amended	48 Ky.R. 321	8-26-2021
Amended	48 Ky.R. 1875	
201 KAR 026:200		
Amended	47 Ky.R. 2058	
As Amended	48 Ky.R. 323	8-26-2021
201 KAR 026:215		
Amended	48 Ky.R. 1878	
201 KAR 026:225		
Amended	48 Ky.R. 1880	
201 KAR 026:230		
Amended	47 Ky.R. 2060	
As Amended	48 Ky.R. 324	8-26-2021
Amended	48 Ky.R. 1882	
201 KAR 026:250		
Amended	47 Ky.R. 2063	
As Amended	48 Ky.R. 326	8-26-2021
Amended	48 Ky.R. 1884	
201 KAR 026:270		
Amended	48 Ky.R. 1886	
201 KAR 026:280		
Amended	47 Ky.R. 2065	
As Amended	48 Ky.R. 327	8-26-2021
201 KAR 026:290		
Amended	47 Ky.R. 2067	
As Amended	48 Ky.R. 328	8-26-2021
201 KAR 026:301*(r)*	47 Ky.R. 2180	
Withdrawn		6-22-2021
201 KAR 026:310		
Amended	47 Ky.R. 2069	
As Amended	48 Ky.R. 328	8-26-2021
Amended	48 Ky.R. 1888	
201 KAR 030:040		
Amended	47 Ky.R. 1425	
As Amended	1936	7-6-2021
201 KAR 030:190		
Amended	47 Ky.R. 1428	7-6-2021
201 KAR 032:030		
Amended	47 Ky.R. 1611	
Am Comments	2608	
As Amended	48 Ky.R. 329	8-26-2021
201 KAR 032:035		
Amended	47 Ky.R. 1614	
As Amended	48 Ky.R. 330	8-26-2021
201 KAR 032:060		
Amended	47 Ky.R. 1616	
Am Comments	2610	
As Amended	48 Ky.R. 332	8-26-2021
201 KAR 034:070	47 Ky.R. 2497	
As Amended	48 Ky.R. 1527	
201 KAR 035:010		
Amended	47 Ky.R. 2071	
Am Comments	48 Ky.R. 62	
As Amended	334	8-26-2021
201 KAR 035:020		
Amended	47 Ky.R. 2073	
Am Comments	48 Ky.R. 64	
As Amended	335	8-26-2021
201 KAR 035:025		
Amended	47 Ky.R. 2077	
Am Comments	48 Ky.R. 68	8-26-2021
201 KAR 035:040		
Amended	47 Ky.R. 2078	
Am Comments	48 Ky.R. 69	
As Amended	338	8-26-2021
201 KAR 035:050		
Amended	47 Ky.R. 2082	
Am Comments	48 Ky.R. 73	
As Amended	340	8-26-2021
201 KAR 035:055		
Amended	47 Ky.R. 2084	
As Amended	48 Ky.R. 341	8-26-2021
201 KAR 035:070		
Amended	47 Ky.R. 2086	
Am Comments	48 Ky.R. 76	
As Amended	342	8-26-2021
201 KAR 035:075		
Amended	47 Ky.R. 2091	
Am Comments	48 Ky.R. 80	
As Amended	345	8-26-2021
201 KAR 035:080		
Amended	47 Ky.R. 2092	
Am Comments	48 Ky.R. 81	
As Amended	346	8-26-2021
201 KAR 042:010		
Amended	48 Ky.R. 1241	
201 KAR 042:020		
Amended	48 Ky.R. 1242	
201 KAR 042:030		
Amended	48 Ky.R. 1244	
201 KAR 042:035		
Amended	48 Ky.R. 1246	
201 KAR 042:040		
Amended	48 Ky.R. 1248	
201 KAR 042:050		
Amended	48 Ky.R. 1251	
201 KAR 042:060		
Amended	48 Ky.R. 1253	
201 KAR 042:061	48 Ky.R. 1971	
201 KAR 042:070		
Amended	48 Ky.R. 1255	
201 KAR 042:080		
Amended	48 Ky.R. 1891	
201 KAR 042:110		

Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	48 Ky.R. 1258	
201 KAR 043:010		
Amended	48 Ky.R. 1894	
201 KAR 043:020		
Amended	48 Ky.R. 1896	
201 KAR 043:030		
Amended	48 Ky.R. 1898	
201 KAR 043:040		
Amended	48 Ky.R. 1900	
201 KAR 043:050		
Amended	48 Ky.R. 1904	
201 KAR 043:060		
Amended	48 Ky.R. 1909	
201 KAR 043:071	48 Ky.R. 1974	
201 KAR 043:080		
Amended	48 Ky.R. 1911	
201 KAR 043:090	48 Ky.R. 1975	
201 KAR 043:100		
Amended	48 Ky.R. 1913	
201 KAR 045:130		
Amended	47 Ky.R. 1251	6-16-2021
201 KAR 047:010		
Amended	48 Ky.R. 543	
As Amended	1527	11-23-2021
201 KAR 047:030	48 Ky.R. 713	
As Amended	1529	11-23-2021
202 KAR 003:020		
Amended	48 Ky.R. 546	
202 KAR 007:201		
Amended	47 Ky.R. 2428	
Am Comments	48 Ky.R. 390	9-22-2021
202 KAR 007:301		
Amended	47 Ky.R. 2433	
Am Comments	48 Ky.R. 394	9-22-2021
202 KAR 007:330		
Amended	47 Ky.R. 2439	
Am Comments	48 Ky.R. 400	9-22-2021
202 KAR 007:401		
Amended	47 Ky.R. 2445	
Am Comments	48 Ky.R. 406	9-22-2021
202 KAR 007:540		
Amended	47 Ky.R. 2453	
Am Comments	48 Ky.R. 414	9-22-2021
202 KAR 007:601		
Amended	47 Ky.R. 2455	9-22-2021
As Amended		
Am Comments	48 Ky.R. 416	
301 KAR 001:012		
Amended	48 Ky.R. 112	
As Amended	1117	11-17-2021
301 KAR 001:016		
Amended	48 Ky.R. 113	
As Amended	1117	11-17-2021
301 KAR 001:018		
Amended	48 Ky.R. 117	
As Amended	1120	11-17-2021
301 KAR 001:019		
Amended	48 Ky.R. 119	
As Amended	1121	11-17-2021
301 KAR 001:031		
Amended	48 Ky.R. 120	
As Amended	1121	11-17-2021
301 KAR 001:050		
Amended	48 Ky.R. 122	
As Amended	1122	11-17-2021
301 KAR 001:082		
Amended	48 Ky.R. 123	
As Amended	1122	11-17-2021
301 KAR 001:120		
Amended	48 Ky.R. 124	
As Amended	1122	11-17-2021
301 KAR 001:125		
Amended	48 Ky.R. 125	
As Amended	1123	11-17-2021
301 KAR 001:140		
Amended	48 Ky.R. 128	
As Amended	1124	11-17-2021
301 KAR 001:152		
Amended	48 Ky.R. 130	
As Amended	1125	11-17-2021
301 KAR 001:201		
Amended	47 Ky.R. 2627	
As Amended	48 Ky.R. 782	9-15-2021
301 KAR 001:210		
Amended	48 Ky.R. 132	11-17-2021
301 KAR 001:400		
Amended	47 Ky.R. 2468	8-5-2021
301 KAR 001:410		
Amended	48 Ky.R. 1915	
301 KAR 002:015		
Amended	48 Ky.R. 133	
As Amended	1730	
301 KAR 002:041		
Amended	48 Ky.R. 135	11-17-2021
301 KAR 002:050		
Amended	48 Ky.R. 138	
As Amended	1127	11-17-2021
301 KAR 002:082		
Amended	48 Ky.R. 881	
Am Comments	2102	
301 KAR 002:084		
Amended	48 Ky.R. 139	11-17-2021
301 KAR 002:111		
Amended	48 Ky.R. 140	11-17-2021
301 KAR 002:132		
Amended	47 Ky.R. 2632	
As Amended	48 Ky.R. 787	9-15-2021
301 KAR 002:142		
Amended	48 Ky.R. 886	
301 KAR 002:221		
Amended	47 Ky.R. 1253	
As Amended	1937	6-3-2021
301 KAR 002:224		
Amended	48 Ky.R. 888	
301 KAR 002:228		
Amended	47 Ky.R. 2469	8-5-2021
301 KAR 002:230		
Amended	48 Ky.R. 142	
As Amended	1127	11-17-2021
301 KAR 002:251		
Amended	47 Ky.R. 2637	
As Amended	48 Ky.R. 790	9-15-2021
301 KAR 002:260		
Amended	48 Ky.R. 144	
As Amended	1128	11-17-2021
301 KAR 002:300		
Amended	47 Ky.R. 2640	
As Amended	48 Ky.R. 792	9-15-2021
301 KAR 003:010		
Amended	48 Ky.R. 889	
301 KAR 003:012		
Amended	48 Ky.R. 892	
301 KAR 003:026		
Amended	48 Ky.R. 894	
301 KAR 003:027		
Amended	48 Ky.R. 895	
301 KAR 003:030		
Amended	48 Ky.R. 896	
301 KAR 003:110		
Amended	48 Ky.R. 898	

Regulation Number	46 Ky.R. Page No.		Effective Date
301 KAR 004:001			
Amended	48 Ky.R.	899	
301 KAR 004:010			
Amended	48 Ky.R.	901	
301 KAR 004:020			
Amended	48 Ky.R.	902	
301 KAR 004:050			
Amended	48 Ky.R.	903	
301 KAR 004:070			
Amended	48 Ky.R.	904	
301 KAR 004:091	48 Ky.R.	1977	
301 KAR 004:100			
Amended	48 Ky.R.	906	
301 KAR 004:110			
Amended	48 Ky.R.	908	9-22-2021
301 KAR 005:001			
Amended	48 Ky.R.	910	
301 KAR 005:030			
Amended	48 Ky.R.	911	
301 KAR 005:100			
Amended	48 Ky.R.	913	
301 KAR 006:001			
Amended	48 Ky.R.	915	
As Amended		2033	
301 KAR 006:070			
Amended	48 Ky.R.	917	
302 KAR 004:010	47 Ky.R.	1505	
As Amended		1938	7-6-2021
302 KAR 022:150			
Amended	47 Ky.R.	1435	
As Amended		1940	7-6-2021
302 KAR 050:021			
Amended	48 Ky.R.	1631	
302 KAR 050:031			
Amended	48 Ky.R.	1640	
302 KAR 050:046	48 Ky.R.	1672	
302 KAR 050:056			
Amended	48 Ky.R.	1647	
302 KAR 050:080			
Amended	48 Ky.R.	1652	
302 KAR 079:011	47 Ky.R,	1314	
Am Comments		2014	
As Amended		2360	7-8-2021
302 KAR 079:012	47 Ky.R.	1321	
Am Comments		2022	
As Amended		2367	7-8-2021
303 KAR 001:005			
Amended	48 Ky.R.	918	
As Amended		2033	
303 KAR 001:010			
Amended	48 Ky.R.	920	
As Amended		2034	
303 KAR 001:015			
Amended	48 Ky.R.	921	
As Amended		2034	
303 KAR 001:075			
Amended	48 Ky.R.	922	
As Amended		2034	
303 KAR 001:080			
Amended	48 Ky.R.	923	
As Amended		2035	
303 KAR 001:090			
Amended	48 Ky.R.	925	
As Amended		2036	
303 KAR 001:100			
Amended	48 Ky.R.	927	
As Amended		2037	
303 KAR 001:110	48 Ky.R.	1066	
401 KAR 039:060			
Amended	47 Ky.R.	2095	8-5-2021

Regulation Number	46 Ky.R. Page No.		Effective Date
401 KAR 060:005			
Amended	47 Ky.R.	1443	
As Amended		1947	6-3-2021
401 KAR 061:036			
Amended	47 Ky.R.	1447	
Am Comments		2024	6-3-2021
401 KAR 063:002			
Amended	47 Ky.R.	1449	
As Amended		1950	6-3-2021
500 KAR 012:010			
Amended	48 Ky.R.	548	
501 KAR 001:050			
Amended	48 Ky.R.	928	
As Amended		1731	
501 KAR 002:020			
Amended	48 Ky.R.	549	
As Amended		1731	
501 KAR 002:050			
Amended	48 Ky.R.	551	
501 KAR 002:060			
Amended	48 Ky.R.	552	
Am Comments		1610	
As Amended		1732	
501 KAR 002:070			
Amended	48 Ky.R.	555	
501 KAR 003:110			
Amended	48 Ky.R.	930	
As Amended		1734	
501 KAR 003:120			
Amended	48 Ky.R.	931	
501 KAR 003:130			
Amended	48 Ky.R.	934	
As Amended		1734	
501 KAR 003:150			
Amended	48 Ky.R.	935	
As Amended		1735	
501 KAR 003:170			
Amended	48 Ky.R.	938	
501 KAR 003:190			
Amended	48 Ky.R.	939	
501 KAR 006:030			
Amended	48 Ky.R.	2118	
501 KAR 006:070			
Amended	47 Ky.R.	1620	
As Amended		2368	8-3-2021
501 KAR 006:080			
Amended	47 Ky.R.	1255	
Am Comment		1748	7-6-2021
501 KAR 006:190			
Amended	48 Ky.R.	939	
As Amended		1737	
501 KAR 006:200			
Amended	48 Ky.R.	943	
As Amended		1740	
501 KAR 006:250			
Amended	48 Ky.R.	946	
As Amended		1742	
501 KAR 006:290	48 Ky.R.	1978	
501 KAR 007:040			
Amended	48 Ky.R.	951	
501 KAR 007:060			
Amended	48 Ky.R.	952	
501 KAR 007:090			
Amended	48 Ky.R.	954	
501 KAR 007:100			
Amended	48 Ky.R.	956	
501 KAR 007:110			
Amended	48 Ky.R.	957	
501 KAR 007:120			
Amended	48 Ky.R.	958	

Regulation Number	46 Ky.R. Page No.	Effective Date
501 KAR 007:130		
Amended	48 Ky.R. 960	
As Amended	1746	
501 KAR 007:140		
Amended	48 Ky.R. 962	
As Amended	1746	
501 KAR 007:150		
Amended	48 Ky.R. 964	
As Amended	1747	
501 KAR 014:010		
Amended	48 Ky.R. 965	
As Amended	1748	
502 KAR 010:010		
Amended	48 Ky.R. 1260	
502 KAR 010:020		
Amended	48 Ky.R. 1262	
502 KAR 010:030		
Amended	48 Ky.R. 1263	
502 KAR 010:035		
Amended	48 Ky.R. 1264	
502 KAR 010:040		
Amended	48 Ky.R. 1266	
502 KAR 010:050		
Amended	48 Ky.R. 1268	
502 KAR 010:060		
Amended	48 Ky.R. 1269	
502 KAR 010:070		
Amended	48 Ky.R. 1270	
502 KAR 010:080		
Amended	48 Ky.R. 1272	
502 KAR 010:090		
Amended	48 Ky.R. 1273	
502 KAR 010:110		
Amended	48 Ky.R. 1276	
502 KAR 010:120		
Amended	48 Ky.R. 1278	
502 KAR 011:010		
Amended	48 Ky.R. 1280	
502 KAR 011:060		
Amended	48 Ky.R. 1282	
502 KAR 011:070		
Amended	48 Ky.R. 1284	
502 KAR 012:010		
Amended	48 Ky.R. 1286	
As Amended	2038	
502 KAR 013:010		
Amended	48 Ky.R. 1289	
502 KAR 013:030		
Amended	48 Ky.R. 1291	
502 KAR 013:040		
Amended	48 Ky.R. 1292	
502 KAR 013:050		
Amended	48 Ky.R. 1294	
502 KAR 013:060		
Amended	48 Ky.R. 1295	
502 KAR 013:080		
Amended	48 Ky.R. 1297	
502 KAR 014:010		
Amended	48 Ky.R. 1298	
As Amended	2040	
502 KAR 015:010		
Amended	48 Ky.R. 1300	
502 KAR 015:020		
Amended	48 Ky.R. 1301	
502 KAR 020:020		
Amended	48 Ky.R. 1303	
As Amended	2041	
502 KAR 030:010		
Amended	48 Ky.R. 1306	
502 KAR 030:020		
Amended	48 Ky.R. 1308	
502 KAR 030:030		
Amended	48 Ky.R. 1309	
502 KAR 030:050		
Amended	48 Ky.R. 1310	
502 KAR 030:060		
Amended	48 Ky.R. 1312	
502 KAR 030:070		
Amended	48 Ky.R. 1314	
502 KAR 031:020		
Amended	48 Ky.R. 1316	
As Amended	2043	
502 KAR 035:010		
Amended	48 Ky.R. 1318	
502 KAR 035:020		
Amended	48 Ky.R. 1320	
502 KAR 035:030		
Amended	48 Ky.R. 1321	
502 KAR 035:040		
Amended	48 Ky.R. 1322	
502 KAR 035:050		
Amended	48 Ky.R. 1324	
502 KAR 040:010		
Amended	48 Ky.R. 1325	
As Amended	2044	
502 KAR 045:005		
Amended	48 Ky.R. 1326	
502 KAR 045:015		
Amended	48 Ky.R. 1328	
502 KAR 045:035		
Amended	48 Ky.R. 1329	
502 KAR 045:045		
Amended	48 Ky.R. 1331	
502 KAR 045:075		
Amended	48 Ky.R. 1332	
502 KAR 045:085		
Amended	48 Ky.R. 1334	
502 KAR 045:105		
Amended	48 Ky.R. 1335	
502 KAR 045:115		
Amended	48 Ky.R. 1336	
502 KAR 045:150		
Amended	48 Ky.R. 1338	
502 KAR 047:010		
Amended	48 Ky.R. 1339	
502 KAR 050:010		
Amended	48 Ky.R. 1340	
As Amended	2045	
503 KAR 001:060		
Amended	48 Ky.R. 966	
As Amended	2046	
503 KAR 001:080		
Amended	48 Ky.R. 968	
503 KAR 001:090		
Amended	48 Ky.R. 970	
As Amended	2046	
503 KAR 001:100		
Amended	48 Ky.R. 971	
As Amended	2047	
503 KAR 001:110		
Amended	48 Ky.R. 973	
As Amended	2048	
503 KAR 001:120		
Amended	48 Ky.R. 976	
As Amended	2050	
503 KAR 001:140		
Amended	48 Ky.R. 979	
As Amended	2051	
503 KAR 001:170		
Amended	48 Ky.R. 986	

Regulation Number	46 Ky.R. Page No.		Effective Date
As Amended		2058	
503 KAR 003:020			
Amended	48 Ky.R.	1342	
As Amended		2065	
503 KAR 003:030			
Amended	48 Ky.R.	1346	
As Amended		2068	
503 KAR 003:050			
Amended	48 Ky.R.	1348	
As Amended		2070	
503 KAR 004:010			
Amended	48 Ky.R.	1350	
As Amended		2071	
503 KAR 004:040			
Amended	48 Ky.R.	1352	
As Amended		2071	
503 KAR 004:050			
Amended	48 Ky.R.	1353	
As Amended		2072	
503 KAR 005:080			
Amended	48 Ky.R.	1355	
As Amended		2074	
503 KAR 005:100			
Amended	48 Ky.R.	1357	
As Amended		2074	
601 KAR 001:005			
Amended	47 Ky.R.	2101	8-3-2021
601 KAR 001:030			
Repealed	47 Ky.R.	475	10-5-2021
601 KAR 001:113			
Amended	47 Ky.R.	1256	
As Amended		1954	7-6-2021
601 KAR 002:231	47 Ky.R.	475	10-5-2021
601 KAR 002:233	47 Ky.R.	2499	
Am Comments	48 Ky.R.	429	11-30-2021
601 KAR 023:030	47 Ky.R.	1324	
As Amended		1957	7-6-2021
603 KAR 003:100	48 Ky.R.	1434	
As Amended		2075	
603 KAR 004:035			
Amended	48 Ky.R.	1359	
Withdrawn			12-13-2021
603 KAR 005:150			
Amended	48 Ky.R.	1918	
603 KAR 005:360	48 Ky.R.	1067	
As Amended		2076	
603 KAR 010:040	48 Ky.R.	1069	
Am Comments		1776	
As Amended		2077	
605 KAR 001:030			
Amended	47 Ky.R.	2643	
As Amended	48 Ky.R.	1128	11-15-2021
605 KAR 001:035	47 Ky.R.	2765	
As Amended	48 Ky.R.	1128	11-15-2021
605 KAR 001:051	48 Ky.R.	1647	
605 KAR 001:071	48 Ky.R.	1675	
605 KAR 001:091	48 Ky.R.	1677	
605 KAR 001:130			
Amended	47 Ky.R.	2646	
605 KAR 001:131	48 Ky.R.	1678	
605 KAR 001:191	48 Ky.R.	1680	
605 KAR 001:211	48 Ky.R.	1682	
605 KAR 001:215	47 Ky.R.	2766	
As Amended	48 Ky.R.	1130	11-15-2021
701 KAR 005:080			
Repealed	47 Ky.R>	2505	11-2-2021
701 KAR 005:081	47 Ky.R.	2505	11-2-2021
701 KAR 005:100			
Amended	47 Ky.R.	2471	
As Amended	48 Ky.R.	795	11-30-2021
701 KAR 005:160	48 Ky.R.	1075	
As Amended		1748	
702 KAR 001:116	48 Ky.R.	2133	
702 KAR 001:191	48 Ky.R.	1078	
Am Comments		2106	
702 KAR 003:060			
Amended	47 Ky.R.	2474	
As Amended	48 Ky.R.	347	11-2-2021
702 KAR 005:080			
Amended	47 Ky.R.	1454	
As Amended		1957	7-6-2021
702 KAR 007:065			
Amended	48 Ky.R.	1653	
702 KAR 007:125			
Amended	48 Ky.R.	995	
702 KAR 007:150	48 Ky.R.	233	
Am Comments		1612	
703 KAR 005:070			
Amended	47 Ky.R.	2476	
As Amended	48 Ky.R.	796	11-30-2021
703 KAR 005:225			
Amended	47 Ky.R.	2478	
As Amended	48 Ky.R.	797	11-30-2021
703 KAR 005:240			
Amended	47 Ky.R.	2480	
As Amended	48 Ky.R.	798	11-30-2021
703 KAR 005:270			
Amended	47 Ky.R.	1829	
Am Comments	48 Ky.R.	83	
As Amended		348	
703 KAR 005:280			
Amended	47 Ky.R.	1458	
Am Comments		2405	8-3-2021
704 KAR 003:395	48 Ky.R.	2135	
704 KAR 007:121	48 Ky.R.	235	
702 KAR 007:170	48 Ky.R.	2139	
704 KAR 008:110	47 Ky.R.	1508	
As Amended		1960	7-6-2021
704 KAR 019:002			
Amended	48 Ky.R.	2120	
707 KAR 001:340			
Amended	47 Ky.R.	2648	
As Amended	48 Ky.R.	1131	
725 KAR 001:010			
Amended	48 Ky.R.	556	
725 KAR 001:020			
Amended	48 Ky.R.	558	
725 KAR 001:025			
Amended	48 Ky.R.	559	
725 KAR 001:030			
Amended	48 Ky.R.	561	
725 KAR 001:040			
Amended	48 Ky.R.	562	
725 KAR 001:050			
Amended	48 Ky.R.	564	
725 KAR 001:061			
Amended	48 Ky.R.	566	
725 KAR 002:015			
Amended	48 Ky.R.	568	
725 KAR 002:080			
Amended	48 Ky.R.	573	
739 KAR 002:060			
Amended	48 Ky.R.	574	
As Amended		1750	
745 KAR 001:035			
Amended	48 Ky.R.	1362	
As Amended		2082	
781 KAR 001:010			
Amended	48 Ky.R.	999	
781 KAR 001:020			

Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	48 Ky.R. 1002	
781 KAR 001:030		
Amended	48 Ky.R. 1006	
781 KAR 001:040		
Amended	48 Ky.R. 1008	
781 KAR 001:050		
Amended	48 Ky.R. 1011	
782 KAR 001:010		
Amended	48 Ky.R. 1014	
782 KAR 001:070		
Amended	48 Ky.R. 1020	
787 KAR 001:010		
Amended	48 Ky.R. 578	
As Amended	1531	
787 KAR 001:020		
Amended	48 Ky.R. 579	
As Amended	1531	
787 KAR 001:060		
Amended	48 Ky.R. 581	
As Amended	1532	
787 KAR 001:080		
Amended	48 Ky.R. 582	
787 KAR 001:090		
Amended	48 Ky.R. 584	
As Amended	1532	
787 KAR 001:110		
Amended	48 Ky.R. 586	
As Amended	1533	
787 KAR 001:140		
Amended	48 Ky.R. 590	
787 KAR 001:150		
Amended	48 Ky.R. 592	
As Amended	1536	
787 KAR 001:210		
Amended	48 Ky.R. 593	
As Amended	1537	
787 KAR 001:220		
Amended	48 Ky.R. 595	
As Amended	1537	
787 KAR 001:260		
Amended	48 Ky.R. 596	
As Amended	1538	
787 KAR 001:290		
Amended	48 Ky.R. 598	
787 KAR 001:300		
Amended	48 Ky.R. 599	
As Amended	1538	
787 KAR 001:310		
Amended	48 Ky.R. 600	
As Amended	1539	
787 KAR 001:360	47 Ky.R. 2768	
As Amended	48 Ky.R. 800	11-30-2021
787 KAR 002:040		
Amended	48 Ky.R. 1023	
787 KAR 003:020	48 Ky.R. 1980	
791 KAR 001:010		
Amended	48 Ky.R. 1024	
791 KAR 001:020		
Amended	48 Ky.R. 1028	
791 KAR 001:025		
Amended	48 Ky.R. 1032	
791 KAR 001:027		
Amended	48 Ky.R. 1034	
791 KAR 001:030		
Amended	48 Ky.R. 1035	
791 KAR 001:035		
Amended	48 Ky.R. 1037	
791 KAR 001:040		
Amended	48 Ky.R. 1039	
791 KAR 001:050		
Amended	48 Ky.R. 1040	
791 KAR 001:060		
Amended	48 Ky.R. 1042	
791 KAR 001:070		
Amended	48 Ky.R. 1044	
791 KAR 001:080		
Amended	48 Ky.R. 1046	
791 KAR 001:100		
Amended	48 Ky.R. 1048	
791 KAR 001:150		
Amended	48 Ky.R. 1050	
791 KAR 001:155		
Amended	48 Ky.R. 1051	
791 KAR 001:160		
Amended	48 Ky.R. 1053	
803 KAR 001:005		
Amended	48 Ky.R. 145	
803 KAR 001:025		
Amended	48 Ky.R. 149	
803 KAR 001:060		
Amended	48 Ky.R. 154	
803 KAR 001:063		
Amended	48 Ky.R. 160	
803 KAR 001:065		
Amended	48 Ky.R. 161	
803 KAR 001:066		
Amended	48 Ky.R. 164	
803 KAR 001:070		
Amended	48 Ky.R. 166	
803 KAR 001:075		
Amended	48 Ky.R. 178	
803 KAR 001:080		
Amended	48 Ky.R. 180	
803 KAR 001:090		
Amended	48 Ky.R. 184	
803 KAR 002:010		
Amended	47 Ky.R. 1261	
As Amended	1960	7-6-2021
803 KAR 002:011	47 Ky.R. 2769	11-30-2021
803 KAR 002:019		
Amended	47 Ky.R. 1622	
As Amended	2369	8-3-2021
803 KAR 002:021		
Amended	47 Ky.R. 1465	
803 KAR 002:041	47 Ky.R. 2770	11-30-2021
803 KAR 002:050		
Amended	47 Ky.R. 1467	
As Amended	2370	8-3-2021
803 KAR 002:060		
Amended	47 Ky.R. 2655	
As Amended	48 Ky.R. 800	11-30-2021
803 KAR 002:062		
Amended	47 Ky.R. 2658	
As Amended	48 Ky.R. 803	11-30-2021
803 KAR 002:070		
Amended	47 Ky.R. 2660	
As Amended	48 Ky.R. 803	11-30-2021
803 KAR 002:080		
Amended	47 Ky.R. 1469	
As Amended	2371	8-3-2021
803 KAR 002:090		
Amended	47 Ky.R. 1471	
As Amended	2371	8-3-2021
803 KAR 002:095		
Repealed	47 Ky.R. 1509	8-3-2021
803 KAR 002:096*(r)*	47 Ky.R. 1509	8-3-2021
803 KAR 002:100		
Amended	47 Ky.R. 1473	
As Amended	2372	8-3-2021
803 KAR 002:110		

Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	47 Ky.R. 2663	
As Amended	48 Ky.R. 804	11-30-2021
803 KAR 002:115		
Amended	47 Ky.R. 1475	
As Amended	2373	8-3-2021
803 KAR 002:120		
Amended	47 Ky.R. 1624	
As Amended	2373	8-3-2021
803 KAR 002:122		
Amended	47 Ky.R. 2665	
As Amended	48 Ky.R. 805	11-30-2021
803 KAR 002:125		
Amended	47 Ky.R. 2669	
As Amended	48 Ky.R. 807	11-30-2021
803 KAR 002:127		
Amended	47 Ky.R. 2671	
As Amended	48 Ky.R. 808	11-30-2021
803 KAR 002:130		
Amended	47 Ky.R. 2673	
As Amended	48 Ky.R. 809	11-30-2021
803 KAR 002:140		
Amended	47 Ky.R. 2674	
As Amended	48 Ky.R. 809	11-30-2021
803 KAR 002:170		
Amended	47 Ky.R. 2670	
As Amended	48 Ky.R. 810	11-30-2021
803 KAR 002:180		
Repealed	48 Ky.R. 2531	11-2-2021
803 KAR 002:181		
Amended	47 Ky.R. 2772	
As Amended	48 Ky.R. 2531	11-30-2021
803 KAR 002:220		
Amended	47 Ky.R. 2684	
As Amended	48 Ky.R. 815	11-30-2021
803 KAR 002:230		
Amended	47 Ky.R. 2685	11-30-2021
803 KAR 002:240		
Amended	47 Ky.R. 1477	
As Amended	2374	8-3-2021
803 KAR 002:250		
Amended	47 Ky.R. 2687	
As Amended	48 Ky.R. 816	11-30-2021
803 KAR 002:306		
Amended	47 Ky.R. 2690	
Withdrawn		9-5-2014
803 KAR 002:308		
Amended	47 Ky.R. 2692	11-30-2021
803 KAR 002:309		
Amended	47 Ky.R. 1626	
As Amended	2374	8-3-2021
803 KAR 002:310		
Amended	47 Ky.R. 2695	11-30-2021
803 KAR 002:314		
Amended	47 Ky.R. 1478	
As Amended	2375	8-3-2021
803 KAR 002:320		
Amended	47 Ky.R. 1628	
As Amended	2376	8-3-2021
803 KAR 002:321	48 Ky.R. 2141	
803 KAR 2:325		
Amended	47 Ky.R. 2697	
As Amended	1539	
803 KAR 002:401		
Amended	47 Ky.R. 1634	
As Amended	2380	8-3-2021
803 KAR 002:405		
Amended	47 Ky.R. 1636	
As Amended	2380	8-3-2021
803 KAR 002:408		
Amended	47 Ky.R. 1638	
As Amended	2381	8-3-2021
803 KAR 002:409		
Amended	47 Ky.R. 1639	
As Amended	2381	8-3-2021
803 KAR 002:410		
Amended	47 Ky.R. 1641	
As Amended	2381	8-3-2021
803 KAR 002:413		
Amended	47 Ky.R. 1480	
As Amended	2382	8-3-2021
803 KAR 002:414		
Amended	47 Ky.R. 1643	
As Amended	2382	8-3-2021
803 KAR 002:415		
Amended	47 Ky.R. 1645	
As Amended	2383	8-3-2021
803 KAR 002:416		
Amended	47 Ky.R. 1647	
As Amended	2383	8-3-2021
803 KAR 002:417		
Amended	47 Ky.R. 1648	
As Amended	2384	8-3-2021
803 KAR 002:420		
Amended	47 Ky.R. 1482	
As Amended	2384	8-3-2021
803 KAR 002:423		
Amended	47 Ky.R. 2708	
Withdrawn		9-5-2014
803 KAR 002:424		
Amended	47 Ky.R. 1650	
As Amended	2386	8-3-2021
803 KAR 002:426	48 Ky.R. 2143	
803 KAR 002:430		
Repealed	47 Ky.R. 1509	8-3-2021
803 KAR 2:435		
Amended	47 Ky.R. 2710	
As Amended	48 Ky.R. 817	11-30-2021
803 KAR 2:440		
Amended	47 Ky.R. 2712	
As Amended	48 Ky.R. 818	11-30-2021
803 KAR 002:600		
Amended	47 Ky.R. 1652	
As Amended	2386	8-3-2021
803 KAR 025:015		
Amended	47 Ky.R. 2107	
As Amended	48 Ky.R. 352	11-2-2021
803 KAR 025:021		
Amended	47 Ky.R. 2109	
As Amended	48 Ky.R. 818	11-30-2021
803 KAR 025:091		
Amended	47 Ky.R. 803	
Am Comments	1597	
As Amended	48 Ky.R. 824	11-30-2021
803 KAR 025:092		
Amended	47 Ky.R. 1264	
Am Comments	2026	
As Amended	2585	8-31-2021
803 KAR 025:165	47 Ky.R. 2774	
Am Comments	48 Ky.R. 837	
As Amended	1136	
803 KAR 025:170		
Amended	47 Ky.R. 1266	
As Amended	48 Ky.R. 1137	
803 KAR 025:175		
Amended	47 Ky.R. 1268	
As Amended	48 Ky.R. 1138	
803 KAR 025:185		
Amended	47 Ky.R. 1269	
As Amended	48 Ky.R. 1138	
803 KAR 025:190		

Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	47 Ky.R. 2116	
Am Comments	48 Ky.R. 435	
As Amended	1753	
803 KAR 025:220		
Amended	47 Ky.R. 2123	
As Amended	48 Ky.R. 826	11-30-2021
803 KAR 025:300	47 Ky.R. 1511	
As Amended	1962	7-6-2021
804 KAR 004:212	48 Ky.R. 1435	
As Amended	2082	
804 KAR 004:221	48 Ky.R. 1437	
Am Comments	2108	
804 KAR 004:251	48 Ky.R. 1439	
As Amended	2083	
804 KAR 004:415		
Amended	48 Ky.R. 1919	
804 KAR 004:480	48 Ky.R. 1441	
As Amended	2083	
806 KAR 002:060	47 Ky.R. 1714	
As Amended	2387	8-3-2021
806 KAR 004:010		
Amended	47 Ky.R. 2714	
As Amended	48 Ky.R. 1139	
806 KAR 005:025		
Amended	48 Ky.R. 1363	
As Amended	2084	
806 KAR 009:025		
Amended	47 Ky.R. 806	
Am Comments	1600	
As Amended	48 Ky.R. 1141	
806 KAR 009:360		
Amended	47 Ky.R. 813	
As Amended	1963	7-6-2021
806 KAR 010:030		
Amended	48 Ky.R. 1657	
806 KAR 011:020		
Amended	48 Ky.R. 602	
As Amended	1759	
806 KAR 012:010		
Amended	48 Ky.R. 1657	
806 KAR 012:095		
Amended	47 Ky.R. 2717	
As Amended	48 Ky.R. 827	11-30-2021
806 KAR 012:120		
Amended	47 Ky.R. 815	
Am Comments	1604	
As Amended	48 Ky.R. 1144	
806 KAR 013:150		
Amended	2721	
As Amended	48 Ky.R. 1148	
806 KAR 014:005		
Amended	47 Ky.R. 1654	
As Amended	2387	8-3-2021
806 KAR 014:007		
Amended	47 Ky.R. 1656	
As Amended	2388	8-3-2021
Amended	48 Ky.R. 1662	
806 KAR 014:090		
Amended	47 Ky.R. 1658	
As Amended	2389	8-3-2021
806 KAR 014:110		
Amended	47 Ky.R. 1659	
As Amended	2390	8-3-2021
806 KAR 014:121		
Amended	47 Ky.R. 1661	
As Amended	2586	8-31-2021
806 KAR 015:050		
Amended	47 Ky.R. 1664	
Am Comments	2413	
As Amended	2588	8-31-2021
806 KAR 015:060		
Amended	47 Ky.R. 1668	
As Amended	2390	8-3-2021
806 KAR 015:070		
Amended	47 Ky.R. 1673	
As Amended	2394	8-3-2021
806 KAR 015:090		
Amended	47 Ky.R. 2725	
As Amended	48 Ky.R. 830	11-30-2021
806 KAR 017:070		
Amended	47 Ky.R. 2726	
As Amended	48 Ky.R. 1151	
806 KAR 017:085		
Amended	47 Ky.R. 2729	
As Amended	48 Ky.R. 1153	
806 KAR 017:100		
Amended	47 Ky.R. 2734	
As Amended	48 Ky.R. 1158	
806 KAR 017:150		
Amended	47 Ky.R. 2736	
As Amended	48 Ky.R. 1159	
806 KAR 017:230		
Amended	47 Ky.R. 2742	
As Amended	48 Ky.R. 1164	
806 KAR 017:240		
Amended	48 Ky.R. 186	
As Amended	1550	
806 KAR 017:260		
Amended	48 Ky.R. 188	
As Amended	1164	
806 KAR 017:270		
Amended	48 Ky.R. 190	
As Amended	1551	
806 KAR 017:280		
Amended	48 Ky.R. 191	
As Amended	1551	
806 KAR 017:290		
Amended	48 Ky.R. 195	
As Amended	1165	
806 KAR 017:300		
Amended	48 Ky.R. 1921	
806 KAR 017:350		
Amended	48 Ky.R. 605	
806 KAR 017:370		
Amended	48 Ky.R. 200	
As Amended	1169	
806 KAR 017:450		
Amended	48 Ky.R. 202	
As Amended	1171	
806 KAR 017:470		
Amended	48 Ky.R. 205	
As Amended	1554	
806 KAR 017:511*(r)*	47 Ky.R. 2775	
As Amended	48 Ky.R. 1173	
806 KAR 017:575		
Amended	48 Ky.R. 1924	
806 KAR 017:580	47 Ky.R. 2777	
As Amended	48 Ky.R. 831	11-30-2021
806 KAR 017:590	48 Ky.R. 1684	
806 KAR 018:030		
Amended	48 Ky.R. 1926	
806 KAR 019:050		
Amended	47 Ky.R. 1675	
As Amended	2396	8-3-2021
806 KAR 019:060		
Amended	47 Ky.R. 1676	
As Amended	2396	8-3-2021
806 KAR 039:050		
Amended	47 Ky.R. 1678	
As Amended	2397	8-3-2021

Regulation Number	46 Ky.R. Page No.		Effective Date
806 KAR 039:070			
Amended	48 Ky.R.	607	
As Amended		1761	
806 KAR 040:020			
Amended	47 Ky.R.	1680	
As Amended		2398	8-3-2021
806 KAR 046:050			
Amended	48 Ky.R.	207	
As Amended		1173	
806 KAR 052:030			
Amended	47 Ky.R.	2744	
As Amended	48 Ky.R.	831	11-30-2021
807 KAR 005:015	47 Ky.R.	2778	
Am Comments	48 Ky.R.	1181	
As Amended		1555	
807 KAR 005:056			
Amended	47 Ky.R.	1485	
As Amended		1965	6-3-2021
810 KAR 002:001			
Amended	47 Ky.R.	2125	
As Amended	48 Ky.R.	353	8-12-2021
810 KAR 002:020			
Amended	47 Ky.R.	1271	7-6-2021
810 KAR 3:001			
Amended	47 Ky.R.	2127	
As Amended	48 Ky.R.	354	8-12-2021
810 KAR 004:001			
Amended	47 Ky.R.	2130	
As Amended	48 Ky.R.	355	8-12-2021
810 KAR 004:010			
Amended	47 Ky.R.	1274	
As Amended		1965	7-6-2021
810 KAR 004:030			
Amended	47 Ky.R.	1277	7-6-2021
810 KAR 004:040			
Amended	48 Ky.R.	610	
As Amended		1561	
810 KAR 005:001			
Amended	47 Ky.R.	2132	
As Amended	48 Ky.R.	357	8-12-2021
810 KAR 005:030			
Amended	48 Ky.R.	1375	
810 KAR 005:060			
Amended	48 Ky.R.	1378	
810 KAR 005:070			
Amended	48 Ky.R.	1383	
810 KAR 005:080			
Amended	47 Ky.R.	2135	
As Amended	48 Ky.R.	27	10-5-2021
810 KAR 006:001			
Amended	47 Ky.R.	2138	
As Amended	48 Ky.R.	359	8-12-2021
Amended		1929	
810 KAR 006:010	47 Ky.R.	2181	
As Amended	48 Ky.R.	362	8-12-2021
810 KAR 006:020			
Amended	47 Ky.R.	2142	
As Amended	48 Ky.R.	363	8-12-2021
810 KAR 006:030	47 Ky.R.	2184	
As Amended	48 Ky.R.	372	8-12-2021
810 KAR 008:010			
Amended	47 Ky.R.	2152	
As Amended	48 Ky.R.	29	10-5-2021
810 KAR 008:020			
Amended	47 Ky.R.	2159	
810 KAR 008:025	47 Ky.R.	2188	
As Amended	48 Ky.R.	35	10-5-2021
Amended		1933	
810 KAR 008:030			
Amended	47 Ky.R.	2167	
As Amended	48 Ky.R.	39	10-5-2021
810 KAR 008:040			
Amended	47 Ky.R.	2174	
As Amended	48 Ky.R.	44	10-5-2021
810 KAR 008:060			
Amended	47 Ky.R.	1281	7-6-2021
811 KAR 001:250			
Repealed	47 Ky.R.	1923	2-25-21
815 KAR 004:010			
Amended	48 Ky.R.	613	
815 KAR 004:025			
Amended	48 Ky.R.	615	
As Amended		1762	
815 KAR 004:027			
Amended	48 Ky.R.	617	
815 KAR 007:080			
Amended	48 Ky.R.	618	
As Amended		1763	
815 KAR 007:110			
Amended	48 Ky.R.	621	
As Amended		1765	
815 KAR 010:060			
Amended	48 Ky.R.	623	
As Amended		1766	
815 KAR 010:070			
Amended	48 Ky.R.	627	
815 KAR 020:050			
Amended	48 Ky.R.	629	
815 KAR 020:150			
Amended	47 Ky.R.	1098	
As Amended		1587	
As Amended		1967	6-15-2021
815 KAR 020:195			
Amended	48 Ky.R.	631	
815 KAR 030:010			
Amended	48 Ky.R.	633	
815 KAR 030:060			
Amended	48 Ky.R.	635	
As Amended		1769	
815 KAR 035:020			
Amended	48 Ky.R.	1664	
900 KAR 006:030			
Amended	47 Ky.R.	1682	
As Amended		2591	6-16-2021
900 KAR 006:055			
Amended	47 Ky.R.	1683	
Am Comments		2417	
As Amended		2591	6-16-2021
900 KAR 006:060			
Amended	47 Ky.R.	1685	6-16-2021
900 KAR 006:065			
Amended	47 Ky.R.	1687	
As Amended		2592	6-16-2021
900 KAR 006:080			
Amended	47 Ky.R.	1691	6-16-2021
900 KAR 006:090			
Amended	47 Ky.R.	1693	
As Amended		2594	6-16-2021
900 KAR 006:095			
Amended	47 Ky.R.	1695	6-16-2021
900 KAR 006:100			
Amended	47 Ky.R.	1698	
As Amended		2597	6-16-2021
900 KAR 006:105			
Amended	47 Ky.R.	1701	6-16-2021
900 KAR 006:110			
Amended	47 Ky.R.	1702	
Am Comments		2419	
As Amended		2599	6-16-2021
900 KAR 006:115			

Regulation Number	46 Ky.R. Page No.		Effective Date
Amended	47 Ky.R.	1704	6-16-2021
900 KAR 010:111	47 Ky.R.	2194	7-21-2021
900 KAR 010:115	47 Ky.R.	2197	7-21-2021
900 KAR 010:120	47 Ky.R.	2203	
As Amended	48 Ky.R.	48	7-21-2021
900 KAR 010:125	47 Ky.R.	2211	
As Amended	48 Ky.R.	54	7-21-2021
900 KAR 010:130	47 Ky.R.	2214	
As Amended	48 Ky.R.	56	7-21-2021
900 KAR 020:201	48 Ky.R.	2144	
900 KAR 011:010			
Repealed	47 Ky.R.	1325	6-16-2021
900 KAR 011:011	47 Ky.R.	1325	6-16-2021
900 KAR 012:005	48 Ky.R.	1079	
Am Comments		1782	
As Amended		2095	
902 KAR 002:020			
Amended	48 Ky.R.	1389	
902 KAR 004:150	47 Ky.R.	2219	
As Amended	48 Ky.R.	59	7-21-2021
902 KAR 010:010			
Amended	47 Ky.R.	1283	6-16-2021
902 KAR 010:060			
Repealed	47 Ky.R.	1969	6-16-2021
902 KAR 010:110			
Amended	47 Ky.R.	1285	6-16-2021
902 KAR 010:120			
Amended	48 Ky.R.	638	
Am Comments		1784	
902 KAR 010:121			
Amended	48 Ky.R.	1396	
902 KAR 010:130			
Repealed	47 Ky.R.	1969	6-16-2021
902 KAR 010:131*(r)*	47 Ky.R.	1326	
As Amended		1969	6-16-2021
902 KAR 010:140			
Amended	47 Ky.R.	1288	
As Amended		1970	6-16-2021
902 KAR 010:150			
Amended	47 Ky.R.	1292	
As Amended		1973	6-16-2021
902 KAR 010:160			
Amended	47 Ky.R.	1295	
As Amended		1975	6-16-2021
902 KAR 010:170			
Amended	47 Ky.R.	1299	
As Amended		1978	6-16-2021
902 KAR 010:190			
Amended	48 Ky.R.	715	
Am Comments		1806	
902 KAR 020:018			
Amended	48 Ky.R.	2123	
902 KAR 020:081			
Amended	48 Ky.R.	1399	
902 KAR 020:160			
Amended	47 Ky.R.	1103	
Am Comment		1749	
As Amended		1980	6-16-2021
902 KAR 020:440			
Amended	47 Ky.R.	1114	
Am Comments		1760	
As Amended		1989	6-16-2021
902 KAR 030:210	47 Ky.R.	2220	
As Amended	48 Ky.R.	60	7-21-2021
902 KAR 045:160			
Amended	47 Ky.R.	1488	6-16-2021
902 KAR 045:190	47 Ky.R.	1157	
Am Comments		1767	
As Amended		1995	
As Amended IJC	48 Ky.R.	60	6-16-2021

Regulation Number	46 Ky.R. Page No.		Effective Date
902 KAR 048:010			
Amended	48 Ky.R.	661	11-23-2021
902 KAR 048:020			
Amended	48 Ky.R.	665	11-23-2021
902 KAR 048:030			
Amended	48 Ky.R.	668	11-23-2021
902 KAR 048:040			
Amended	48 Ky.R.	673	11-23-2021
902 KAR 95:040			
Amended	47 Ky.R.	1493	
As Amended		2599	6-16-2021
906 KAR 001:180			
Amended	48 Ky.R.	1403	
907 KAR 001:005			
Amended	48 Ky.R.	1409	
907 KAR 001:030			
Amended	48 Ky.R.	1411	
As Amended		2096	
907 KAR 001:038			
Amended	47 Ky.R.	2483	
As Amended	48 Ky.R.	374	8-26-2021
907 KAR 001:604			
Amended	48 Ky.R.	1414	
907 KAR 003:005			
Amended	47 Ky.R.	1834	
Am Comments	48 Ky.R.	838	10-20-2021
907 KAR 003:010			
Amended	47 Ky.R.	1839	
Am Comments	48 Ky.R.	89	
As Amended		1174	10-20-2021
907 KAR 003:060	47 Ky.R.	2507	10-20-2021
907 KAR 003:170			
Amended	48 Ky.R.	1667	
907 KAR 007:020	47 Ky.R.	1859	
As Amended		2602	6-16-2021
907 KAR 010:815			
Amended	48 Ky.R.	1055	
Am Comments		1814	
As Amended		2098	
907 KAR 010:830			
Amended	48 Ky.R.	1417	
907 KAR 015:070			
Amended	47 Ky.R.	1121	
Am Comments		1769	
As Amended		1996	6-16-2021
907 KAR 015:080			
Amended	47 Ky.R.	1127	
Am Comments		1776	
As Amended		2001	6-16-2021
907 KAR 017:005			
Amended	48 Ky.R.	1939	
907 KAR 017:010			
Amended	48 Ky.R.	1942	
907 KAR 020:001			
Amended	48 Ky.R.	1948	
907 KAR 020:020			
Amended	48 Ky.R.	1953	
907 KAR 023:020			
Amended	48 Ky.R.	678	
Am Comments		1818	
908 KAR 001:390	47 Ky.R.	2222	
Am Comments	48 Ky.R.	441	
908 KAR 002:270	47 Ky.R.	1328	
As Amended		2011	6-16-2021
910 KAR 001:190			
Amended	48 Ky.R.	1956	
910 KAR 004:010	48 Ky.R.	1442	
921 KAR 001:020			
Amended	48 Ky.R.	209	
As Amended		1178	10-20-2021

Regulation Number	46 Ky.R. Page No.		Effective Date
921 KAR 001:390			
Amended	48 Ky.R.	212	
As Amended		1179	10-20-2021
921 KAR 001:400			
Amended	48 Ky.R.	681	
As Amended		1563	11-23-2021
921 KAR 002:015			
Amended	48 Ky.R.	684	
As Amended		1564	11-23-2021
921 KAR 003:027	48 Ky.R.	236	
921 KAR 003:010			
Amended	47 Ky.R.	1497	6-16-2021
921 KAR 003:025			
Amended	47 Ky.R.	1706	
As Amended		2398	8-3-2021
921 KAR 003:035			
Amended	47 Ky.R.	591	
Am Comments		1416	
As Amended		1594	
As Amended		2401	7-21-2021
921 KAR 003:045			
Amended	47 Ky.R.	1499	6-16-2021
921 KAR 003:060			
Amended	47 Ky.R.	2746	
Am Comments	48 Ky.R.	1188	11-23-2021
921 KAR 004:116			
Amended	48 Ky.R.	689	11-23-2021
9221 KAR 004:122	48 Ky.R.	2146	
922 KAR 001:300			
Amended	47 Ky.R.	2749	
Am Comments	48 Ky.R.	1191	
As Amended		1569	11-23-2021
922 KAR 001:380			
Amended	47 Ky.R.	2759	
As Amended	48 Ky.R.	1579	11-23-2021
922 KAR 001:390			
Amended	47 Ky.R.	2760	
Withdrawn			11-23-2021
922 KAR 001:470			
Amended	48 Ky.R.	2128	
922 KAR 001:490			
Amended	47 Ky.R.	1844	
Am Comments	48 Ky.R.	94	
As Amended		377	8-26-2021
922 KAR 001:540			
Amended	47 Ky.R.	1849	
As Amended		2603	6-16-2021
922 KAR 001:565			
Amended	48 Ky.R.	1426	
922 KAR 001:580			
Amended	47 Ky.R.	1851	
As Amended		2604	6-16-2021
922 KAR 002:120			
Amended	47 Ky.R.	1145	
Am Comments		1787	6-16-2021
922 KAR 002:160			
Amended	48 Ky.R.	693	
Am Comments		1614	12-15-2021
922 KAR 002:230			
Amended	47 Ky.R.	1303	6-16-2021
922 KAR 002:240			
Amended	47 Ky.R.	1304	6-16-2021
922 KAR 002:250			
Amended	47 Ky.R.	1310	
922 KAR 002:300	47 Ky.R.	2509	
As Amended	48 Ky.R.	380	8-26-2021
922 KAR 005:020			
Amended	47 Ky.R.	2486	
As Amended	48 Ky.R.	382	8-26-2021
923 KAR 002:470			
Amended	48 Ky.R.	1059	
As Amended		1771	12-15-2021

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.

KRS SECTION	REGULATION
2.015	922 KAR 001:565
11.160	502 KAR 030:060
12.355	201 KAR 022:045
13A.010	902 KAR 010:190
13A.310	921 KAR 003:026E
13B	016 KAR 001:030
	101 KAR 001:365
	501 KAR 003:150
	725 KAR 002:015
	782 KAR 001:010
	791 KAR 001:030
	810 KAR 005:070
	902 KAR 010:120
	902 KAR 010:190
	902 KAR 020:081
	906 KAR 001:180
	907 KAR 017:005
	907 KAR 017:010
	921 KAR 004:122E
	921 KAR 004:122
13B.050	201 KAR 002:430
13B.125	201 KAR 002:430
13B.140	907 KAR 010:815
	907 KAR 010:830
13.310	030 KAR 006:011E
	030 KAR 006:011
14.300	030 KAR 006:011E
	030 KAR 006:011
14.302	030 KAR 006:011E
	030 KAR 006:011
14.304	030 KAR 006:011E
	030 KAR 006:011
14.306	030 KAR 006:011E
	030 KAR 006:011
14A.1-070	030 KAR 001:011
14A.2-010	030 KAR 001:011
14A.2-060	030 KAR 001:011
14A.2-130	030 KAR 001:011
14A.2-140	030 KAR 001:011
14A.2-160	030 KAR 001:011
14A.3-010	030 KAR 001:011
15.247	040 KAR 006:010
15.310	503 KAR 001:060
15.315	503 KAR 001:060
15.320	503 KAR 001:060
15.325	503 KAR 001:060
15.330	503 KAR 001:060
	503 KAR 001:080
	503 KAR 001:090
	503 KAR 001:100
	503 KAR 001:110
	503 KAR 001:120
	503 KAR 001:140
	503 KAR 001:170
15.334	503 KAR 001:060
15.335	503 KAR 001:060
15.340	503 KAR 001:060
	503 KAR 003:030
15.350	503 KAR 001:060
15.360	503 KAR 001:060
15.367	503 KAR 001:060
15.380	503 KAR 001:060
	503 KAR 001:140
15.382	503 KAR 001:060
	503 KAR 001:140
15.383	502 KAR 013:010
15.384	503 KAR 001:060
	503 KAR 001:140
15.386	503 KAR 001:060
	503 KAR 001:110
15.388	503 KAR 001:060

KRS SECTION	REGULATION
15.390	503 KAR 001:060
15.391	503 KAR 001:060
15.392	503 KAR 001:060
	503 KAR 001:140
15.394	503 KAR 001:060
	503 KAR 001:140
15.396	503 KAR 001:060
	503 KAR 001:140
15.3971	503 KAR 001:060
	503 KAR 001:140
15.3973	503 KAR 001:060
15.3975	503 KAR 001:060
15.3977	503 KAR 001:060
15.3979	503 KAR 001:060
15.398	503 KAR 001:060
15.400	503 KAR 001:060
	503 KAR 001:140
15.402	503 KAR 001:060
15.404	503 KAR 001:060
	503 KAR 001:110
	503 KAR 001:120
15.410	503 KAR 005:080
15.430	503 KAR 001:060
15.440	503 KAR 001:090
	503 KAR 001:110
	503 KAR 001:440
	503 KAR 001:140
	503 KAR 003:020
15.450	503 KAR 001:060
15.460	503 KAR 005:100
15.470	503 KAR 005:100
15.490	503 KAR 005:100
15.500	503 KAR 005:100
15.510	503 KAR 005:080
15.530	503 KAR 003:050
15.540	502 KAR 030:060
	503 KAR 001:140
15.550	503 KAR 003:050
15.560	503 KAR 003:050
15.565	503 KAR 001:140
	503 KAR 003:050
15.580	503 KAR 001:140
15.900	040 KAR 006:020
15.920	040 KAR 006:020
15.935	040 KAR 006:020
15A.070	503 KAR 003:020
15A.160	502 KAR 012:010
	502 KAR 030:010
16.040	502 KAR 045:005
	502 KAR 045:015
	502 KAR 045:035
	502 KAR 045:085
	502 KAR 045:150
16.050	502 KAR 045:005
	502 KAR 045:015
	502 KAR 045:035
	502 KAR 045:045
	502 KAR 045:075
	502 KAR 045:105
	502 KAR 045:115
16.060	502 KAR 040:010
16.080	502 KAR 045:015
	502 KAR 045:035
	502 KAR 045:045
16.132	502 KAR 012:010
16.140	502 KAR 050:010
16.505-16.652	105 KAR 001:210
16.545	105 KAR 001:330
16.645	105 KAR 001:330
	105 KAR 001:310
17.110	502 KAR 030:020

KRS SECTION	REGULATION
	502 KAR 040:010
17.115	502 KAR 030:020
	502 KAR 030:060
17.140	502 KAR 030:010
	502 KAR 030:050
	502 KAR 030:060
	502 KAR 030:070
17.147	502 KAR 030:060
17.150	502 KAR 030:030
	502 KAR 030:070
17.151	502 KAR 030:060
17.152	502 KAR 030:060
17.160	502 KAR 030:060
17.165	922 KAR 001:470
17.167	502 KAR 030:060
17.180	502 KAR 014:010
17.450	502 KAR 035:010
	502 KAR 035:020
	502 KAR 035:030
	502 KAR 035:040
	502 KAR 035:050
17.460	502 KAR 035:010
	502 KAR 035:020
	502 KAR 035:030
	502 KAR 035:040
	502 KAR 035:050
17.500-17.540	502 KAR 031:020
17.550-17.991	501 KAR 006:190
18A.005	101 KAR 001:325
18A.020	101 KAR 001:345
18A.030	101 KAR 002:210E
	101 KAR 002:210
18A.075	101 KAR 001:335
	101 KAR 001:345
	101 KAR 001:365
	101 KAR 001:367
	101 KAR 001:375
	101 KAR 001:400
18A.0751	101 KAR 001:325
	101 KAR 001:335
	101 KAR 001:345
	101 KAR 001:365
	101 KAR 001:367
	101 KAR 001:375
	101 KAR 001:400
18A.095	101 KAR 001:345
	101 KAR 001:365
	101 KAR 001:367
18A.111	101 KAR 001:325
18A.115	101 KAR 001:400
18A.225	101 KAR 002:210E
	101 KAR 002:210
18A.2254	101 KAR 002:210E
	101 KAR 002:210
36.450	201 KAR 006:040
39A.180	201 KAR 002:411E
	201 KAR 002:412E
39A.350-39A.366	902 KAR 002:230E
39F.180	603 KAR 005:360
39F.200	603 KAR 005:360
41.400	040 KAR 006:020
42.019	200 KAR 003:020E
	200 KAR 003:020
42.425	200 KAR 003:020E
	200 KAR 003:020
45.031	200 KAR 017:110E
	200 KAR 017:110
45.237-45.241	922 KAR 001:565
45.357	921 KAR 004:116E
	921 KAR 004:116
45A	603 KAR 004:035
	910 KAR 001:190
	921 KAR 001:020
49	502 KAR 012:010

KRS SECTION	REGULATION
56.010	200 KAR 003:020E
	200 KAR 003:020
56.463	200 KAR 003:020E
	200 KAR 003:020
61.365	502 KAR 013:010
61.371-61.379	101 KAR 001:395
61.505	105 KAR 001:330
61.505-61.705	105 KAR 001:210
	105 KAR 001:310
61.543	105 KAR 001:330
61.552	105 KAR 001:330
61.592	105 KAR 001:330
61.685	105 KAR 001:330
61.805-61.850	702 KAR 007:065
61.870	725 KAR 001:020
61.870-61.884	302 KAR 050:021
	302 KAR 050:031
	782 KAR 001:010
	791 KAR 001:155
61.872	502 KAR 030:070
61.876	040 KAR 001:040E
	040 KAR 001:040
	922 KAR 001:470
61.878	502 KAR 030:070
	725 KAR 001:025
	791 KAR 001:155
61.884	502 KAR 030:070
67A	815 KAR 007:110
67C	815 KAR 007:110
72.020	502 KAR 012:010
72.025	501 KAR 007:090
72.210-72.280	500 KAR 012:010
75.400	739 KAR 002:060
78.510-78.852	105 KAR 001:210
	105 KAR 001:310
78.545	105 KAR 001:330
78.5520	105 KAR 001:330
78.610	105 KAR 001:330
82.105	815 KAR 007:110
83	815 KAR 007:110
83A	815 KAR 007:110
95.010	739 KAR 002:060
95A.040	739 KAR 002:060
95A.210	739 KAR 002:060
117.001	031 KAR 005:025E
	031 KAR 005:025
117.015	031 KAR 004:195
117.066	031 KAR 004:195E
117.085	031 KAR 005:025E
	031 KAR 005:025
117.086	031 KAR 005:025E
	031 KAR 005:025
117.087	031 KAR 005:025E
	031 KAR 005:025
117.145	031 KAR 005:025E
	031 KAR 005:025
117.225	031 KAR 005:025E
	031 KAR 005:025
117.228	031 KAR 005:025E
	031 KAR 005:025
118.105	030 KAR 002:010
120.205	031 KAR 004:200E
	031 KAR 004:200
120.215	031 KAR 004:200E
131.130	103 KAR 016:352
	103 KAR 018:090
131.570	787 KAR 001:110
136.120	103 KAR 008:090
	103 KAR 008:090
139.010	103 KAR 027:050
	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:091
	103 KAR 030:120

KRS SECTION	REGULATION
	103 KAR 030:140
	103 KAR 030:190
	103 KAR 030:250
139.105	103 KAR 027:050
	103 KAR 030:190
139.200	103 KAR 027:050
	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:250
139.215	103 KAR 027:150
	103 KAR 027:230
139.240	103 KAR 027:230
139.250	103 KAR 027:230
139.260	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:091
	103 KAR 030:190
	103 KAR 030:250
139.270	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:250
139.280	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:250
139.290	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:250
139.310	103 KAR 027:050
	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:250
139.330	103 KAR 027:050
	103 KAR 027:150
	103 KAR 027:230
	103 KAR 030:250
139.340	103 KAR 030:190
139.470	103 KAR 027:230
	103 KAR 030:091
	103 KAR 030:190
	103 KAR 030:250
139.480	103 KAR 027:230
	103 KAR 030:091
	103 KAR 030:120
	103 KAR 030:140
	103 KAR 030:250
139.486	103 KAR 030:190
139.531	810 KAR 005:030
141.010	103 KAR 016:270
	103 KAR 016:352
141.0101	103 KAR 016:352
141.012	103 KAR 016:352
141.039	103 KAR 016:320
	103 KAR 016:352
141.040	103 KAR 016:270
	103 KAR 016:352
141.044	103 KAR 016:352
141.050	103 KAR 016:320
	103 KAR 018:090
141.120	103 KAR 016:270
	103 KAR 016:352
141.121	103 KAR 016:270
141.160	103 KAR 016:352
141.170	103 KAR 016:352
141.206	103 KAR 016:270
	103 KAR 016:352
141.210	103 KAR 016:352
141.310	103 KAR 018:090
141.315	103 KAR 018:090
141.325	103 KAR 018:090
141.330	103 KAR 018:020
141.355	103 KAR 018:020
141.420	725 KAR 001:020
141.990	103 KAR 016:352
142.303	907 KAR 010:830

KRS SECTION	REGULATION
150.010	301 KAR 001:050
	301 KAR 001:125
	301 KAR 001:140
	301 KAR 001:152
	301 KAR 001:120
	301 KAR 001:410
	301 KAR 002:041
	301 KAR 002:050
	301 KAR 002:082
	301 KAR 002:224
	301 KAR 003:012
	301 KAR 003:030
	301 KAR 004:010
	301 KAR 004:020
	301 KAR 004:050
	301 KAR 004:070
	301 KAR 004:091
150.015	301 KAR 002:015
	301 KAR 002:082
	301 KAR 002:260
	301 KAR 004:050
150.022	301 KAR 004:001
	301 KAR 004:010
150.023	301 KAR 004:001
150.025	301 KAR 001:019
	301 KAR 001:031
	301 KAR 002:050
	301 KAR 002:111
	301 KAR 002:224
	301 KAR 002:230
	301 KAR 003:010
	301 KAR 003:026
	301 KAR 003:030
	301 KAR 004:010
	301 KAR 004:020
	301 KAR 004:110
150.090	301 KAR 001:012
	301 KAR 001:016
	301 KAR 001:031
	301 KAR 005:030
150.105	301 KAR 002:260
150.170	301 KAR 001:031
	301 KAR 001:050
	301 KAR 001:125
	301 KAR 001:152
	301 KAR 001:410
	301 KAR 002:041
	301 KAR 002:050
	301 KAR 002:111
	301 KAR 002:230
	301 KAR 002:260
	301 KAR 003:026
	301 KAR 003:110
	301 KAR 005:030
	301 KAR 004:070
150.175	301 KAR 001:031
	301 KAR 001:050
	301 KAR 001:082
	301 KAR 001:120
	301 KAR 001:152
	301 KAR 001:410
	301 KAR 002:142
	301 KAR 002:230
	301 KAR 002:260
	301 KAR 003:026
	301 KAR 003:110
	301 KAR 005:030
150.180	301 KAR 002:041
	301 KAR 004:070
	301 KAR 004:091
150.183	301 KAR 002:082
150.186	301 KAR 002:082
150.190	301 KAR 001:120
150.195	301 KAR 002:082

KRS SECTION	REGULATION
	301 KAR 004:070
	301 KAR 005:001
	301 KAR 005:030
150.235	301 KAR 001:120
	301 KAR 001:125
	301 KAR 001:410
	301 KAR 002:082
	301 KAR 002:260
	301 KAR 005:030
150.236	301 KAR 005:100
150.240	301 KAR 003:012
150.250	301 KAR 001:031
	301 KAR 002:050
	301 KAR 004:100
150.280	301 KAR 002:041
	301 KAR 002:084
150.290	301 KAR 002:084
150.300	301 KAR 004:020
150.305	301 KAR 002:142
	301 KAR 002:224
150.320	301 KAR 002:082
150.330	301 KAR 002:082
	301 KAR 002:224
	301 KAR 002:230
	301 KAR 002:260
150.340	301 KAR 001:031
	301 KAR 001:050
	301 KAR 002:224
	301 KAR 002:260
150.360	301 KAR 001:031
	301 KAR 001:082
	301 KAR 002:050
	301 KAR 003:027
	301 KAR 003:030
	301 KAR 003:110
150.362	301 KAR 003:110
150.365	301 KAR 003:110
150.370	301 KAR 001:031
	301 KAR 002:111
	301 KAR 003:030
	301 KAR 003:110
150.390	301 KAR 002:111
	301 KAR 003:027
	301 KAR 003:110
150.411	301 KAR 004:091
150.445	301 KAR 001:152
	301 KAR 001:410
150.450	301 KAR 001:140
	301 KAR 001:152
150.470	301 KAR 001:031
150.485	301 KAR 001:120
	301 KAR 001:125
150.600	301 KAR 002:224
	301 KAR 002:260
	301 KAR 004:020
	301 KAR 004:050
150.620	301 KAR 001:012
	301 KAR 001:018
	301 KAR 001:019
	301 KAR 001:050
	301 KAR 001:410
	301 KAR 003:010
	301 KAR 003:012
	301 KAR 003:026
	301 KAR 003:027
	301 KAR 004:100
150.625	301 KAR 001:012
	301 KAR 001:016
	301 KAR 001:019
150.630	301 KAR 002:041
	301 KAR 002:260
150.640	301 KAR 001:012
	301 KAR 001:016
	301 KAR 001:019

KRS SECTION	REGULATION
	301 KAR 002:050
	301 KAR 003:010
	301 KAR 003:012
150.680	301 KAR 002:050
150.990	301 KAR 001:050
	301 KAR 001:152
	301 KAR 001:410
	301 KAR 002:041
	301 KAR 002:142
	301 KAR 002:082
	301 KAR 002:224
	301 KAR 002:260
	301 KAR 003:012
	301 KAR 003:030
	301 KAR 003:110
	301 KAR 004:070
	301 KAR 004:100
	301 KAR 005:030
151.601	200 KAR 017:110E
	200 KAR 017:110
151.605	200 KAR 017:110E
	200 KAR 017:110
151B.020	787 KAR 002:040
151B.185	781 KAR 001:020
151B.190	781 KAR 001:010
	781 KAR 001:020
	781 KAR 001:030
	781 KAR 001:040
	781 KAR 001:050
151B.200	781 KAR 001:010
	781 KAR 001:020
151B.280	787 KAR 003:020
151B.402	013 KAR 003:040
151B.403	013 KAR 003:010
	013 KAR 003:030
	013 KAR 003:050
	013 KAR 003:060
151B.408	013 KAR 003:020
	013 KAR 003:030
	013 KAR 003:040
	013 KAR 003:060
154A.060	202 KAR 003:020
154A.120	202 KAR 003:020
156.029	701 KAR 005:160
156.070	702 KAR 001:191E
	702 KAR 001:192E
	702 KAR 001:195E
	702 KAR 007:065
	704 KAR 003:395
	704 KAR 019:002
156.160	702 KAR 001:191E
	701 KAR 001:191
	702 KAR 001:192E
	704 KAR 007:170
	704 KAR 019:002
156.496	922 KAR 001:565
157.200	016 KAR 004:020
157.250	016 KAR 004:020
157.3175	016 KAR 002:040
157.320	702 KAR 007:125E
	702 KAR 007:125
157.350	702 KAR 007:125E
	702 KAR 007:125
157.360	702 KAR 007:125E
	702 KAR 007:125
158.030	702 KAR 007:125E
	702 KAR 007:125
158.070	702 KAR 007:125E
	702 KAR 007:125
	704 KAR 003:395
158.100	702 KAR 007:125E
	702 KAR 007:125
158.135	013 KAR 003:050
158.143	013 KAR 003:050

KRS SECTION	REGULATION
158.160	902 KAR 002:221E
158.240	702 KAR 007:125E
	702 KAR 007:125
158.6451	704 KAR 003:395
	704 KAR 007:170
158.6453	704 KAR 003:395
158.6645	013 KAR 003:050
158.792	704 KAR 003:395
159.010	702 KAR 007:125E
	702 KAR 007:125
159.030	702 KAR 007:125E
	702 KAR 007:125
	704 KAR 007:121
159.035	702 KAR 007:125E
	702 KAR 007:125
159.140	702 KAR 007:125E
	702 KAR 007:125
159.170	702 KAR 007:125E
	702 KAR 007:125
160.151	922 KAR 001:470
160.180	702 KAR 001:116
160.290	702 KAR 001:191E
	702 KAR 001:191
	702 KAR 001:192E
	702 KAR 007:150
	704 KAR 007:121
160.380	016 KAR 001:030
	702 KAR 007:065
	704 KAR 019:002
	922 KAR 001:470
160.445	702 KAR 007:065
160.613	103 KAR 030:140
161.010-161.100	016 KAR 001:030
161.011	013 KAR 003:030
161.020	016 KAR 002:040
	016 KAR 002:050
	016 KAR 002:180
	016 KAR 002:220E
	016 KAR 002:220
	016 KAR 002:230E
	016 KAR 002:230
	016 KAR 002:180
	016 KAR 003:070
	016 KAR 004:020
	016 KAR 004:050
	016 KAR 005:010
	016 KAR 006:010
161.028	016 KAR 002:050
	016 KAR 002:220E
	016 KAR 002:220
	016 KAR 002:230E
	016 KAR 002:230
	016 KAR 003:070
	016 KAR 004:020
	016 KAR 004:050
	016 KAR 005:010
	016 KAR 006:010
161.030	016 KAR 002:040
	016 KAR 002:050
	016 KAR 002:180
	016 KAR 002:220E
	016 KAR 002:220
	016 KAR 002:230E
	016 KAR 002:230
	016 KAR 003:070
	016 KAR 004:020
	016 KAR 004:050
	016 KAR 005:010
	016 KAR 006:010
161.053	016 KAR 002:050
161.120	016 KAR 001:030
161.1211	016 KAR 002:180
161.155	702 KAR 001:191
161.200	702 KAR 007:125E

KRS SECTION	REGULATION
	702 KAR 007:125
163.470	782 KAR 001:010
164.518	011 KAR 016:001
	011 KAR 016:010
164.740	011 KAR 016:001
164.945	016 KAR 005:010
164.946	016 KAR 005:010
164.947	016 KAR 005:010
164A.575	745 KAR 001:035
165A.310	502 KAR 010:035
	791 KAR 001:020
	791 KAR 001:070
165A.330	791 KAR 001:010
	791 KAR 001:020
	791 KAR 001:040
	791 KAR 001:050
	791 KAR 001:060
	791 KAR 001:070
	791 KAR 001:080
	791 KAR 001:100
165A.340	791 KAR 001:020
	791 KAR 001:155
165A.350	791 KAR 001:010
	791 KAR 001:020
	791 KAR 001:025
	791 KAR 001:030
	791 KAR 001:070
	791 KAR 001:150
165A.360	791 KAR 001:010
	791 KAR 001:020
	791 KAR 001:025
	791 KAR 001:030
	791 KAR 001:150
	791 KAR 001:160
165A.370	791 KAR 001:020
	791 KAR 001:027
	791 KAR 001:030
	791 KAR 001:040
	791 KAR 001:050
	791 KAR 001:060
	791 KAR 001:070
	791 KAR 001:080
	791 KAR 001:100
	791 KAR 001:155
	791 KAR 001:160
165A.380	791 KAR 001:025
	791 KAR 001:070
165A.390	791 KAR 001:020
	791 KAR 001:030
	791 KAR 001:155
165A.420	791 KAR 001:025
165A.450	791 KAR 001:020
	791 KAR 001:035
	791 KAR 001:050
165A.460	502 KAR 010:070
	502 KAR 010:090
	791 KAR 001:040
	791 KAR 001:070
165A.460-165A.515	791 KAR 001:060
165A.465	791 KAR 001:050
	791 KAR 001:070
165A.470	791 KAR 001:050
	791 KAR 001:070
165A.475	791 KAR 001:050
	791 KAR 001:070
165A.480	791 KAR 001:050
	791 KAR 001:070
165A.485	791 KAR 001:070
165A.500	791 KAR 001:080
165A.510	791 KAR 001:080
	791 KAR 001:100
165A.990	791 KAR 001:030
171	725 KAR 001:010
	725 KAR 001:050

KRS SECTION	REGULATION
171.027	725 KAR 002:015
171.125	725 KAR 002:015
171.221	725 KAR 002:080
171.420	725 KAR 001:025
	725 KAR 001:061
171.450	725 KAR 001:020
	725 KAR 001:030
	725 KAR 001:061
171.470	725 KAR 001:025
171.480	725 KAR 001:025
171.500	725 KAR 001:025
	725 KAR 001:040
171.520	725 KAR 001:025
171.550	725 KAR 001:025
171.580	725 KAR 001:025
171.590	725 KAR 001:025
171.600	725 KAR 001:020
171.670	725 KAR 001:020
173.040	725 KAR 002:015
173.340	725 KAR 002:015
173.480	725 KAR 002:015
173.725	725 KAR 002:015
176.050	603 KAR 005:150
176.051	603 KAR 003:100
177.047	603 KAR 005:150
177.0734-177.0738	603 KAR 004:035
177.103	603 KAR 005:150
177.106	603 KAR 005:150
177.572-177.576	603 KAR 010:011E
	603 KAR 010:040E
	603 KAR 010:040
177.830-177.890	603 KAR 010:011E
	603 KAR 010:040E
	603 KAR 010:040
177.990	603 KAR 010:011E
	603 KAR 010:040E
	603 KAR 010:040
186.021	806 KAR 039:070
186.412	502 KAR 013:010
	502 KAR 013:040
186.480	782 KAR 001:070
186.570	921 KAR 001:390
186.576	782 KAR 001:070
186.577	782 KAR 001:070
186.578	782 KAR 001:070
186.579	782 KAR 001:070
186A.040	806 KAR 039:070
186A.042	806 KAR 039:070
186A.095	806 KAR 039:070
189A.010	782 KAR 001:070
189.450	502 KAR 015:020
189.635	502 KAR 015:010
189.751	502 KAR 015:020
189.752	502 KAR 015:020
189.753	502 KAR 015:020
190.010	605 KAR 001:051
	605 KAR 001:211
190.010-190.990	605 KAR 001:191
190.030	605 KAR 001:051
	605 KAR 001:071
190.032	605 KAR 001:211
190.040	605 KAR 001:091
190.058	605 KAR 001:131
190.062	605 KAR 001:131
194.010	921 KAR 004:116E
	921 KAR 004:116
194.025	907 KAR 017:010
194.030	787 KAR 001:310
194.060	921 KAR 004:116E
	921 KAR 004:116
	922 KAR 002:160E
	922 KAR 002:160
194.070	921 KAR 004:116E
	921 KAR 004:116

KRS SECTION	REGULATION
194A	921 KAR 002:015E
	921 KAR 002:015
194A.005	907 KAR 020:001
	922 KAR 001:565
194A.025	907 KAR 017:005
194A.050	900 KAR 010:201
	902 KAR 002:230E
	902 KAR 002:240E
	902 KAR 002:250E
194A.060	907 KAR 003:170
	910 KAR 001:190
194A.070	921 KAR 004:122E
	921 KAR 004:122
194A.380-194A.383	922 KAR 001:470
194A.540	201 KAR 020:320
196	501 KAR 006:030
	501 KAR 006:290
197	501 KAR 006:030
	501 KAR 006:290
196.035	501 KAR 002:060
196.020	501 KAR 002:060
196.030	501 KAR 006:250
197.045	501 KAR 002:060
	725 KAR 002:015
198B.032	725 KAR 002:015
198B.040	815 KAR 007:110
198B.050	725 KAR 002:015
	815 KAR 004:025
	815 KAR 007:110
	815 KAR 010:060
	815 KAR 020:195
	815 KAR 035:020
198B.060	815 KAR 007:110
198B.070	815 KAR 007:110
198B.400	815 KAR 004:010
	815 KAR 004:027
198B.400-198B.0540	815 KAR 004:025
198B.470	815 KAR 004:010
198B.480	815 KAR 004:010
198B.490	815 KAR 004:027
198B.500	815 KAR 004:010
198B.510	815 KAR 004:010
198B.540	815 KAR 004:010
198B.550-198B.630	815 KAR 007:080
199.011	922 KAR 001:565
199.462	922 KAR 001:565
199.466	922 KAR 001:470
199.470-199.590	922 KAR 001:565
199.555	907 KAR 017:005
199.894	922 KAR 002:160E
	922 KAR 002:160
199.896	922 KAR 001:470
	922 KAR 002:160E
	922 KAR 002:160
199.898	922 KAR 002:160E
	922 KAR 002:160
199.8982	922 KAR 001:470
	922 KAR 002:160E
	922 KAR 002:160
199.899	922 KAR 002:160E
	922 KAR 002:160
202A	907 KAR 017:005
202A.011	702 KAR 007:150
	921 KAR 002:015E
	921 KAR 002:015
202A.410	501 KAR 014:010
205.175	921 KAR 001:020
205.177	921 KAR 001:020
205.201	910 KAR 001:190
205.2005	921 KAR 003:026E
	921 KAR 003:027E
	921 KAR 003:027
205.203	910 KAR 001:190
205.211	922 KAR 001:565

KRS SECTION	REGULATION
205.240	921 KAR 004:122E
	921 KAR 004:122
205.245	921 KAR 002:015E
	921 KAR 002:015
	923 KAR 002:470
205.455	910 KAR 001:190
205.465	910 KAR 001:190
205.510	900 KAR 012:005E
	900 KAR 012:005
	907 KAR 003:170
	907 KAR 010:815
	907 KAR 010:830
250.520	907 KAR 020:020
205.5510-205.5520	907 KAR 023:020E
	907 KAR 023:020
205.559	900 KAR 012:005E
	900 KAR 012:005
	907 KAR 003:170
205.5591	900 KAR 012:005E
	900 KAR 012:005
	907 KAR 003:170
205.560	907 KAR 001:604
	907 KAR 003:170
	907 KAR 023:020E
	907 KAR 023:020
205.561	907 KAR 023:020E
	907 KAR 023:020
205.5631	907 KAR 023:020E
	907 KAR 023:020
205.5632	907 KAR 023:020E
	907 KAR 023:020
205.5634	907 KAR 023:020E
	907 KAR 023:020
205.5636	907 KAR 023:020E
	907 KAR 023:020
205.5638	907 KAR 023:020E
	907 KAR 023:020
205.5639	907 KAR 023:020E
	907 KAR 023:020
205.565	907 KAR 010:830
205.624	907 KAR 001:005
	907 KAR 017:010
205.6312	907 KAR 001:005
	907 KAR 001:604
205.6316	907 KAR 023:020E
	907 KAR 023:020
205.637	907 KAR 010:815
	907 KAR 010:830
205.638	907 KAR 010:830
205.639	907 KAR 010:815
	907 KAR 010:830
205.640	907 KAR 010:815
	907 KAR 010:830
205.6405	907 KAR 010:815
205.6406	907 KAR 010:815
205.6407	907 KAR 010:815
205.6408	907 KAR 010:815
204.6485	907 KAR 001:604
205.710	921 KAR 001:020
	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
205.712	921 KAR 001:020
	921 KAR 001:390
205.721	921 KAR 001:390
205.730	921 KAR 001:020
	921 KAR 001:390
205.735	921 KAR 001:020
205.7685	921 KAR 001:020
205.772	921 KAR 001:020
205.774	921 KAR 001:020
205.776	921 KAR 001:020
205.800	921 KAR 001:020
205.802	921 KAR 001:400E

KRS SECTION	REGULATION
	921 KAR 001:400
205.8451	907 KAR 001:604
	907 KAR 020:001
205.8451-205.8483	907 KAR 017:005
205.990	921 KAR 001:020
	921 KAR 001:400E
	921 KAR 001:400
209.020	502 KAR 012:010
	921 KAR 002:015E
	921 KAR 002:015
209.030	502 KAR 012:010
	906 KAR 001:180
209.032	902 KAR 020:081
	906 KAR 001:180
209A.020	502 KAR 012:010
209A.030	502 KAR 012:010
	910 KAR 001:190
209A.100	502 KAR 012:010
209A.110	502 KAR 012:010
209A.130	502 KAR 012:010
210.366	201 KAR 026:175
211.015	902 KAR 010:120
	902 KAR 010:190
211.090	902 KAR 010:120
211.180	902 KAR 002:212E
	902 KAR 002:213E
	902 KAR 002:230E
	902 KAR 002:240E
	902 KAR 002:250E
	902 KAR 010:190
	902 KAR 048:010
	902 KAR 048.020
	902 KAR 048:030
	902 KAR 048:040
211.185	902 KAR 010:121
211.332	900 KAR 012:005E
	900 KAR 012:005
211.600	502 KAR 012:010
211.990	902 KAR 010:120
	902 KAR 010:121
211.994	902 KAR 048:010
	902 KAR 048:010
211.210	902 KAR 010:120
211.220	902 KAR 010:120
211.350	815 KAR 035:020
211.684	922 KAR 001:470
211.900-211.905	902 KAR 048:010
	902 KAR 048:010
211.990	902 KAR 010:120
	902 KAR 048:010
211.994	902 KAR 048:010
	902 KAR 048:010
211.9061-200.9079	902 KAR 048:010
211.9063	902 KAR 048:030
	902 KAR 048:040
211.9069	902 KAR 048:030
211.9071	902 KAR 048:030
	902 KAR 048:040
211.9075	902 KAR 048:030
212.626	815 KAR 007:110
213.036	921 KAR 001:390
213.046	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
213.071	921 KAR 001:390
214.010	902 KAR 002:212E
	902 KAR 002:213E
	902 KAR 002:221E
214.020	902 KAR 002:221E
214.036	922 KAR 002:160E
	922 KAR 002:160
214.623	902 KAR 002:020
214.645	902 KAR 002:020
	902 KAR 002:212E

KRS SECTION	REGULATION
	902 KAR 002:213E
214.990	902 KAR 002:020
215.520	902 KAR 002:020
216.380	907 KAR 010:815
	907 KAR 010:830
216A.070	201 KAR 006:020
216A.080	201 KAR 006:020
216.510	902 KAR 020:460E
216.530	921 KAR 002:015E
	921 KAR 002:015
216.557	921 KAR 002:015E
	921 KAR 002:015
216.710-216.716	906 KAR 001:180
	910 KAR 004:010
216.765	921 KAR 002:015E
	921 KAR 002:015
216.935	902 KAR 020:081
	907 KAR 001:030
216.936	907 KAR 001:030
216.937	902 KAR 020:081
	907 KAR 001:030
216.9375	902 KAR 020:081
	907 KAR 001:030
216.935-216.939	910 KAR 004:010
216.939	907 KAR 001:030
216A.080	201 KAR 006:040
216A.090	201 KAR 006:040
216B	921 KAR 002:015E
	921 KAR 002:015
216B.010	902 KAR 020:018
216B.010-216B.130	902 KAR 020:081
216B.015	502 KAR 012:010
	902 KAR 002:020
	902 KAR 002:230E
	902 KAR 020:018
	906 KAR 001:180
216B.040	902 KAR 020:018
216B.042	902 KAR 020:018
216B.045	902 KAR 020:018
216B.050	902 KAR 020:018
216B.055	902 KAR 020:018
216B.075	902 KAR 020:018
216B.085	902 KAR 020:018
216B.105-216B.125	902 KAR 020:018
216B.400	502 KAR 012:010
216B.990	502 KAR 012:010
	902 KAR 020:018
	902 KAR 020:081
217.015	907 KAR 023:020E
	907 KAR 023:020
217.055	201 KAR 002:076
217.065	201 KAR 002:076
217.186	201 KAR 002:360
217.211	806 KAR 017:280
217.660	902 KAR 048:010
217.801	902 KAR 048:010
	902 KAR 048:010
	902 KAR 048:040
217B	302 KAR 050:021
	302 KAR 050:046
	302 KAR 050:056
218A.010	016 KAR 001:030
218A.1431	502 KAR 047:010
218A.172	201 KAR 020:057
218A.205	201 KAR 002:050
	201 KAR 002:430
	201 KAR 008:520
	201 KAR 020:057
	201 KAR 020:215
224A.011	200 KAR 017:110E
	200 KAR 017:110
224A.020	200 KAR 017:110E
	200 KAR 017:110
224A.035	200 KAR 017:110E

KRS SECTION	REGULATION
	200 KAR 017:110
224A.040	200 KAR 017:110E
	200 KAR 017:110
224A.050-224A.314	200 KAR 017:110E
	200 KAR 017:110
224.1-010-410	502 KAR 047:010
224.60-105	815 KAR 030:060
224.60-135	815 KAR 030:060
224.99-010	502 KAR 047:010
227.300	725 KAR 002:015
	815 KAR 010:060
	815 KAR 030:060
227.320	815 KAR 010:060
227.330	815 KAR 010:060
227.460	815 KAR 035:020
227.480	815 KAR 035:020
227.487	815 KAR 035:020
227.489	815 KAR 007:110
227.491	815 KAR 035:020
227.700	815 KAR 010:070
227.702	815 KAR 010:070
227.704	815 KAR 010:070
227.708	815 KAR 010:070
227.710	815 KAR 010:070
227.715	815 KAR 010:070
227.750	815 KAR 010:070
227.752	815 KAR 010:070
227.990	815 KAR 010:060
230	810 KAR 006:001
230.215	810 KAR 004:040
	810 KAR 005:030
	810 KAR 005:060
	810 KAR 005:070
	810 KAR 008:025E
	810 KAR 008:025
230.225	810 KAR 008:025E
	810 KAR 008:025
230.240	810 KAR 008:025E
	810 KAR 008:025
230.260	810 KAR 004:040
	810 KAR 005:030
	810 KAR 005:060
	810 KAR 005:070
	810 KAR 008:025E
	810 KAR 008:025
230.265	810 KAR 008:025E
	810 KAR 008:025
230.280	810 KAR 005:070
230.290	810 KAR 005:070
	810 KAR 008:025E
	810 KAR 008:025
230.300	810 KAR 005:070
230.310	810 KAR 005:070
230.320	810 KAR 005:070
	810 KAR 008:025E
	810 KAR 008:025
230.370	810 KAR 008:025E
	810 KAR 008:025
234.120	815 KAR 030:010
234.130	815 KAR 030:010
234.140	815 KAR 010:060
235	301 KAR 006:001
235.40	301 KAR 006:070
235.220	301 KAR 006:070
235.315	301 KAR 001:018
237.110	502 KAR 011:010
	502 KAR 011:060
	502 KAR 011:070
	502 KAR 013:030
	502 KAR 013:040
	502 KAR 013:050
	502 KAR 013:060
	502 KAR 013:080
	502 KAR 030:060

KRS SECTION	REGULATION
	503 KAR 004:010
	503 KAR 004:040
	503 KAR 004:050
	921 KAR 001:390
237.120	503 KAR 004:040
237.122	503 KAR 004:040
237.124	503 KAR 004:040
	503 KAR 004:050
237.126	503 KAR 004:040
237.138	502 KAR 013:030
	502 KAR 013:040
	502 KAR 013:050
	502 KAR 013:060
	502 KAR 013:080
237.140	502 KAR 013:030
	502 KAR 013:040
	502 KAR 013:050
	502 KAR 013:060
	502 KAR 013:080
237.142	502 KAR 013:030
	502 KAR 013:040
	502 KAR 013:050
	502 KAR 013:060
	502 KAR 013:080
237.138-237.142	502 KAR 013:010
241.010	103 KAR 030:120
243.027	804 KAR 004:415
243.028	804 KAR 004:415
243.029	804 KAR 004:415
243.030	103 KAR 030:120
	804 KAR 004:212
243.040	103 KAR 030:120
243.100	804 KAR 004:480
243.220	804 KAR 004:221
243.260	804 KAR 004:251
243.520	804 KAR 004:480
247.100	303 KAR 001:110
247.145	303 KAR 001:005
	303 KAR 001:010
	303 KAR 001:015
	303 KAR 001:075
	303 KAR 001:080
	303 KAR 001:090
	303 KAR 001:100
217.147	303 KAR 001:110
247.153	303 KAR 001:005
247.154	303 KAR 001:005
	303 KAR 001:010
	303 KAR 001:015
247.160	303 KAR 001:075
258.065	902 KAR 002:020
258.990	902 KAR 002:020
260.850-260.869	302 KAR 050:021
	302 KAR 050:031
	302 KAR 050:046
	302 KAR 050:056
	302 KAR 050:080
278.0154	921 KAR 004:122E
	921 KAR 004:122
281A.120	502 KAR 010:120
281A.130	502 KAR 010:120
281A.150	502 KAR 010:120
281A.160	502 KAR 010:035
	502 KAR 010:110
	502 KAR 010:120
281A.170	502 KAR 010:120
285.065	301 KAR 002:082
285.085	301 KAR 002:082
302.31	921 KAR 001:390
302.33	921 KAR 001:390
302.34	921 KAR 001:020
302.50	921 KAR 001:400E
	921 KAR 001:400
302.56	921 KAR 001:400E

KRS SECTION	REGULATION
	921 KAR 001:400
302.80	921 KAR 001:400E
	921 KAR 001:400
303.107	921 KAR 001:020
303.21	921 KAR 001:020
303.4	921 KAR 001:400E
	921 KAR 001:400
303.5	921 KAR 001:390
303.70	921 KAR 001:020
303.8	921 KAR 001:400E
	921 KAR 001:400
303.30-303.32	921 KAR 001:400E
	921 KAR 001:400
304	806 KAR 011:020
	921 KAR 001:020
	921 KAR 001:390
304.1-010	806 KAR 014:007
304.1-050	806 KAR 011:020
	806 KAR 014:007
	806 KAR 017:575
	806 KAR 017:590
	806 KAR 046:050
304.1-070	806 KAR 010:030
304.1-120	806 KAR 011:020
304.2-100	806 KAR 017:290
	806 KAR 017:350
304.2-110	806 KAR 017:470
304.2-140	806 KAR 017:280
304.2-160	806 KAR 011:020
	806 KAR 017:575
304.2-165	806 KAR 011:020
	806 KAR 017:575
304.2-230	806 KAR 017:290
304.2-310	806 KAR 017:290
	806 KAR 017:450
304.3-240	806 KAR 012:010
304.3-270	806 KAR 014:007
304.4-010	806 KAR 014:007
304.5-040	806 KAR 011:020
304.5-140	806 KAR 005:025
304.9-020	806 KAR 011:020
	806 KAR 017:575
	806 KAR 017:590
304.9-051	806 KAR 011:020
304.9-052	806 KAR 017:450
304.9-055	806 KAR 017:590
304.10-030	806 KAR 010:030
304.10-040	806 KAR 010:030
304.10-050	806 KAR 010:030
304.10-170	806 KAR 010:030
304.10-180	806 KAR 010:030
304.11-030	806 KAR 011:020
304.11-045	806 KAR 011:020
304.12-010	806 KAR 012:010
304.12-020	806 KAR 012:010
304.12-060	806 KAR 012:010
304.12-120	806 KAR 012:010
304.12.130	806 KAR 012:010
304.13-011	806 KAR 046:050
304.13-051	806 KAR 046:050
304.14-120	806 KAR 014:007
	806 KAR 046:050
304.14-190	806 KAR 014:007
304.14-640	907 KAR 020:001
304.17-042	806 KAR 018:030
304.17-380	806 KAR 014:007
304.17-412	806 KAR 017:280
304.17A	806 KAR 017:260
304.17A-005	806 KAR 011:020
	806 KAR 017:370
	806 KAR 017:470
	806 KAR 017:590
304.17A-095	806 KAR 014:007
304.17A-096	806 KAR 014:007

KRS SECTION	REGULATION
304.17A-138	806 KAR 017:270
	900 KAR 012:005E
	900 KAR 012:005
304.17A-150	806 KAR 017:300
304.17A-161	806 KAR 017:575
304.17A-162	806 KAR 017:575
304.17A-200	806 KAR 017:450
304.17A-230	806 KAR 017:240
304.17A-235	806 KAR 017:300
304.17A-250	806 KAR 018:030
304.17A-330	806 KAR 017:240
304.17A-410	806 KAR 011:020
304.17A-500	806 KAR 017:300
304.17A-527	806 KAR 017:300
304.17A-530	806 KAR 017:300
304.17A-532	806 KAR 017:300
304.17A-560	806 KAR 017:300
304.17A-575	806 KAR 017:300
304.17A-578	806 KAR 017:300
304.17A-600	806 KAR 011:020
	806 KAR 017:280
	806 KAR 017:290
304.17A-607	806 KAR 017:370
304.17A-619	806 KAR 017:280
304.17A-621	806 KAR 017:290
304.17A-623	806 KAR 017:280
304.17A-631	806 KAR 017:290
304.17A-633	806 KAR 011:020
304.17A-700	806 KAR 017:370
	806 KAR 017:470
	806 KAR 017:590
304.17A-728	806 KAR 017:300
304.17A-730	806 KAR 017:370
304.17A-732	806 KAR 017:590
304.17A-750	806 KAR 017:450
304.17A-770	806 KAR 017:450
304.17A-802	806 KAR 011:020
304.17A-812	806 KAR 011:020
304.17A-846	806 KAR 017:470
304.17B-001	806 KAR 017:350
304.17B-021	806 KAR 017:350
304.17B-023	806 KAR 017:350
304.17C-010	806 KAR 014:007
	806 KAR 017:280
	806 KAR 017:370
304.17C-030	806 KAR 017:280
304.17C-060	806 KAR 017:300
304.17C-070	806 KAR 017:300
304.17C-090	806 KAR 017:370
304.18-032	806 KAR 018:030
304.18-045	806 KAR 017:280
304.18-085	806 KAR 018:030
304.18-114	806 KAR 017:260
304.18-120	806 KAR 017:260
304.32-145	806 KAR 018:030
304.32-147	806 KAR 017:280
304.32-185	806 KAR 018:030
304.32-330	806 KAR 017:280
304.38-225	806 KAR 017:280
304.38-240	907 KAR 003:170
304.39-010	806 KAR 017:370
304.39-080	806 KAR 039:070
304.39-083	806 KAR 039:070
304.39-085	806 KAR 039:070
304.39-087	806 KAR 039:070
304.39-090	806 KAR 039:070
304.39-117	806 KAR 039:070
304.39-340	806 KAR 017:370
304.40-320	900 KAR 012:005E
	900 KAR 012:005
304.47-020	806 KAR 017:450
304.48-020	806 KAR 046:050
304.48-180	806 KAR 046:050
304.99	806 KAR 017:300

KRS SECTION	REGULATION
304.99-020	806 KAR 011:020
304.99-085	806 KAR 010:030
307.13	921 KAR 001:020
309.350	201 KAR 042:010
309.351	201 KAR 042:050
	201 KAR 042:110
309.352	201 KAR 042:080
309.355	201 KAR 042:010
	201 KAR 042:030
	201 KAR 042:050
	201 KAR 042:060
	201 KAR 042:061
	201 KAR 042:080
	201 KAR 042:110
309.357	201 KAR 042:010
	201 KAR 042:040
309.358	201 KAR 042:035
309.359	201 KAR 042:035
	201 KAR 042:070
309.361	201 KAR 042:040
	201 KAR 042:110
309.362	201 KAR 042:035
	201 KAR 042:040
	201 KAR 042:050
	201 KAR 042:060
	201 KAR 042:061
309.363	201 KAR 042:035
	201 KAR 042:080
309.3631	201 KAR 042:080
309.404	201 KAR 047:010
309.406	201 KAR 047:010
	201 KAR 047:030
309.412	201 KAR 047:010
	201 KAR 047:030
309.414	201 KAR 047:010
	201 KAR 047:030
309.416	201 KAR 047:010
	201 KAR 047:030
309.418	201 KAR 047:010
	201 KAR 047:030
309.420	201 KAR 047:010
	201 KAR 047:030
310.005	910 KAR 001:190
310.021	902 KAR 020:018
	910 KAR 001:190
310.031	910 KAR 001:190
311.282	902 KAR 002:020
311.550	907 KAR 017:005
	907 KAR 020:001
311.571	902 KAR 002:020
311.5975	900 KAR 012:005E
	900 KAR 012:005
311.621	906 KAR 001:180
311.621-311.643	907 KAR 017:010
311.840	902 KAR 020:081
311A.100	502 KAR 030:060
312.019	201 KAR 021:035
	201 KAR 021:054
	201 KAR 021:070
	201 KAR 021:090
	201 KAR 021:100
312.085	201 KAR 021:090
312.115	201 KAR 021:070
313.022	201 KAR 008:520
313.030	201 KAR 008:520
313.100	201 KAR 008:520
314.011	201 KAR 020:057
	201 KAR 020:215
	201 KAR 020:220
	201 KAR 020:280
	201 KAR 020:320
	502 KAR 012:010
	702 KAR 007:150
	902 KAR 020:081

KRS SECTION	REGULATION
	907 KAR 017:005
	907 KAR 020:001
	922 KAR 002:160E
	922 KAR 002:160
314.021	201 KAR 020:320
	201 KAR 020:478
314.035	201 KAR 020:472
	201 KAR 020:474
	201 KAR 020:476
	201 KAR 020:478
314.041	201 KAR 020:320
	201 KAR 020:480
	902 KAR 020:018
314.042	201 KAR 020:057
	902 KAR 020:081
314.051	201 KAR 020:480
314.073	201 KAR 020:215
	201 KAR 020:220
314.089	201 KAR 020:478
314.091	201 KAR 020:478
314.111	201 KAR 020:280
	201 KAR 020:320
	201 KAR 020:360
314.103	201 KAR 020:476
	201 KAR 020:478
314.131	201 KAR 020:220
	201 KAR 020:280
	201 KAR 020:320
	201 KAR 020:472
	201 KAR 020:474
	201 KAR 020:476
314.137	201 KAR 020:470
	201 KAR 020:472
	201 KAR 020:474
	201 KAR 020:476
	201 KAR 020:478
314.193	201 KAR 020:057
314.195	201 KAR 020:057
314.991	201 KAR 020:215
	201 KAR 020:478
315.010	201 KAR 002:074
	201 KAR 002:411E
	201 KAR 002:412E
	201 KAR 002:420
	902 KAR 002:020
315.020	201 KAR 002:074
	201 KAR 002:076
	201 KAR 002:411E
	201 KAR 002:412E
315.030	201 KAR 002:074
315.035	201 KAR 002:050
	201 KAR 002:076
	201 KAR 002:106E
	201 KAR 002:106
315.0351	201 KAR 002:050
	201 KAR 002:076
	201 KAR 002:106E
	201 KAR 002:106
315.036	201 KAR 002:050
	201 KAR 002:106E
	201 KAR 002:106
315.050	201 KAR 002:050
	201 KAR 002:411E
	201 KAR 002:412E
	201 KAR 002:420
315.060	201 KAR 002:050
315.065	201 KAR 002:411E
	201 KAR 002:412E
315.110	201 KAR 002:050
315.120	201 KAR 002:050
315.121	201 KAR 002:074
	201 KAR 002:106E
	201 KAR 002:106
	201 KAR 002:270

KRS SECTION	REGULATION
	201 KAR 002:430
315.131	201 KAR 002:430
315.135	201 KAR 002:411E
	201 KAR 002:412E
315.136	201 KAR 002:420
315.191	201 KAR 002:030
	201 KAR 002:050
	201 KAR 002:076
	201 KAR 002:270
	201 KAR 002:440
315.205	201 KAR 002:411E
	201 KAR 002:412E
315.210	201 KAR 002:030
315.340	201 KAR 002:106E
	201 KAR 002:106
315.342	201 KAR 002:106E
	201 KAR 002:106
315.350	201 KAR 002:106E
	201 KAR 002:106
315.402	201 KAR 002:050
	201 KAR 002:106E
	201 KAR 002:106
315.4102	201 KAR 002:106E
	201 KAR 002:106
315.450	201 KAR 002:440
315.452	201 KAR 002:440
315.454	201 KAR 002:440
315.456	201 KAR 002:440
315.458	201 KAR 002:440
315.460	201 KAR 002:440
315.500	201 KAR 002:411E
	201 KAR 002:412E
316.010	201 KAR 015:110E
	201 KAR 015:110
316.030	201 KAR 015:040E
	201 KAR 015:040
	201 KAR 015:050E
	201 KAR 015:050
	201 KAR 015:110E
	201 KAR 015:110
316.125	201 KAR 015:030E
	201 KAR 015:030
	201 KAR 015:110E
	201 KAR 015:110
316.127	201 KAR 015:110E
	201 KAR 015:110
316.130	201 KAR 015:030E
	201 KAR 015:030
	201 KAR 015:110E
	201 KAR 015:110
316.132	201 KAR 015:030E
	201 KAR 015:030
316.140	201 KAR 015:030E
	201 KAR 015:030
316.165	201 KAR 015:125E
	201 KAR 015:125
316.260	201 KAR 015:110E
	201 KAR 015:110
317.410	201 KAR 014:030
	201 KAR 014:085
	201 KAR 014:105
	201 KAR 014:110
	201 KAR 014:115
	201 KAR 014:150
317.440	201 KAR 014:015
	201 KAR 014:040
	201 KAR 014:065
	201 KAR 014:085
	201 KAR 014:105
	201 KAR 014:110
	201 KAR 014:115
	201 KAR 014:125
317.450	201 KAR 014:015
	201 KAR 014:030

KRS SECTION	REGULATION
	201 KAR 014:040
	201 KAR 014:050
	201 KAR 014:065
	201 KAR 014:105
	201 KAR 014:125
	201 KAR 014:150
	201 KAR 014:180
317.570	201 KAR 014:015
317.590	201 KAR 014:040
317A.020	201 KAR 012:082E
	201 KAR 012:082
317A.050	201 KAR 012:082E
	201 KAR 012:082
317A.090	201 KAR 012:082E
	201 KAR 012:082
318.010	815 KAR 020:195
318.030	815 KAR 020:050
318.134	815 KAR 020:050
	815 KAR 020:195
318.160	815 KAR 020:050
319.005	201 KAR 026:130
319.010	201 KAR 026:115
319.015	201 KAR 026:215
319.032	201 KAR 026:130
	201 KAR 026:175
	201 KAR 026:185
	201 KAR 026:230
	201 KAR 026:250
319.050	201 KAR 026:125
	201 KAR 026:155
	201 KAR 026:160
	201 KAR 026:175
	201 KAR 026:185
	201 KAR 026:190
	201 KAR 026:230
319.053	201 KAR 026:175
	201 KAR 026:190
	201 KAR 026:230
	201 KAR 026:270
319.056	201 KAR 026:190
	201 KAR 026:270
319.064	201 KAR 026:160
	201 KAR 026:175
	201 KAR 026:190
	201 KAR 026:230
	201 KAR 026:250
319.071	201 KAR 026:160
	201 KAR 026:175
	201 KAR 026:225
319.082	201 KAR 026:130
	201 KAR 026:215
319.118	201 KAR 026:130
319.140	201 KAR 026:310
319.990	201 KAR 026:130
319A.010	902 KAR 020:081
	907 KAR 001:604
319C	201 KAR 043:090
319C.050	201 KAR 043:050
	201 KAR 043:060
	201 KAR 043:080
319C.060	201 KAR 043:030
	201 KAR 043:040
	201 KAR 043:050
	201 KAR 043:060
	201 KAR 043:071
	201 KAR 043:080
319C.070	201 KAR 043:010
	201 KAR 043:060
319C.080	201 KAR 043:010
	201 KAR 043:020
	201 KAR 043:030
319C.110	201 KAR 043:060
319C.140	201 KAR 043:100
321.181	902 KAR 002:020

KRS SECTION	REGULATION
322.010	725 KAR 002:015
323.010	725 KAR 002:015
323.020	725 KAR 002:015
324B.030	201 KAR 047:010
324B.040	201 KAR 047:010
325.261	201 KAR 001:190
325.270	201 KAR 001:190
327.010	201 KAR 022:045
	902 KAR 020:081
	907 KAR 001:604
327.070	201 KAR 022:045
329.010-329.030	502 KAR 020:020
322.110	902 KAR 010:120
323.020	902 KAR 010:120
332.015	502 KAR 010:010
332.095	791 KAR 001:070
332.204	502 KAR 010:030
	502 KAR 010:035
332.216	502 KAR 010:020
	502 KAR 010:050
	502 KAR 010:060
	502 KAR 010:080
333	902 KAR 020:018
333.020	902 KAR 002:020
333.130	902 KAR 002:020
	902 KAR 002:212E
	902 KAR 002:213E
334A.020	016 KAR 002:050
	902 KAR 020:081
	907 KAR 001:604
334A.033	016 KAR 002:050
334A.035	016 KAR 002:050
334A.060	016 KAR 002:050
334A.190	016 KAR 002:050
335.100	902 KAR 020:018
337.275	803 KAR 001:063
	803 KAR 001:065
	803 KAR 001:066
	803 KAR 001:070
	803 KAR 001:075
	803 KAR 001:080
	803 KAR 001:090
	922 KAR 002:160E
	922 KAR 002:160
337.275-337.325	803 KAR 001:005
337.285	803 KAR 001:060
	803 KAR 001:063
	803 KAR 001:065
	803 KAR 001:066
	803 KAR 001:070
	803 KAR 001:075
	803 KAR 001:080
	803 KAR 001:090
337.345	803 KAR 001:005
337.385-337.405	803 KAR 001:005
337.420-337.433	803 KAR 001:025
338	803 KAR 002:321E
	803 KAR 002:321
	803 KAR 002:426E
	803 KAR 002:426
338.015	803 KAR 002:330E
341	725 KAR 002:015
341.070	787 KAR 001:010
	787 KAR 001:020
	787 KAR 001:220
	787 KAR 001:260
	787 KAR 001:290
	787 KAR 001:300
341.115	787 KAR 001:020
341.145	787 KAR 001:150
341.190	787 KAR 001:010
	787 KAR 001:020
	787 KAR 001:060
	787 KAR 001:220

KRS SECTION	REGULATION
341.243	787 KAR 001:010
341.250	787 KAR 001:010
	787 KAR 001:220
	787 KAR 001:260
341.262	787 KAR 001:010
	787 KAR 001:220
341.270	787 KAR 001:210
341.272	787 KAR 001:210
	787 KAR 001:290
341.350	787 KAR 001:090
	787 KAR 001:150
	787 KAR 001:310
341.360	787 KAR 001:060
	787 KAR 001:080
	787 KAR 001:090
	787 KAR 001:150
341.370	787 KAR 001:060
	787 KAR 001:090
	787 KAR 001:150
341.380	787 KAR 001:090
	787 KAR 001:150
341.420	787 KAR 001:110
341.430	787 KAR 001:110
341.440	787 KAR 001:110
341.450	787 KAR 001:110
341.500	787 KAR 001:140
341.540	787 KAR 001:300
341.510	787 KAR 001:140
341.530	787 KAR 001:060
342	725 KAR 002:015
342.0011	803 KAR 025:305E
342.020	803 KAR 025:305E
342.040	803 KAR 025:305E
342.270	803 KAR 025:305E
342.730	803 KAR 025:305E
344	725 KAR 002:015
344.030	101 KAR 001:365
	105 KAR 001:210
349.3401	501 KAR 014:010
355.9	030 KAR 005:011E
	030 KAR 005:011
	030 KAR 005:021E
	030 KAR 005:021
355.9-513A	030 KAR 005:031E
	030 KAR 005:031
355.9-515	030 KAR 005:031E
	030 KAR 005:031
	030 KAR 005:041E
	030 KAR 005:041
	030 KAR 005:051E
	030 KAR 005:051
355.9-516	030 KAR 005:021E
	030 KAR 005:021
	030 KAR 005:031E
	030 KAR 005:031
355.9-516A	030 KAR 005:031E
	030 KAR 005:031
355.9-519	030 KAR 005:041E
	030 KAR 005:041
	030 KAR 005:051E
	030 KAR 005:051
	030 KAR 005:060E
	030 KAR 005:060
355.9-520	030 KAR 005:031E
	030 KAR 005:031
355.9-521	030 KAR 005:021E
	030 KAR 005:021
355.9-523	030 KAR 005:060E
	030 KAR 005:060
355.9-525	030 KAR 005:060E
	030 KAR 005:060
355.9-526	030 KAR 005:041E
	030 KAR 005:041
	030 KAR 005:051E

KRS SECTION	REGULATION
	030 KAR 005:051
365.571	030 KAR 003:010
365.573	030 KAR 003:010
365.581	030 KAR 003:020
365.593	030 KAR 003:010
	030 KAR 003:030
367.110-367-360	791 KAR 001:010
387	922 KAR 001:565
387.500-387.800	907 KAR 017:010
387.510	907 KAR 017:005
400.203	907 KAR 003:170
403.160	921 KAR 001:400E
	921 KAR 001:400
403.210-403.240	921 KAR 001:400E
	921 KAR 001:400
403.211	921 KAR 001:020
403.270-403.355	922 KAR 001:565
403.352	922 KAR 001:470
403.707	502 KAR 012:010
405.024	922 KAR 001:565
405.430	921 KAR 001:020
	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
405.440	921 KAR 001:400E
	921 KAR 001:400
405.991	921 KAR 001:400E
	921 KAR 001:400
406.011	921 KAR 001:390
406.021	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
406.025	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
406.035	921 KAR 001:020
406.180	921 KAR 001:390
411.32	806 KAR 017:370
415.174	907 KAR 003:170
415.184	907 KAR 003:170
416.120	921 KAR 002:015E
	921 KAR 002:015
416.212	921 KAR 002:015E
	921 KAR 002:015
416.2030	921 KAR 002:015E
	921 KAR 002:015
416.2095	921 KAR 002:015E
	921 KAR 002:015
416.2096	921 KAR 002:015E
	921 KAR 002:015
416.2099	921 KAR 002:015E
	921 KAR 002:015
421.570	502 KAR 012:010
422.317	907 KAR 003:170
431.215	501 KAR 002:060
431.300-431.307	907 KAR 003:170
431.600-431.660	040 KAR 003:020
434.757	301 KAR 001:018
434.840-434.860	907 KAR 003:170
434.845	921 KAR 001:020
438.310	782 KAR 001:010
439	501 KAR 006:030
	501 KAR 006:290
439.179	501 KAR 003:130
439.250	501 KAR 006:250
439.352	501 KAR 001:050
439.356	501 KAR 001:050
439.358	501 KAR 001:050
439.551	501 KAR 006:250
439.553	501 KAR 006:250
439.3105-439.3108	501 KAR 006:250
440.050	907 KAR 003:170
440.120	907 KAR 023:020E
	907 KAR 023:020

KRS SECTION	REGULATION
441	501 KAR 003:150
441.045	501 KAR 002:060
	501 KAR 003:110
	501 KAR 003:120
	501 KAR 003:170
	501 KAR 007:040
	501 KAR 007:060
	501 KAR 007:090
	501 KAR 007:120
	501 KAR 007:140
	501 KAR 007:150
441.046	502 KAR 014:010
441.055	501 KAR 003:110
	501 KAR 003:120
	501 KAR 003:130
	501 KAR 003:170
	501 KAR 007:040
	501 KAR 007:060
	501 KAR 007:090
	501 KAR 007:100
	501 KAR 007:110
	501 KAR 007:120
	501 KAR 007:130
	501 KAR 007:140
	501 KAR 007:150
441.075	501 KAR 002:060
441.115	501 KAR 007:120
441.125	501 KAR 003:130
	501 KAR 007:120
441.203	806 KAR 017:370
441.206	806 KAR 017:370
441.207	806 KAR 017:370
441.208	806 KAR 017:370
441.250	806 KAR 017:370
441.255	806 KAR 017:370
441.256	806 KAR 017:370
441.258	806 KAR 017:370
441.510	501 KAR 002:060
441.560	501 KAR 007:090
446.010	501 KAR 006:250
	502 KAR 013:010
446.030	030 KAR 005:031E
	030 KAR 005:031
447.500-447.520	907 KAR 023:020E
	907 KAR 023:020
454.220	921 KAR 001:400E
	921 KAR 001:400
503.050	704 KAR 007:170
503.070	704 KAR 007:170
503.110	704 KAR 007:170
510.010-510.140	502 KAR 012:010
514	921 KAR 002:015E
	921 KAR 002:015
524.140	502 KAR 012:010
527.100	922 KAR 001:565
527.110	922 KAR 001:565
529.010	040 KAR 006:030
	502 KAR 012:010
529.100	502 KAR 012:010
529.130	040 KAR 006:030
529.140	040 KAR 006:030
529.150	040 KAR 006:030
530.020	502 KAR 012:010
530.064	502 KAR 012:010
531.310	502 KAR 012:010
532.043	501 KAR 001:050
532.060	501 KAR 002:020
	501 KAR 001:050
532.100	501 KAR 002:020
	501 KAR 002:050
	501 KAR 002:060
	501 KAR 002:070
	501 KAR 003:130
	501 KAR 007:120

KRS SECTION	REGULATION
533.010	501 KAR 002:070
533.025	501 KAR 002:070
533.200	013 KAR 003:020
533.210	013 KAR 003:020
600.020	502 KAR 012:010
	922 KAR 001:470
	922 KAR 001:565
	922 KAR 002:160E
	922 KAR 002:160
605.120	922 KAR 001:565
	922 KAR 002:160E
	922 KAR 002:160
610.110	922 KAR 001:565
620.020	201 KAR 020:320
	907 KAR 017:005
	907 KAR 020:001
	922 KAR 001:565
	922 KAR 002:160E
620.020-620.050	040 KAR 003:020
	922 KAR 002:160
620.030	502 KAR 012:010
	906 KAR 001:180
620.050	922 KAR 001:470
620.051	922 KAR 001:470
620.090	922 KAR 001:565
620.140	922 KAR 001:565
620.142	922 KAR 001:565
620.170	922 KAR 001:565
625.050-625.120	922 KAR 001:470
7 C.F.R.	302 KAR 050:021
	302 KAR 050:046
	302 KAR 050:056
	921 KAR 003:026E
	921 KAR 003:027E
	921 KAR 003:027
	922 KAR 002:160E
	922 KAR 002:160
16 C.F.R.	201 KAR 015:110E
	201 KAR 015:110
20 C.F.R.	907 KAR 017:005
	907 KAR 020:001
	921 KAR 002:015E
	921 KAR 002:015
	922 KAR 002:160E
	922 KAR 002:160
	923 KAR 002:470
23 C.F.R.	603 KAR 010:011E
	603 KAR 010:040E
	603 KAR 010:040
29 C.F.R.	105 KAR 001:210
	803 KAR 002:321E
	803 KAR 002:321
	803 KAR 002:330E
	803 KAR 002:426E
	803 KAR 002:426
	806 KAR 017:260
	902 KAR 010:120
34 C.F.R.	016 KAR 004:020
	781 KAR 001:010
	781 KAR 001:020
	781 KAR 001:030
	781 KAR 001:040
	781 KAR 001:050
	782 KAR 001:010
	922 KAR 002:160E
	922 KAR 002:160
40 C.F.R.	902 KAR 048:010
	902 KAR 048:040
42 C.F.R.	902 KAR 020:018
	907 KAR 001:005
	907 KAR 001:030
	907 KAR 001:604
	907 KAR 003:170
	907 KAR 010:815

KRS SECTION	REGULATION
	907 KAR 010:830
	907 KAR 017:005
	907 KAR 017:010
	907 KAR 020:001
	907 KAR 020:020
	907 KAR 023:020E
	907 KAR 023:020
45 C.F.R.	502 KAR 012:010
	806 KAR 017:470
	900 KAR 010:201
	902 KAR 020:018
	902 KAR 020:081
	907 KAR 001:030
	907 KAR 017:010
	921 KAR 001:020
	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
	921 KAR 003:026E
	921 KAR 003:027E
	921 KAR 003:027
	921 KAR 004:116E
	921 KAR 004:116
	922 KAR 002:160E
	922 KAR 002:160
49 C.F.R.	502 KAR 010:035
	502 KAR 010:110
	502 KAR 010:120
	791 KAR 001:060
59 C.F.R.	301 KAR 002:224
7 U.S.C.	302 KAR 050:021
	302 KAR 050:031
	302 KAR 050:046
	302 KAR 050:056
	302 KAR 050:080
	921 KAR 003:026E
	921 KAR 003:027E
	921 KAR 003:027
	922 KAR 002:160E
	922 KAR 002:160
8 U.S.C.	907 KAR 020:001
	921 KAR 002:015E
	921 KAR 002:015
15 U.S.C.	902 KAR 010:120
18 U.S.C.	502 KAR 013:010
	502 KAR 013:030
	502 KAR 013:040
	502 KAR 013:050
	502 KAR 013:060
	502 KAR 013:080
20 U.S.C.	016 KAR 004:020
	016 KAR 005:010
	702 KAR 007:065
	782 KAR 001:010
	921 KAR 003:026E
	921 KAR 003:027E
	921 KAR 003:027
21 U.S.C.	302 KAR 050:031
	902 KAR 002:230E
23 U.S.C.	603 KAR 010:011E
	603 KAR 010:040E
25 U.S.C.	922 KAR 002:160E
	922 KAR 002:160
26 U.S.C.	103 KAR 016:320
	105 KAR 001:330
	301 KAR 004:091
	921 KAR 001:020
29 U.S.C.	101 KAR 001:345
	201 KAR 015:110E
	201 KAR 015:110
	781 KAR 001:010
	781 KAR 001:020
	781 KAR 001:030
	781 KAR 001:040

KRS SECTION	REGULATION
	781 KAR 001:050
	787 KAR 002:040
	806 KAR 011:020
	910 KAR 001:190
	922 KAR 002:160E
	922 KAR 002:160
31 U.S.C.	900 KAR 012:005E
	900 KAR 012:005
	921 KAR 001:020
34 U.S.C.	502 KAR 012:010
	922 KAR 002:160E
	922 KAR 002:160
38 U.S.C.	907 KAR 020:001
	922 KAR 002:160E
	922 KAR 002:160
42 U.S.C.	105 KAR 001:210
	201 KAR 002:411E
	201 KAR 002:412E
	201 KAR 006:040
	502 KAR 031:020
	725 KAR 002:015
	787 KAR 001:310
	806 KAR 017:370
	806 KAR 018:030
	900 KAR 010:201
	900 KAR 012:005E
	900 KAR 012:005
	902 KAR 020:018
	902 KAR 020:081
	907 KAR 001:005
	907 KAR 001:604
	907 KAR 003:170
	907 KAR 010:815
	907 KAR 010:830
	907 KAR 017:005
	907 KAR 017:010
	907 KAR 020:001
	907 KAR 020:020
	907 KAR 023:020E
	907 KAR 023:020
	910 KAR 001:190
	921 KAR 001:020
	921 KAR 001:390
	921 KAR 001:400E
	921 KAR 001:400
	921 KAR 002:015E
	921 KAR 002:015
	921 KAR 004:116E
	921 KAR 004:116
	921 KAR 004:122E
	921 KAR 004:122
	922 KAR 001:470
	922 KAR 001:565
	922 KAR 002:160E
	922 KAR 002:160
45 U.S.C.	803 KAR 001:063
	907 KAR 003:170
49 U.S.C.	502 KAR 010:120

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" or "eff." means that an administrative regulation has completed the legislative review process established by KRS 13A.290, 13A.330, and 13A.331.

Regulation Number	Letter Filed Date	Action
201 KAR 036:080	11-19-2021	Remain in Effect without Amendment
702 KAR 007:140	12-01-2021	Remain in Effect without Amendment
902 KAR 020:320	11-23-2021	Remain in Effect without Amendment
902 KAR 020:420	11-23-2021	Remain in Effect without Amendment
902 KAR 100:010	11-12-2021	Remain in Effect without Amendment
902 KAR 100:042	11-12-2021	Remain in Effect without Amendment
902 KAR 100:058	11-12-2021	Remain in Effect without Amendment
902 KAR 115:010	11-12-2021	Remain in Effect without Amendment
910 KAR 003:030	11-17-2021	To be amended, filing deadline 05-17-2023
911 KAR 001:085	11-29-2021	To be amended, filing deadline 05-29-2023
922 KAR 001:140	11-17-2021	Remain in Effect without Amendment
922 KAR 005:050	12-03-2021	Remain in Effect without Amendment
922 KAR 005:070	12-03-2021	To be amended, filing deadline 06-23-2023

TECHNICAL AMENDMENT INDEX

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments made during the 48th year of the *Administrative Register of Kentucky*. 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 *Register*. NOTE: Technical amendments may be available online for a short period of time before finalized versions of the technically amended regulations are available. To view regulations on the Legislative Research Commission Web site go to https://apps.legislature.ky.gov/law/kar/titles.htm.

‡ - A technical change was made to this administrative regulation during the promulgation process, pursuant to KRS 13A.320(1)(e).
† - A nonsubstantive change was made by the Compiler pursuant to KRS 13A.040(9).

Regulation Number	Date Corrected	Regulation Number	Date Corrected
401 KAR 048:320	8-4-2021		
806 KAR 006:070	10-6-2021		
806 KAR 009:360	10-6-2021		
806 KAR 017:480	10-6-2021		
810 KAR 008:060	10-11-2021		
902 KAR 008:170	12-6-2021		
921 KAR 003:020	6-24-2021		
921 KAR 003:030	6-24-2021		
921 KAR 003:035	6-24-2021		
921 KAR 003:042	6-24-2021		
921 KAR 003:090	6-24-2021		
921 KAR 002:090	6-24-2021		
922 KAR 001:510	11-23-2021		
922 KAR 002:190	6-24-2021		

AGRICULTURE
Industrial Hemp
Department's reports to the USDA; records retention for three years; 302 KAR 050:046
Materials incorporated by reference; 302 KAR 050:080
Procedures and policies for hemp growers; 302 KAR 050:021
Procedures and policies for hemp processors and handlers; 302 KAR 050:031
Sampling and THC testing; disposal of non-compliant harvests; post-testing actions; 302 KAR 050:056

AGING AND INDEPENDENT LIVING
Aging Services
Nutrition program for older persons; 910 KAR 001:190Office of Dementia Services
Alzheimer's and dementia services curriculum review and approval; 910 KAR 004:010

ALCOHOLIC BEVERAGE CONTROL
Licensing
Alternating proprietorship agreements; 804 KAR 004:221
Direct shipper license; 804 KAR 004:415
In-State Distilled Spirits Supplier License; 804 KAR 004:212
License surrender; 804 KAR 004:480
Special temporary licenses; 804 KAR 004:251

APPLIED BEHAVIOR ANALYSIS LICENSING BOARD
Application procedures for licensure; 201 KAR 043:010
Application procedures for temporary licensure; 201 KAR 043:020
Code of ethical standards and standards of practice; 201 KAR 043:043
Complaint and disciplinary process; 201 KAR 043:060
Fees; 201 KAR 043:030
Renewals; 201 KAR 043:080
Repeal of 201 KAR 043:070; 201 KAR 043:071
Requirement for supervision; 201 KAR 043:050
Telehealth and telepractice; 201 KAR 043:100
Voluntary inactive and retired status; 201 KAR 043:090

ATTORNEY GENERAL
Attorney General
Standardized Open Records Request Form; 040 KAR 001:040
Kentucky Victim and Witness Protection Program
Funding assistance from the child victims' trust fund; 040 KAR 006:020
Human Trafficking Victims Fund; 040 KAR 006:030
Kentucky Victim and Witness Protection Program; 040 KAR 006:010

BARBERING
Apprentice license; qualifications; 201 KAR 014:050
Barbering school enrollment and postgraduate requirements; 201 KAR 014:105
Examinations; school and board; 201 KAR 014:115
Fees; 201 KAR 014:180
Inspection of shops and schools; 201 KAR 014:040
Instructor requirements; 201 KAR 014:125
Place of business requirements; 201 KAR 014:065
Retaking of examination; 201 KAR 014:015
Sanitation requirements; 201 KAR 014:085
School equipment; plant layout; 201 KAR 014:110
School records; 201 KAR 014:150

BOARDS AND COMMISSIONS
See also Occupations and Professions
See listing below for specific subject headings:
Applied Behavior Analysis Licensing; 201 KAR Chapter 043
Barbering; 201 KAR Chapter 014
Chiropractic Examiners; 201 KAR Chapter 021
Dentistry, 201 KAR Chapter 008
Durable Medical Equipment; 201 KAR Chapter 047
Embalmers and Funeral Directors, 201 KAR Chapter 015
Examiners of Psychology; 201 KAR Chapter 026
Licensure for Long-Term Care Administrators, 201 KAR Chapter 006
Licensure for Massage Therapy; 201 KAR Chapter 042
Nursing, 201 KAR Chapter 020
Pharmacy; 201 KAR Chapter 002
Physical Therapy; 201 KAR Chapter 022
State Board of Accountancy; 201 KAR Chapter 001

CERTIFICATE OF NEED
Application process; 900 KAR 006:065
Expenditure minimums; 900 KAR 006:030
Filing, hearing, and show cause hearing; 900 KAR 006:090
Forms; 900 KAR 006:055
Notification requirements; 900 KAR 006:110
Standards for implementation and biennial review; 900 KAR 006:100
Telehealth terminology and requirements; 900 KAR 012:005E
Telehealth
Telehealth terminology and requirements; 900 KAR 012:005
Kentucky Health Benefit Exchange
Repeal of 900 KAR 010:200; 900 KAR 010:201

CHIROPRACTIC EXAMINERS
Emergency orders; 201 KAR 021:054
Licensing examination requirements; 201 KAR 021:070
Minimum standards for recordkeeping or itemized statements; 201 KAR 021:100
Pre-chiropractic education requirements; 201 KAR 021:090
Seal; 201 KAR 021:035

COMMISSION ON FIRE PROTECTION PERSONNEL STANDARDS AND EDUCATION
Certification and qualifications of fire and emergency services instructors; 739 KAR 002:060

COMMUNITY BASED SERVICES
Child Welfare *(922 KAR Chapter 001)*
Daycare *(922 KAR Chapter 002)*
Child Care
Child Care Assistance Program; 922 KAR 002:160
Energy Assistance Program/Weatherization
Assistance for low-income households with water or wastewater utility arrears; 921 KAR 004:122
Low Income Home Energy Assistance Program or "LIHEAP"; 921 KAR 004:116
Supplemental Nutrition Assistance Program *(921 KAR Chapter 003)*
Family Support
Child Support Enforcement Program; confidentiality, program administration contracts, and agreements; 921 KAR 001:020
Child Support Enforcement Program paternity establishment; 921 KAR 001:390
Five (5) year expiration of license; 201 KAR 014:030
medical support orders; 921 KAR 001:400
K-TAP, Kentucky Works, Welfare to Work, State Supplementation
Supplemental programs for persons who are aged, blind, or have a disability; 921 KAR 002:015
Protection and Permanency
Central registry; 922 KAR 001:470
Service array for a relative or fictive kin caregiver; 922 KAR 001:565
Supplemental Nutrition Assistance Program
Technical requirements; 921 KAR 003:027

CORRECTIONS
Class D and Class C Felons
Definitions for 501 KAR Chapter 2; 501 KAR 002:020
Procedures for housing of Class C and D felons; 501 KAR 002:060
Transfer requests; 501 KAR 002:050
Work release; 501 KAR 002:070
Kentucky Parole Board

Granting final discharge from parole; 501 KAR 001:050
Jail Standards for Full-service Facilities
Admission; searches and release; 501 KAR 003:120
Classification; 501 KAR 003:110
Classifications; 501 KAR 003:170
Hearings, procedures, disposition; 501 KAR 003:150
Prison programs; services; 501 KAR 003:130
Jail Standards for Restricted Custody Center Facilities
Admission; searches and release; 501 KAR 007:120
Classification; 501 KAR 007:110
Food services; 501 KAR 007:100
Medical services; 501 KAR 007:090
Personnel; 501 KAR 007:040
Prisoner programs; services; 501 KAR 007:130
Prisoner rights; 501 KAR 007:140
Security; control; 501 KAR 007:060
Training; 501 KAR 007:150
Office of the Secretary
Approval process for mental health professionals performing comprehensive sex offender presentence evaluations and treatment of sex offenders; 501 KAR 006:190
Comprehensive sex offender presentence evaluation procedure; 501 KAR 006:200
Graduated sanctions for technical violations of probation and compliance incentives system; 501 KAR 006:250
Kentucky State Reformatory; 501 KAR 006:030
Southeast State Correctional Complex; 501 KAR 006:290
Psychiatric or Forensic Psychiatric Facility Victim Notification System
Psychiatric or Forensic Psychiatric Facility Victim Notification System; 501 KAR 014:010

COSMETOLOGY
Education requirements and school administration; 201 KAR 012:082

CRIMINAL JUSTICE TRAINING
Concealed Deadly Weapons
Definitions for 503 KAR Chapter 4; 503 KAR 004:010
Required content and conduct of applicant training course; 503 KAR 004:050
Required instructor training; 503 KAR 004:040
General Training Provision
Law enforcement training course trainee requirements; misconduct; penalties; discipline procedures; 503 KAR 003:020
Telecommunications (Public Safety Dispatch) Academy graduation requirements; records; 503 KAR 003:050
Training charges; 503 KAR 003:030
Law Enforcement Foundation Program Fund
Definitions for 503 KAR Chapter 5; 503 KAR 005:080
Disbursement of salary supplement funds; audits; 503 KAR 005:100

DENTISTRY
Fees and fines; 201 KAR 008:520

DISABILITY DETERMINATION SERVICES
Disability Determination
Disability Determinations Program; 923 KAR 002:470

DURABLE MEDICAL EQUIPMENT
Compliant and disciplinary process; 201 KAR 047:030
Home medical equipment and supplier licenses, requirements, and fees; 201 KAR 047:010

EDUCATION
See also: Postsecondary Education (KAR Title 013)
Alternative Education Programs
Alternative education programs; 704 KAR 019:002
General Administration
Annual in-service training of district board members; 702 KAR 001:116
District employee quarantine leave; 702 KAR 001:191
District employee quarantine leave; 702 KAR 001:192E
Face coverings in school facilities; 702 KAR 001:195E
Office of Chief State School Officer
Selection and Appointment of Non-Voting Kentucky Board of Education Members; 701 KAR 005:160
Office of Instruction
Extended school services; 704 KAR 003:395
Office of Learning Support Services
Corporal punishment; 704 KAR 007:170
Repeal of 704 KAR 007:120; 704 KAR 007:121
School Terms, Attendance, and Operation
Designation of agent to manage middle and high school interscholastic athletics; 702 KAR 007:065
Home or hospital instruction; 702 KAR 007:150
Pupil attendance; 702 KAR 007:125

EDUCATION PROFESSIONAL STANDARDS BOARD
Administrative Certificates
Assessment prerequisites for teacher certification; 016 KAR 006:010
Dating of certifications; 016 KAR 004:050
Emeritus Certificate; 016 KAR 002:220
Endorsement for individual intellectual assessment; 016 KAR 003:070
Exception Certificate; 016 KAR 002:230
One (1) year conditional certificate; 016 KAR 002:180
Standards for accreditation of educator preparation providers and approval of programs; 016 KAR 005:010
Certification Procedures
Certification requirements for teachers of exceptional children; 016 KAR 004:020
General Administration
Procedures for educator certificate surrender, revocation, suspension, reinstatement, and reissuance, and for application denial; 016 KAR 001:030
Teaching Certificates
Certificates for teachers of exceptional children/communication disorders; 016 KAR 002:050
Interdisciplinary early childhood education, birth to primary; 016 KAR 002:040

ELECTIONS
Forms and Procedures
Chain of custody for records during an election contest; 031 KAR 004:200
Consolidation of precincts and precinct election officers; 031 KAR 004:195
Implementation of Revised Article 9
Acceptance and refusal of records; 030 KAR 005:031
Definitions for 030 KAR Chapter005; 030 KAR 005:011
Filing, indexing, and data entry procedures; 030 KAR 005:051
Filing methods and forms; 030 KAR 005:021
Search requests, reports, and copies; 030 KAR 005:060
UCC information management system; 030 KAR 005:041
Voting
Ballot standards and election security; 031 KAR 005:025

EMBALMERS AND FUNERAL DIRECTORS
Apprenticeship and supervision requirements; 201 KAR 015:050
Examination; 201 KAR 015:040
Fees; 201 KAR 015:030
Funeral establishment criteria; 201 KAR 015:110
Surface transportation permit; 201 KAR 015:125

EMPLOYMENT AND TRAINING; OFFICE OF
Unemployment Insurance
Appeals; 787 KAR 001:110
Application for employer account; reports; 787 KAR 001:010
Change of status; discontinuance of business; 787 KAR 001:020
Claimant profiling; 787 KAR 001:310
Contract construction rates; 787 KAR 001:290
Employer contribution rates; 787 KAR 001:210
Interstate claimants; 787 KAR 001:150

Labor dispute or strike; notification; 787 KAR 001:080
Required reports and due dates; 787 KAR 001:220
Separation for cause; reports; 787 KAR 001:060
Successorship; 787 KAR 001:300
Unemployed worker's reporting requirements; 787 KAR 001:090
Unemployment insurance fund payments; 787 KAR 001:140
Voluntary election of coverage; 787 KAR 001:260

EXAMINERS OF PSYCHOLOGY
Change of license status; 201 KAR 026:270
Continuing education; 201 KAR 026:175
Employment of a psychological associate, a temporarily licensed psychological associate, or temporarily licensed psychologist; 201 KAR 026:250
Examinations and applications; 201 KAR 026:230
Definition of psychological testing; 201 KAR 026:115
Fee schedule; 201 KAR 026:160
Grievances and administrative complaints; 201 KAR 026:130
Health service provider designation; 201 KAR 026:125
Licensed psychologist: application and temporary license; 201 KAR 026:155
Nonresident status201 KAR 026:215
Renewal and reinstatement; 201 KAR 026:225
Requirements for granting licensure as a psychologist to an applicant licensed in another state; 201 KAR 026:185
Requirements for supervised professional experience; 201 KAR 026:190
Telehealth and telepsychology; 201 KAR 026:310

FINANCE AND ADMINISTRATION
State-owned Buildings and Grounds
Use of state-owned facilities and grounds; 200 KAR 003:020

FISH AND WILDLIFE RESOURCES
Fish
Cedar Creek Lake; 301 KAR 001:019
Free fishing days; 301 KAR 001:210
Frog season; limits; 301 KAR 001:082
Harvest and sale of Asian carp; 301 KAR 001:152
Land between the Lakes provisions; 301 KAR 001:031
Live fish scales and handling; licensure; 301 KAR 001:120
Small state-owned lakes, special administrative requirements of; 301 KAR 001:050
Special commercial fishing permit for Kentucky and Barkley lakes; 301 KAR 001:140
Taking of fish by nontraditional fishing methods; 301 KAR 001:410
Taking of fish by traditional fishing methods; 301 KAR 001:201
Transportation of fish; 301 KAR 001:125
Use of boating access areas; 301 KAR 001:018
Use of lands and waters on lakes owned or controlled by the department; 301 KAR 001:016
Game
Black bear seasons and requirements; 301 KAR 002:300
Crow hunting season; 301 KAR 002:260
Deer and turkey hunting on special areas; 301 KAR 002:111
Elk hunting seasons, permits, zones, and requirements; 301 KAR 002:132
Feeding of wildlife; 301 KAR 002:015
Hunting and trapping seasons and limits for furbearers; 301 KAR 002:251
Importation of game birds; 301 KAR 002:084
Land between the Lakes hunting requirements; 301 KAR 002:050
Shooting areas, dog training areas, commercial foxhound training enclosures, and bobwhite shoot-to-train season; 301 KAR 002:041
Shoot-to-retrieve field permits and procedures; 301 KAR 002:230
Spring wild turkey hunting; 301 KAR 002:142
Waterfowl hunting zones; 301 KAR 002:224
Hunting and Fishing
Access to Wildlife Management Areas for mobility-impaired individuals; 301 KAR 003:026
Hunting and fishing method exemptions for disabled persons; 301 KAR 003:027
Mobility-impaired hunts for deer, turkey and waterfowl; 301 KAR 003:110
Public use of Otter Creek Outdoor Recreation Area; 301 KAR 003:012
Public use of Wildlife Management Areas; 301 KAR 003:010
Year-round season for wildlife; 301 KAR 003:030
Licensing
Definitions for 301 KAR Chapter 5; 301 KAR 005:001
Interstate Wildlife Violators Compact; 301 KAR 005:100
Purchasing licenses and permits; 301 KAR 005:030
Water Patrol
Boat dealers; 301 KAR 006:070
Definitions for 301 KAR Chapter 6; 301 KAR 006:001
Wildlife
Administration of drugs to wildlife; 301 KAR 004:110
Ballard Wildlife Management Area restrictions; 301 KAR 004:020
Buying and selling mounted wildlife specimens; 301 KAR 004:091
Districts; 301 KAR 004:010
Selection of Fish and Wildlife Resources Commission nominees; 301 KAR 004:001
Scientific and educational collecting permits; 301 KAR 004:070
Swan Lake Unit of Boatwright Wildlife Management Area; 301 KAR 004:050
Peabody Wildlife Management Area use requirements and restrictions; 301 KAR 004:100

HIGHER EDUCATION ASSISTANCE AUTHORITY
Early Childhood Development Scholarship Program
Definitions for 11 KAR Chapter 16; 011 KAR 016:001
Early Childhood Development Scholarship Program applicant selection process; 011: KAR 016:010

FOOD STAMPS
See Supplemental Nutritional Assistance Program, 921 KAR Chapter 003

HORSE RACING COMMISSION
Flat and Steeplechase Racing
Running of the race; 810 KAR 004:040
Medication Guidelines
Drug, medication, and substance withdrawal guidelines; 810 KAR 008:025
Pari-Mutuel Wagering
Definitions for 810 KAR Chapter 006; 810 KAR 006:001
Standardbred Racing
Claiming races; 810 KAR 005:030
Entries and starters; 810 KAR 005:060
Running of the race; 810 KAR 005:070

HOUSING, BUILDINGS AND CONSTRUCTION
Electrical
Electrical inspections; 815 KAR 035:020
Elevator Safety
Annual inspection of elevators, chairlifts, fixed guideway systems, and platform lifts; 815 KAR 004:010
Permit and inspection fees for new and altered elevators, chairlifts, fixed guideway systems, and platform lifts; 815 KAR 004:025
Reporting incidents involving personal injury or death; 815 KAR 004:027
Hazardous Materials
Certification of underground petroleum storage tank contractors; 815 KAR 030:060
LP gas license; financial responsibility required; 815 KAR 030:010
Kentucky Building Code
Criteria for expanded local jurisdiction; 815 KAR 007:110
Licensing of fire protection sprinkler contractors; 815 KAR 007:080

Plumbing
Installation permits; 815 KAR 020:050
Medical gas piping installations; 815 KAR 020:195
Standards of Safety
Consumer fireworks retailer registration and fees; 815 KAR 010:070
Kentucky standards of safety; 815 KAR 010:060

INFRASTRUCTURE AUTHORITY
Guidelines for Kentucky Infrastructure Authority Drinking Water and Wastewater Grant Program; 200 KAR 017:110

INSURANCE
Health Insurance Contracts
Annual report on providers prescribing medication for addiction treatment; 806 KAR 017:590
Certificate of filing for provider-sponsored networks; 806 KAR 017:100
Conversion policy minimum benefits; 806 KAR 017:260
Data reporting requirements; 806 KAR 017:240
Data reporting to an employer-organized association health benefit plan; 806 KAR 017:470
Definition of health care provider; 806 KAR 017:580
Filing procedures for health insurance rates; 806 KAR 017:070
Health benefit plan rate filing requirements; 806 KAR 017:150
Independent External Review Program; 806 KAR 017:290
Insurance purchasing outlet requirements; 806 KAR 017:450
Life insurance and managed care; 806 KAR 017:350
Minimum standards for short-term nursing home insurance policies; 806 KAR 017:085
Pharmacy benefit managers; 806 KAR 017:575
Provider agreement and risk-sharing agreement filing requirements; 806 KAR 017:300
Registration, utilization review, and internal appeal; 806 KAR 017:280
Repeal of 806 KAR 017:005, 806 KAR 017:095, 806 KAR 017:170, 806 KAR 017:180, and 806 KAR 017:510; 806 KAR 017:511
Requirements regarding medical director's signature on health care benefit denials; 806 KAR 017:230
Standardized health claim attachments; 806 KAR 017:370
Telehealth claim forms and records; 806 KAR 017:270
Group and Blanket Health Insurance
Group health insurance coordination of benefits;
806 KAR 018:030
Insurance Contract
Minimum standards for the readability and intelligibility of insurance contracts; 806 KAR 014:121
Kinds of Insurance; Limits of Risk; Reinsurance
Credit for reinsurance; 806 KAR 005:025
Life Insurance and Annuity Contracts
Reporting and general requirements for settlement providers and brokers; 806 KAR 015:050
Motor Vehicle Reparations (No-fault)
Proof of motor vehicle insurance; 806 KAR 039:070
Surplus Lines
Surplus lines reporting and tax payment structure; 806 KAR 010:030
Trade Practices and Frauds
Advertising of accident and sickness benefits; 806 KAR 012:010
Unauthorized Insurers' Prohibitions, Process and Advertising
Multiple employer welfare arrangements; 806 KAR 011:020

KENTUCKY STATE UNIVERSITY
Board of Regents
Procurement procedures; 745 KAR 001:035

LAW ENFORCEMENT COUNCIL
Approval of course curriculums; 503 KAR 001:090
Career Development Program; 503 KAR 001:170
Certification of instructors; 503 KAR 001:100
Certification of schools; 503 KAR 001:080
Definitions for 503 KAR Chapter 1; 503 KAR 001:060
Department of Criminal Justice Training Basic training: graduation requirements; records; 503 KAR 001:110
Peace officer, telecommunicator, and court security officer professional standards; 503 KAR 001:140
Professional development in-service training: training requirements; recognized courses; records; 503 KAR 001:120

LIBRARIES AND ARCHIVES
Archives
Collection and distribution of reports and publications; 725 KAR 001:040
Recording and reproducing public records; 725 KAR 001:020
Records management program; 725 KAR 001:050
Records officers; duties; 725 KAR 001:010
Records retention schedules; authorized schedules; 725 KAR 001:061
Scheduling public records for retention and disposal; procedures; 725 KAR 001:030
Transfer of public records; 725 KAR 001:025
Libraries
Public library facilities construction; 725 KAR 002:015
Interstate Library Compact; 725 KAR 002:080

LICENSURE FOR LONG-TERM CARE ADMINISTRATORS
Other requirements for licensure; 201 KAR 006:020
Renewal, reinstatement, and reactivation of license; 201 KAR 006:040

LICENSURE FOR MASSAGE THERAPY
Application process, exam, and curriculum requirements; 201 KAR 042:035
Code of ethics and standards of practice for massage therapists; 201 KAR 042:061
Complaint procedure and disciplinary action; 201 KAR 042:050
Continuing education requirements; 201 KAR 042:110
Endorsement; 201 KAR 042:070
Fees; 201 KAR 042:020
Goals for massage therapy sessions; 201 KAR 042:010
Licensee's change of name, home address, or place of business; 201 KAR 042:030
Programs of massage therapy instruction; 201 KAR 042:080
Renewal and reinstatement; 201 KAR 042:040

LOTTERY CORPORATION
Procurement procedures; 202 KAR 003:020

MEDICAID SERVICES
Hospital Services Coverage and Reimbursement
Acute care inpatient hospital reimbursement; 907 KAR 010:830
Per Diem inpatient hospital reimbursement; 907 KAR 010:815
Managed Care
Definitions for 907 KAR Chapter 017; 907 KAR 017:005
Managed care organization requirements and policies relating to enrollees; 907 KAR 017:010
Medicaid Eligibility
Definitions for 907 KAR Chapter 020; 907 KAR 020:001
Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals; 907 KAR 020:020
Medicaid Services
Cost-sharing prohibited within the Medicaid program; 907 KAR 001:604
Home health agency services; 907 KAR 001:030
Nonduplication of payments; 907 KAR 001:005.
Outpatient Pharmacy Program
Reimbursement for outpatient drugs; 907 KAR 023:020
Payments and Services
Telehealth service coverage and reimbursement; 907 KAR 003:170

MEDICAL EXAMINER
Duplicate records request fee schedule; 500 KAR 012:010

NURSING
Continuing approval and periodic evaluation of dialysis technician training programs; 201 KAR 020:474
Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs; 201 KAR 020:360
Dialysis technician credentialing requirements for initial credentialing, renewal, and reinstatement; 201 KAR 020:476
Dialysis technician scope of practice, discipline, and miscellaneous requirements; 201 KAR 020:478
Initial approval for dialysis technician training programs; 201 KAR 020:472
Licensure of graduates of foreign nursing schools; 201 KAR 020:480
Nursing continuing education provider approval; 201 KAR 020:220
Repeal of 201 KAR 020:470; 201 KAR 020:471
Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs; 201 KAR 020:280

OCCUPATIONAL SAFETY AND HEALTH
See Workplace Standards, 803 KAR Chapter 2

OFFICE OF INSPECTOR GENERAL
Division of Health Care
Operation and services; personal services agencies; 906 KAR 001:180

PERSONNEL
Personnel Board
Appeal and hearing procedures; 101 KAR 001:365
Disciplinary actions; 101 KAR 001:345
Employee actions; 101 KAR 001:335
Employee grievances and complaints; 101 KAR 001:375
Probationary periods; 101 KAR 001:325
Promotion; 101 KAR 001:400
Restoration from military duty; 101 KAR 001:395
Standards of conduct and technology governing recording board proceedings; 101 KAR 001:367
Personnel Board, Classified
2022 Plan Year Handbook for the Public Employee Health Insurance Program; 101 KAR 002:210

PHARMACY
Administration of vaccines; 201 KAR 002:420
Compounding; 201 KAR 002:076
Emergency orders and hearings; 201 KAR 002:430
Expungement; 201 KAR 002:270
Legend drug repository; 201 KAR 002:440
Licensed or permitted facility closures; 201 KAR 002:106
Licenses and permits; fees; 201 KAR 002:050
Naloxone dispensing; 201 KAR 002:360
Ordering and administering vaccinations; 201 KAR 002:412E
Pharmacy services in hospitals; 201 KAR 002:074

PHYSICAL THERAPY
Continued competency requirements and procedures; 201 KAR 022:045

POSTSECONDARY EDUCATION
Adult Education and Literacy
GED eligibility requirements; 013 KAR 003:050
GED Incentives Program; 013 KAR 003:040
GED Testing Program; 013 KAR 003:010
High school equivalency diploma awarded for credit hour completion at Kentucky Community and Technical College Systems institutions; 013 KAR 003:060
Provision of instruction for individuals sentenced by a court to participate in educational programs; 013 KAR 003:020
Qualifications for progressing satisfactorily through a GED preparation program; 013 KAR 003:030

PUBLIC HEALTH
Communicable Diseases
COVID-19 antibody administration center; 902 KAR 002:230E
COVID-19 test acquisition and distribution; 902 KAR 002:240E
COVID-19 vaccine storage; 902 KAR 002:250E
Reportable disease surveillance; 902 KAR 002:020
Health Services and Facilities
Operation and services; end-stage renal disease facilities; 902 KAR 020:018
Operations and services; home health agencies; 902 KAR 020:081
K-TAP, Kentucky Works, Welfare to Work, State Supplementation
Childcare standards for covering the face in response to declared national or state public health emergency; 902 KAR 002:213E
Lead Abatement
Accreditation of training programs and providers of educational programs for individuals who perform lead-hazard detection and abatement; 902 KAR 048:030
Definitions for 902 KAR Chapter 48; 902 KAR 048:010
Lead-hazard abatement permit fees, permit requirements and procedures, and standards for performing lead-hazard detection and abatement; 902 KAR 048:040
Training and certification requirements for persons who perform lead-hazard detection or abatement; 902 KAR 048:020
Sanitation
Kentucky public swimming and bathing facilities; 902 KAR 010:120
Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments; 902 KAR 010:121
Splash pads operated by local governments; 902 KAR 010:190

PUBLIC SERVICE COMMISSION
Utilities
Access and attachments to utility poles and facilities; 807 KAR 005:015

RETIREMENT
See Kentucky Retirement Systems (KAR Title 105)
Teachers' Retirement System (KAR Title 102)

REVENUE
Ad Valorem Tax; State Assessment
Classification of property; public service corporations; 103 KAR 008:090
Income Tax; Corporations
Apportionment; receipts factor; 103 KAR 016:270
Claim of right doctrine; 103 KAR 016:320
Corporation income taxes policies and circulars; 103 KAR 016:352
Income Tax; Withholding
Payroll records; 103 KAR 018:090
Withholding return adjustment; 103 KAR 018:020
Sales and Use Tax; Miscellaneous Retailer Occupations
Motor vehicle body shops; 103 KAR 027:230
Sourcing of retail sales by florists; 103 KAR 027:050
Repairers and reconditioners of tangible personal property; 103 KAR 027:150
Sales and Use Tax; General Exemptions
Energy and energy-producing fields; 103 KAR 030:140
Interstate and foreign commerce; 103 KAR 030:190
Machinery for new and expanded industry; 103 KAR 030:120
Property used in the publication of newspapers; 103 KAR 030:250
Sales to farmers; 103 KAR 030:091

SECRETARY OF STATE
Address Confidentiality Program
Kentucky address confidentiality program; 030 KAR 006:011
Certifications
Certification of vacancy in nominations; 030 KAR 002:010
Corporations
Repeal of 30 KAR 1:010, 30 KAR 1:020, 30 KAR 1:040, and 30

KAR 1:050; 030 KAR 001:011
Trademarks and Service Marks
Application for registration of trademarks and service marks; 030 KAR 003:010
Application for renewal of registration; 030 KAR 003:020
Classification of goods and services for registration of trademarks and service marks; 030 KAR 003:030

STATE BOARD OF ACCOUNTANCY
Examination sections, applications, and procedures; 201 KAR 001:190

STATE BOARD OF ELECTIONS
See Elections

STATE FAIR BOARD
Fairgrounds and Exhibition Center
Conduct and operation of concessions and exhibits; 303 KAR 001:075
Exhibition Center, dissemination of material; demonstrations; 303 KAR 001:090
Exposition Center, grounds; dissemination of material; demonstrations; 303 KAR 001:080
Exposition Center, grounds; sales and dissemination of real property, fixtures ad goods, solicitation of contribution or sales during annual State Fair; rental of space; use of sound amplification equipment; 303 KAR 001:100
Procurement procedures; 303 KAR 001:110
Traffic flow; 303 KAR 001:015
Vehicle parking; 303 KAR 001:010
Vehicle speed; 303 KAR 001:005

STATE EMPLOYEES
See also: *Kentucky Retirement Systems (KAR Title 105)*
Personnel (KAR Title 101)
Teachers' Retirement System (KAR Title 102)

STATE POLICE
Automated Fingerprint Identification System
Provision and maintenance of automated fingerprint identification system equipment and programs in detention centers. Submission of fingerprints by jailers to the Kentucky State Police; 502 KAR 014:010
Candidate Selection
Appeals; 502 KAR 045:115
Application and selection process; 502 KAR 045:035
Appointment; 502 KAR 045:105
Aptitude examination; 502 KAR 045:045
Definitions; 502 KAR 045:005
Medical examination; 502 KAR 045:085
Qualifications; 502 KAR 045:015
Register; 502 KAR 045:075
Physical Fitness Test (PFT); 502 KAR 045:150
Concealed Deadly Weapons
Application for license to carry concealed deadly weapon; 502 KAR 011:010
License denial and reconsideration process; 502 KAR 011:060
License revocation and suspension notice and reinstatement process; 502 KAR 011:070
Criminal History Record Information System
Arrest and disposition reporting procedure; 502 KAR 030:020
Audit of Criminal History Record Information System; 502 KAR 030:030
Criminal History Record Information System; 502 KAR 030:010
Dissemination of criminal history record information; 502 KAR 030:060
Security of centralized criminal history record information; 502 KAR 030:050
Inspection of criminal history record information by record subject; 502 KAR 030:070
Driver Training
Commercial driver's license skill testing; 502 KAR 010:035
Contracts and agreements; 502 KAR 010:050
Definitions; 502 KAR 010:010
Department facilities; facility inspection; conflict of interest; 502 KAR 010:020
Instructor's license; 502 KAR 010:030
License suspension, revocation, denial; 502 KAR 010:080
Procedure for denial, suspension, nonrenewal or revocation hearings; 502 KAR 010:090
School advertising; 502 KAR 010:060
Third-party CDL skills test examiner standards; 502 KAR 010:110
Training school facilities; 502 KAR 010:040
Training vehicle, annual inspection; 502 KAR 010:070
Hazardous materials endorsement requirements; 502 KAR 010:120
General Traffic
Traffic collision; 502 KAR 015:010
Abandoned vehicles; 502 KAR 015:020
Kentucky Missing Child Information Center
Capabilities of the Missing Child Information Center computer system; 502 KAR 035:020
Definitions; 502 KAR 035:010
Quality of information reported to the Kentucky Missing Child Information Center; 502 KAR 035:030
Reporting of missing children by law enforcement agencies; 502 KAR 035:040
Statistical analysis of information related to missing children; 502 KAR 035:050
Law Enforcement Officers Safety Act of 2004
Application for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers; 502 KAR 013:010
Change of personal information regarding certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers; 502 KAR 013:060
Incomplete application for certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers; 502 KAR 013:080
Issuance, expiration, and renewal of certification to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers; 502 KAR 013:040
Range qualification for certification under the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 926C, for honorably retired elected or appointed peace officers; 502 KAR 013:030
Replacement of licenses to carry a concealed deadly weapon pursuant to the Law Enforcement Officers Safety Act of 2004 ("LEOSA"), 18 U.S.C. 296C, for honorably retired elected or appointed peace officers; 502 KAR 013:050
Law Information Network of Kentucky
Law Information Network of Kentucky; 502 KAR 040:010
Medical Examiner Protocols
Sexual assault forensic-medical examination protocol; 502 KAR 012:010
Methamphetamine
Methamphetamine; 502 KAR 047:010
Polygraph
Detection of deception examiners; 502 KAR 020:020
Sex Offender Registration System
502 KAR 031:020. Sex Offender Registration System.
Trial Board Proceedings
Admissibility of evidence; 502 KAR 050:010

TRANSPORTATION
Billboards
Advertising devices; 603 KAR 010:040
Repeal of 603 KAR 010:002, 010:010, and 010:021; 603 KAR 010:011E
Maintenance

Noxious weeds and invasive plants to be eradicated from rights-of-way; 603 KAR 003:100
Motor Vehicle Commission
Applications; 605 KAR 001:030
Change of ownership; 605 KAR 001:071
Dealer and salesman; 605 KAR 001:051
Facilities requirements; 605 KAR 001:035
Licensing fees; 605 KAR 001:215
Motor vehicle dealership names; 605 KAR 001:091
Motor vehicle advertising; 605 KAR 001:191
Nonprofit motor vehicle dealer requirements and licensing; 605 KAR 001:211
Procedures; 605 KAR 001:131
Right-of-way
Logo sign panels; placement along fully controlled and partially controlled access highways; 603 KAR 004:035
Traffic
Encroachment permits; 603 KAR 005:150
Transportation Cabinet use of interstate and parkway signs to locate missing persons; 603 KAR 005:360

WORKERS' CLAIMS
Electronic data interchange vendor approval; 803 KAR 025:165
Pharmacy; 803 KAR 025:092
Workers' compensation expedited hearings pursuant to occupational exposure to COVID-19; 803 KAR 025:305E

WORKFORCE INVESTMENT
Apprenticeship Standards
Confidentiality of records of the Office of Employer and Apprenticeship Services; 787 KAR 003:020
Kentucky Commission on Proprietary Education
Application for license for commercial driver license training school; 791 KAR 001:050
Application for renewal of license for commercial driver license training school; 791 KAR 001:060
Applications, permits, and renewals; 791 KAR 001:010
Bond requirements for agents and schools; 791 KAR 001:150
Commercial driver license training school curriculum and refresher course; 791 KAR 001:040
Commercial driver license training school instructor and agency application and renewal procedures; 791 KAR 001:070
Fees; 791 KAR 001:025
Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools; 791 KAR 001:080
Procedures for hearings; 791 KAR 001:030
School closing process; 791 KAR 001:155
School record keeping requirements; 791 KAR 001:027
Standards for licensure; 791 KAR 001:020
Standards for Kentucky resident commercial driver training school facilities; 791 KAR 001:100
Student protection fund; 791 KAR 001:035
Transfer of ownership, change of location, change of name, revision of existing programs; 791 KAR 001:160
Office for the Blind
Certified driver training program; 782 KAR 001:070
Kentucky Business Enterprises; 782 KAR 001:010
Office of Employment and Training
Local workforce development area governance; 787 KAR 002:040
Office of Vocational Rehabilitation
Carl D. Perkins Vocational Training Center; 781 KAR 001:050
General provisions for operation of the Office of Vocational Rehabilitation; 781 KAR 001:020.
Order of selection and economic need test for vocational rehabilitation services; 781 KAR 001:030
Office of Vocational Rehabilitation appeal procedures; 781 KAR 001:010
Rehabilitation technology services; 781 KAR 001:040

WORKPLACE STANDARDS
Labor Standards; Wages and Hours
Board, lodging, gratuities and other allowances; 803 KAR 001:080
Employer-employee relationship; 803 KAR 001:005
Equal pay provisions, meaning and application; 803 KAR 001:025
Exclusions from minimum wage and overtime; 803 KAR 001:075
Executive, administrative, supervisory or professional employees; salesmen; 803 KAR 001:070
Hours worked; 803 KAR 001:065
Overtime pay requirements; 803 KAR 001:060
Recordkeeping requirements; 803 KAR 001:066
Trading time; 803 KAR 001:063
Occupational Safety and Health
Abatement; 803 KAR 002:122
Contest of citation; 803 KAR 002:140
Cranes and derricks in construction; 803 KAR 002:440
Discrimination; 803 KAR 002:250
Employer and employee representatives; 803 KAR 002:110
Employer responsibility to post notice; 803 KAR 002:060
Employer responsibility when employee is exposed to toxic substances or harmful physical agents; 803 KAR 002:062
Failure to correct violation; 803 KAR 002:127
General industry standards; 803 KAR 002:325
Informal conference; 803 KAR 002:130
Inspections; 803 KAR 002:070
Medical services and first aid; 803 KAR 002:310
Pay during inspection activity; 803 KAR 002:230
Personal protective equipment; 803 KAR 002:308
Posting of citation; 803 KAR 002:125
Occupational exposure to COVID-19; 803 KAR 002:330E
Occupational health and environmental control; 803 KAR 002:321
Occupational health and environmental control; 803 KAR 002:306
Recordkeeping and reporting occupational injuries and illnesses; 803 KAR 002:181
Refusal to work when dangerous condition exist; 803 KAR 002:220
Repeal of 803 KAR 002:018; 803 KAR 002:011
Repeal of 803 KAR 002:040; 803 KAR 002:041
Repeal of 803 KAR 002:180; 803 KAR 002:182E
Stairways and ladders; 803 KAR 002:426
Variance and interim order; 803 KAR 002:170