



ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, January 14, 2022.

MEETING NOTICES

The Administrative Regulation Review Subcommittee is tentatively scheduled to meet on April 11, 2022, at 1:00 p.m. in room 149 Capitol Annex.

ARRS Tentative Agenda - [2543](#) [Online agenda updated as needed](#)

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

Title		Chapter	Regulation
806	KAR	050:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

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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**

**MONDAY, April 11, 2022 at 1 p.m.
Annex Room 149**



1. **CALL TO ORDER AND ROLL CALL**
2. **REGULATIONS FOR COMMITTEE REVIEW**

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)

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 002:430. Emergency orders and hearings. (Amended After Comments) (Deferred from February)

Board of Licensure for Long-Term Care Administrators

201 KAR 006:040. Renewal, reinstatement, and reactivation of license. (Deferred from February)

Board of Embalmers and Funeral Directors

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 020:220. Nursing continuing education provider approval. (Not Amended After Comments)

201 KAR 020:260E. Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing. (Emergency Only) ("E" expires 10-08-2022) (Not Amended After Comments)

201 KAR 020:280. Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs. (Not Amended After Comments)

201 KAR 020:360. Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs. (Not Amended After Comments)

201 KAR 020:480E. Licensure of graduates of foreign nursing schools. ("E" expires 10-30-2022) (Filed with Ordinary)

Board of Physical Therapy

201 KAR 022:001. Definitions for 201 KAR Chapter 022.

201 KAR 022:053. Code of ethical standards and standards of practice for physical therapists and physical therapist assistants.

Board of Alcohol and Drug Counselors

201 KAR 035:070. Supervision experience.

Applied Behavior Analysis Licensing Board

201 KAR 043:010. Application procedures for licensure. (Deferred from February)

201 KAR 043:020. Application procedures for temporary licensure. (Not Amended After Comments)

201 KAR 043:030. Fees. (Deferred from February)

201 KAR 043:040. Code of ethical standards and standards of practice. (Amended After Comments)

201 KAR 043:050. Requirement for supervision. (Amended After Comments)

201 KAR 043:060. Complaint and disciplinary process. (Deferred from February)

201 KAR 043:071. Repeal of 201 KAR 043:070. (Deferred from February)

201 KAR 043:080. Renewals. (Amended After Comments)

201 KAR 043:090. Voluntary inactive and retired status. (Deferred from February)

201 KAR 043:100. Telehealth and telepractice. (Deferred from February)

Board of Medical Imaging and Radiation Therapy

201 KAR 046:020. Fees. (Filed with Emergency)

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

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)

ENERGY AND ENVIRONMENT CABINET

Department for Environmental Protection

Attainment and Maintenance of the National Ambient Air Quality Standards

401 KAR 051:010. Attainment status designations.

JUSTICE AND PUBLIC 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 010:030. Instructor's license. (Amended After Comments) (Deferred from February)

502 KAR 010:035. Commercial driver's license skill testing. (Deferred from December)

502 KAR 010:040. Training school facilities. (Amended After Comments) (Deferred from February)

502 KAR 010:050. Contracts and agreements. (Deferred from December)

502 KAR 010:060. School advertising. (Deferred from December)

502 KAR 010:070. Training vehicle, annual inspection. (Amended After Comments) (Deferred from February)

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)

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. (Amended After Comments) (Deferred from February)

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)

Criminal History Record Information System

502 KAR 030:010. Criminal History Record Information System. (Amended After Comments) (Deferred from February)

502 KAR 030:020. Arrest and disposition reporting procedure. (Amended After Comments) (Deferred from February)

502 KAR 030:030. Audit of Criminal History Record Information System. (Amended After Comments) (Deferred from February)

502 KAR 030:050. Security of centralized criminal history record information. (Amended After Comments) (Deferred from February)

502 KAR 030:060. Dissemination of criminal history record information. (Deferred from December)

502 KAR 030:070. Inspection of criminal history record information by record subject. (Amended After Comments) (Deferred from February)

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

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)

Apprenticeship Standards

787 KAR 003:020. Confidentiality of records of the Office of Employer and Apprenticeship Services. (Comments Received; SOC ext. due 03-15-2022)

PUBLIC PROTECTION CABINET

Team Kentucky

General

800 KAR 001:020E. Team Western Kentucky Tornado Relief Fund. (Emergency Only) (Comments Received, SOC due 3-15-2022)

LABOR CABINET

Department of Workplace Standards

Labor Standards; Wages and Hours

- 803 KAR 001:005. Employer-employee relationship. (Deferred from September)
803 KAR 001:006. Employer-employee relationship.
803 KAR 001:025. Equal pay provisions, meaning and application. (Deferred from September)
803 KAR 001:026. Equal pay provisions, meaning and application.
803 KAR 001:060. Overtime pay requirements. (Deferred from September)
803 KAR 001:061. Overtime pay requirements.
803 KAR 001:063. Trading time. (Deferred from September)
803 KAR 001:064. Trading time.
803 KAR 001:065. Hours worked. (Deferred from September)
803 KAR 001:066. Recordkeeping requirements. (Deferred from September)
803 KAR 001:067. Hours worked.
803 KAR 001:068. Recordkeeping requirements.
803 KAR 001:070. Executive, administrative, supervisory or professional employees; salesmen. (Deferred from September)
803 KAR 001:071. Executive, administrative, supervisory or professional employees; salesmen.
803 KAR 001:075. Exclusions from minimum wage and overtime. (Deferred from September)
803 KAR 001:076. Exclusions from minimum wage and overtime.
803 KAR 001:080. Board, lodging, gratuities and other allowances. (Deferred from September)
803 KAR 001:081. Board, lodging, gratuities and other allowances.
803 KAR 001:090. Workers with disabilities and work activity centers' employee's wages. (Not Amended After Comments) (Deferred from November)
803 KAR 001:091. Workers with Disabilities and Work Activities Centers' employee's wages.

PUBLIC PROTECTION CABINET

Department of Insurance

Health Insurance Contracts

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

Horse Racing Commission

Incentive and Development Funds

- 810 KAR 007:050. Kentucky Horse Breeders' Incentive Fund.

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Inspector General

State Health Plan

- 900 KAR 005:020E. State Health Plan for facilities and services. ("E" expires 10-24-2022) (Filed with Ordinary)

Certificate of Need

- 900 KAR 006:075E. Certificate of need nonsubstantive review. ("E" expires 10-24-2022) (Filed with Ordinary)

Office of Health Data Analytics

Guaranteed Acceptance Program (GAP)

- 900 KAR 13:010. Guaranteed Acceptance Program (GAP) reporting requirements.

Department for Public Health

Sanitation

- 902 KAR 010:120. Kentucky public swimming and bathing facilities. (Amended After Comments) (Deferred from December)
902 KAR 010:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments. (Amended After Comments) (Deferred from February)
902 KAR 010:190. Splash pads operated by local governments. (Amended After Comments) (Deferred from December)

Health Services and Facilities

- 902 KAR 020:016. Hospitals; operations and services.
902 KAR 020:106. Operation and services; ambulatory surgical center.

Office of Inspector General

- 906 KAR 001:110. Critical access hospital services.

Department for Medicaid Services

Outpatient Pharmacy Program

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

Department for Community Based Services

Child Welfare

- 922 KAR 001:360. Private child care placement, levels of care, and payment. (Filed with Emergency)
922 KAR 001:530. Post-adoption placement stabilization services.

Day Care

- 922 KAR 002:280. Background checks for child care staff members, reporting requirements, and appeals.

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Adult Services

922 KAR 005:070. Adult protective services.

3. REGULATIONS REMOVED FROM APRIL'S AGENDA

BOARDS AND COMMISSIONS

Board of Pharmacy

201 KAR 002:440. Legend drug repository. (Comments Received; SOC ext. due 04-15-2022)

Board of Embalmers and Funeral Directors

201 KAR 015:030E. Fees. (Filed with Ordinary) ("E" expires 03-27-2022) (Deferred from September)

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Board of Emergency Medical Services

202 KAR 007:560. Ground vehicle staff. (Withdrawn by Agency)

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Board of Education

Office of Learning Support Services

704 KAR 007:170. Corporal punishment. (Comments Received; SOC ext. due 04-15-2022)

Alternative Education Programs

704 KAR 019:002. Alternative education programs. (Comments Received; SOC ext. due 04-15-2022)

EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Department of Workforce Investment

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)

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Inspector General

Health Services and Facilities

902 KAR 020:018. Operation and services; end-stage renal disease facilities. (Comments Received; SOC ext., due 04-15-2022)

Department for Community Based Services

Child Welfare

922 KAR 001:470. Central registry. (Comments Received, SOC ext. due 04-15-2022)

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
900 KAR 14:010E

This new emergency administrative regulation is necessary to immediately establish guidelines for implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals. This new emergency administrative regulation is deemed to be an emergency pursuant to KRS 13A.190(1)(a)3. in order to meet an imminent deadline for promulgation of an administrative regulation as required by Senate Bill 100 enacted during the 2022 Regular Session of the General Assembly. This new emergency administrative regulation will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
 ERIC C. FRIEDLANDER, Secretary

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
(New Emergency Administrative Regulation)

900 KAR 14:010E. Essential personal care visitor programs; visitation guidelines.

EFFECTIVE: February 21, 2022

See page 2556 for the Emergency As Amended version

RELATES TO: KRS 194A.700(4), 216.510(1)

STATUTORY AUTHORITY: 2022 Ky. Acts ch. 10, sec. 1

NECESSITY, FUNCTION, AND CONFORMITY: 2022 Ky. Acts ch. 10, sec. 1 requires the cabinet to promulgate administrative regulations, subject to applicable federal requirements, to establish guidelines for any individual designated as an essential personal care visitor to have in-person visitation with a resident of an assisted-living community, long-term care facility, or state-owned or operated mental or psychiatric hospital during a period when general visitation is limited or prohibited.

Section 1. Definitions. (1) "Essential personal care visitor" means a family member, legal guardian, outside caregiver, friend, or volunteer who:

- (a) Is eighteen (18) years of age or older;
- (b) May have provided regular care and support to a resident prior to any restrictions on visitation;
- (c) Is designated as being important to the mental, physical, or social well-being of the resident; and
- (d) Meets an essential need of the resident, including companionship, assisting with personal care, or positively influencing the behavior of the resident.

(2) "Facility" means:

- (a) An assisted-living community as defined by KRS 194A.700(4);
- (b) A long-term care facility as defined by KRS 216.510(1); or
- (c) A mental hospital as defined by 2022 Ky. Acts ch. 10, sec. 1.

(3) "Facility-onset" means a COVID-19 or other communicable disease case that originates in a facility.

(4) "Outbreak" means one (1) new COVID-19 or other communicable disease case among facility staff or one (1) new facility-onset case among residents.

(5) "Personal care" means assisting a resident with essential everyday activities, which may include grooming, dressing, and eating.

(6) "Resident" means an individual who:

(a) Resides in an assisted-living community or long-term care facility; or

(b) Is a patient of a mental hospital as defined by 2022 Ky. Acts ch. 10, sec. 1.

Section 2. Essential personal care visitation. (1) A facility shall:

(a) Allow essential personal care visitation as an exception from any prohibition against general visitation;

(b) Establish policies and procedures for the designation of at least one (1) essential personal care visitor, including a process for changing the designated essential personal care visitor; and

(c) In accordance with 2022 Ky. Acts ch. 10, sec. 1, not be required to permit an in-person visitor at all times.

(2) Designation of an essential personal care visitor shall be made in consultation with, and upon agreement by the:

(a) Resident; and

(b) Resident's representative, if applicable.

(3) A facility may require a written agreement with an essential personal care visitor.

(4) A facility may limit the total number of visitors permitted in the facility at any one (1) time.

(5) A facility may limit visitation by an essential personal care visitor to the resident or residents he or she is approved to visit.

(6) A facility may temporarily suspend essential personal care visitation based on a clinical or safety factor, including:

(a) An outbreak in the facility;

(b) The resident's communicable disease status; or

(c) Noncompliance by the essential personal care visitor with:

1. Safety protocols or other requirements established by this emergency administrative regulation; or

2. Any policies and procedures the facility deems necessary to keep staff and residents safe.

(7) An essential personal care visitor who enters a facility during a period when general visitation is limited or prohibited shall:

(a) Assume the risk of contracting a communicable disease;

(b) Limit visitation to the resident's room or a facility-designated room within the building;

(c) Limit his or her movement within the facility;

(d) Follow the facility's safety protocols; and

(e) Inform the facility if he or she develops symptoms of a communicable disease within fourteen (14) days of the visit.

(8) If the resident has a roommate, an essential personal care visitor shall:

(a) Not enter the resident's room if the roommate is there unless the roommate agrees in advance; and

(b) Be prohibited from staying in the room for more than fifteen (15) minutes unless otherwise approved by the roommate or roommate's representative.

(9) An essential personal care visitor shall follow the same safety protocols required for facility staff, which may include one (1) or more of the following:

(a) Testing for a communicable disease, which may be the responsibility of the essential personal care visitor. If testing is provided by the facility, essential personal care visitors shall be tested on the same schedule as staff;

(b) Health screens, including screening for signs and symptoms of a communicable disease and denial of entry of any individual with signs and symptoms;

(c) Using appropriate personal protective equipment (PPE);

(d) Washing or sanitizing hands regularly;

(e) Maintaining a distance of six (6) feet from staff and other residents at all times. Social distancing from the resident receiving an essential personal care visit may be relaxed for a short period of time under certain circumstances, e.g., providing assistance with a personal care activity; and

(f) Adhering to any other requirement the facility deems appropriate in accordance with guidance from the Centers for Disease Control and Prevention (CDC).

(10) During a period when general visitation is limited or prohibited, a facility shall:

(a) Be responsible for verifying and tracking the testing status of each essential personal care visitor if the facility requires testing as a safety protocol;

(b) Schedule essential personal care visits in advance or in accordance with a written agreement;

(c) Consider the number of other essential visitors who will be in the building at the same time when developing a visitation schedule;

(d) Establish limitations on the visitation frequency and length of the visits to keep staff and residents safe;

(e) Sanitize the area's high-frequency touched surfaces after the visit; and

(f) Continue to provide all required services and activities to a resident while an essential personal care visitor is with the resident.

Section 3. Training. (1) Each essential personal care visitor shall complete facility-designated training that includes basic information on infection prevention and control, including:

(a) Proper hand hygiene;

(b) Use of PPE, if applicable;

(c) Proper respiratory hygiene; and

(d) Any other infection control measure the facility may require.

(2) A facility may post signage throughout the facility that demonstrate key instructions to reinforce safe practices.

ADAM MATHER, Inspector General

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 17, 2022

FILED WITH LRC: February 21, 2022 at 12:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 28, 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 hearing shall notify this agency in writing by April 21, 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 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 April 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. In the event of an emergency, the public hearing will be held using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor in advance of the scheduled hearing. 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 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.

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 new emergency administrative regulation establishes guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals during a period when

general visitation is limited or prohibited.

(b) The necessity of this administrative regulation: This new emergency administrative regulation is necessary to comply with 2022 Ky. Acts ch. 10, sec. 1 (Senate Bill 100).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This new emergency administrative regulation conforms to the content of 2022 Ky. Acts ch. 10, sec. 1 by establishing guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new emergency administrative regulation assists in the effective administration of the statutes by establishing guidelines for implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals during a period when general visitation is limited or prohibited.

(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 emergency administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new emergency administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new emergency administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new emergency administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This new emergency administrative regulation affects assisted-living communities, state-owned or operated psychiatric hospitals, and long-term care facilities. There are 133 assisted-living communities and three (3) state-owned or operated psychiatric hospitals. The number of long-term care facilities by licensure category is as follows: one (1) Alzheimer's nursing home; nine (9) intermediate care facilities; sixteen (16) intermediate care facilities for individuals with intellectual disabilities; twelve (12) licensed nursing facilities; twenty-seven (27) licensed nursing homes; 169 personal care homes; and 281 certified nursing facilities.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: In accordance with the requirements of 2022 Ky. Acts ch. 10, sec. 1 and this administrative regulation, individuals designated as essential personal care visitors shall be exempt from any general prohibitions on visiting a resident of an assisted-living community, long-term care facility, or state-owned or operated mental or psychiatric hospital.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be significant costs to facilities to implement essential personal care visitor programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Essential personal care visitor programs are intended to help enhance the well-being and quality of life of Kentuckians in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

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

(a) Initially: There are no additional costs to the Cabinet for Health and Family Services for implementation of this emergency administrative regulation.

(b) On a continuing basis: There are no additional costs to the Cabinet for Health and Family Services for implementation of this emergency administrative regulation on a continuing basis.

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

State general funds and agency monies are used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: 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 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 emergency administrative regulation impacts assisted-living communities, long-term care facilities, state-owned or operated psychiatric hospitals, and the Cabinet for Health and Family Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2022 Ky. Acts ch. 10, sec. 1

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

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

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

(c) How much will it cost to administer this program for the first year? This emergency administrative regulation imposes no additional costs on the administrative body.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred to implement this emergency administrative regulation on a continuing basis.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

STATEMENT OF EMERGENCY

908 KAR 3:010E

This emergency administrative regulation is necessary to immediately establish guidelines for implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals. This emergency administrative regulation is deemed to be an emergency pursuant to KRS 13A.190(1)(a)3. in order to meet an imminent deadline for promulgation of an administrative regulation as required by Senate Bill 100 enacted during the 2022 Regular Session of the General Assembly. This emergency administrative regulation will be replaced by an ordinary administrative regulation. The companion 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 Behavioral Health, Developmental and Intellectual Disabilities Division of Program Integrity (Emergency Amendment)

908 KAR 3:010E. Patient's rights.

EFFECTIVE: February 21, 2022

RELATES TO: KRS Chapters 202A, 202B

STATUTORY AUTHORITY: KRS 194.050, 202A.191,

202A.196, 202B.060, EO 2004-726, SB 100 2022 Regular Session

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726,

effective July 9, 2004, created the Cabinet for Health and Family Services and placed the Department for Behavioral Health, Developmental and Intellectual Disabilities within the cabinet. KRS Chapters 202A and 202B, relating to the hospitalization of an individual with mental illness, developmental or intellectual disabilities, direct that the Secretary for the Cabinet for Health and Family Services shall adopt rules and administrative regulations which insure proper administration and enforcement of these chapters. The function of this administrative regulation is to describe the rights of an individual with mental illness, developmental or intellectual disabilities patients and to establish rules for the use of seclusion, restraint, and treatment under emergency situations, in the treatment of these patients.

Section 1. Definitions. For purposes of this administrative regulation, the following definitions shall apply:

(1) "Individual treatment plan" means a written document which is a part of each patient's medical record and which must contain, but is not limited to:

(a) A statement of the diagnosis of the patient;

(b) The short and long-range objectives of care and treatment;

(c) The methods of treatment to be employed;

(d) The names of persons responsible for preparing and implementing the plan.

(2) "Substantive changes" means those changes which reflect distinct changes in goals of treatment, methods to be employed and the names of persons primarily responsible for overall review or implementation of the individual treatment plan:

(a) Changes in the amount, frequency of administration, or specific type of medication shall not be considered substantive changes unless the changes involve introduction of new classes of medication including antipsychotic or anticonvulsant drugs;

(b) Changes in the frequency, duration, place or supervision of daily activities shall not be considered substantive changes unless the changes exclude participation in the activities previously identified in the treatment plan or initiation of new activities which could not be reasonably anticipated on the basis of short and long-term treatment goals.

(3) "Emergency situation" means the presence of a situation in which a patient's behavior in the present environment is such that it presents an immediate and substantial danger or threat of immediate or substantial danger to that person or to others.

(a) Behavior included in this definition extends to verbal threats or abuse toward other patients which creates a substantial risk that other patients may react in a manner which poses an immediate substantial danger or threat of immediate substantial danger to themselves or others, or which will interfere in a substantial manner with the realistic opportunity of other patients to improve their own level of functioning through care and treatments in a hospital or residential treatment center;

(b) Substantial deviation from an individual treatment plan which is formulated with the mutual consent of the staff and the patient or which is approved pursuant to a court hearing, or the overt or repetitious violation of rules and procedures of the hospital or residential treatment center by the patient which presents an immediate and substantial danger to that person or to others may also be considered as an emergency situation, provided the patient has previously been fully informed as to the content of the patient's individual treatment plan and as to the rules and procedures which may be applicable to the patient's behavior.

(4) "Restraint" means the application of any physical device, the application of physical body pressure by another in such a way as to control or limit physical activity, or the intravenous, intramuscular, or subcutaneous administration of any pharmacologic or chemical agent to an individual with mental illness, developmental or intellectual disabilities resident with the sole or primary purpose of controlling or limiting the physical activities of the patient or resident.

(5) "Seclusion" means the confinement of [a] an individual with mental illness, developmental or intellectual disabilities patient alone in a locked room.

(6) "Authorized representative" means the patient's attorney, guardian of a disabled adult, parent or guardian of a juvenile, or an individual authorized in writing by the patient to act in the patient's behalf.

Section 2. Right to be Adequately Informed. Each patient shall be adequately informed as to the patient's individual treatment plan.

(1) A written individual treatment plan shall be prepared and entered into the medical record of each patient. The treatment plan shall be subject to periodic review and shall be modified in the event of substantive changes;

(2) Each patient and the patient's authorized representative shall have access to a written copy of the patient's individual treatment plan;

(3) Upon written request, each patient and the patient's authorized representative shall also be provided access to the patient's entire medical record. In the event that full access to the medical record is refused, the patient shall be given a response in writing documenting the reasons for such refusal;

(4) In the case of minors or other persons who appear incapable of reading or understanding a written treatment plan, a summary of pertinent features of the treatment plan may be presented orally, and the responses of parents, guardians or other members of the immediate family shall be entered into the medical record if these persons can be located.

Section 3. Right to Assist in Treatment Plan. Each patient shall have the right to assist in the planning of the treatment program.

(1) Each patient shall be informed of the contents of the patient's individual treatment plan and the verbal, written or behavioral responses to this information shall be entered in the medical records. If possible, the responses of a patient to the patient's treatment plan shall be used to review and modify its contents including, but not limited to, the objectives and methods of treatment to be employed;

(2) In the cases of minors and other patients who appear incapable of reading or understanding their treatment plans, the responses of parents, guardians, or other members of the immediate family shall be entered into the medical records if these persons can be located.

Section 4. Right to Refuse Treatment. (1) Patients may, under certain conditions, refuse treatment offered to them by the hospital. The refusal shall be clearly documented in the medical records.

(a) All patients, whether admitted voluntarily, or committed on an involuntary basis as the result of a hearing held pursuant to KRS Chapter 202A or 202B, have the right to refuse treatment. A patient who refuses treatment may be forcibly treated only pursuant to a court order after a de novo review as set forth in KRS 202A.196.

(b) If no court findings exist to support the implementation of a specific treatment plan which is unacceptable to the patient, the treatment may be implemented or continued only in an emergency situation documented in the medical records of the patient. The hospital or residential treatment center shall seek to develop an alternative plan of treatment acceptable to both the hospital or residential treatment center and the patient or secure a court order sanctioning forced treatment. If the hospital or residential treatment center and a voluntarily admitted patient cannot agree on an acceptable alternative plan of treatment, the hospital or residential treatment center may discharge the patient or pursue other remedies under law as may be necessary. If the hospital or

residential treatment center prior to obtaining a judicial order for forced treatment determines that an emergency exists and that the patient presents an immediate and substantial danger or threat of immediate and substantial danger to self or others, the hospital or residential treatment center may intervene in the least intrusive manner possible while simultaneously seeking a de novo review.

(2) Refusal to participate in the treatment plan shall be clearly documented in the medical record and shall be honored unless an emergency situation exists or the activity has been reviewed and approved in a court hearing.

(3) In the absence of an emergency situation, the patient shall not be subjected to loss of any other privileges which the patient has at the time of refusal unless such privileges are clearly documented in the individual treatment plan as being contingent upon participation in that area where participation has been refused.

(4) If the emergency situation persists for a period of more than seventy-two (72) hours, the treatment team shall evaluate the treatment plan and make changes necessary to meet the needs of the patient. If the patient refuses the revised treatment program, emergency treatment may continue as long as the emergency continues to be documented in the patient's record and the treatment review committee shall be informed and shall proceed according to law.

Section 5. Right to Personal Effects. (1) Each patient shall have the right to maintain, keep, and use personal effects, items or money except in the following instances:

(a) Retention of the item would be contrary to the patient's individual treatment plan;

(b) Retention of the item poses a threat of subjecting the patient or others to substantial physical harm;

(c) Retention of the item would subject it to a substantial risk of loss, theft or destruction by the patient or other persons;

(d) Retention of the item would substantially impair the opportunity of the patient or other patients to benefit from care and treatment in the hospital; or

(e) Retention of the item is contrary to rules and administrative regulations of the hospital which are reasonably related to the health and safety of the patient or other patients, except that the rules and administrative regulations shall be waived when possession of the item is a part of the patient's individual written treatment plan.

(2) After written notice to a discharged patient, hospitals and residential treatment centers may dispose of all unclaimed personal items 180 days after discharge. Any proceeds from the sale of the items shall be used for the benefit of persons residing at the hospital or residential treatment center.

Section 6. Right to Receive Visitors. (1) All patients shall have the right to meet with friends and relatives. This right shall not be waived except in the following instances:

(a) Exercise of the right would be inconsistent with the written provisions of the individual treatment plan, or

(b) An emergency situation exists.

(2) Each hospital or residential treatment center shall establish and post conspicuously rules governing visitors and visiting hours.

(3) All patients shall also have the right to refuse to meet with friends or relatives except that the right may be waived if the meetings are prescribed in the patient's individual treatment plan.

(4) Patients shall have the right to meet their authorized representative during nonvisitation hours, if suitable arrangements are made in advance with the hospital or residential treatment centers.

(5) All patients shall have the right to name an essential personal care visitor as defined and established in 900 KAR 14:010.

Section 7. Right to Receive Compensation for Work Done. Each patient shall have the right to receive payment for work performed on behalf of the hospital.

(1) All patients shall be provided compensation as designated by appropriate federal and state statutes and regulations for work

performed at a hospital or residential treatment center where the work is of consequential economic benefit to the hospital or residential treatment center, any person, agency, or organization outside the hospital or the Commonwealth of Kentucky.

(2) The patient shall have the absolute right to refuse to perform any work except activities of immediate and direct benefit to the patient and the patient's personal comfort.

Section 8. Right to De Novo Review. Involuntarily committed patients may be provided electroshock therapy or psychosurgery only pursuant to a court order after a de novo review as set forth in KRS 202A.196.

Section 9. Use of Seclusion and Restraint. The use of seclusion and other mechanical restraints in hospitals or residential treatment facilities shall be limited and shall be carried out only with appropriate precautions.

(1) Seclusion and other mechanical restraints used for the sole or principal purpose of controlling behavior which is the result of mental illness shall be instituted only when part of an individual treatment plan or in an emergency situation.

(2) If use of seclusion or restraints is warranted under this section, the following rules shall apply:

(a) The medical records shall document the conditions which prevail at the time of the use of these treatments and shall include the order of a licensed physician prescribing or justifying the treatment;

(b) Mentally ill persons placed in seclusion or subjected to the use of mechanical restraints other than to prevent or treat self-inflicted injury or to treat a concomitant medical or surgical disorder shall be individually observed and the need for continuing restraints or seclusion determined by a hospital or residential treatment facility employee at least every fifteen (15) minutes. In addition, the patient shall be seen daily by a physician and the reasons for continued use of this treatment procedure shall be documented in the medical records;

(c) The patients shall be permitted access to toilet facilities at least every two (2) hours and to bathing facilities every forty-eight (48) hours;

(3) No order by a licensed physician for seclusion or use of mechanical restraints shall be effective longer than twenty-four (24) hours after the treatment is implemented, and must be renewed if the treatment continues to be necessary, except where the treatment is prescribed to prevent or treat self-inflicted injury or a concomitant medical or surgical disorder; provided that any renewal order shall state the necessity for the continued treatment.

(4) In no circumstances shall restraints or seclusion be used principally or solely for the treatment of mental illness except as part of the documented individual treatment plan or in response to a documented emergency unless the treatment has received a review and approval by the court.

WENDY T. MORRIS, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 16, 2022

FILED WITH LRC: February 21, 2022 at 12:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 28, 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 hearing shall notify this agency in writing by April 21, 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 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 April 30, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. In the event of an

emergency, the public hearing will be held using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor in advance of the scheduled hearing. 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 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rachael Ratliff or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This amended administrative regulation establishes guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(b) The necessity of this administrative regulation: This amended administrative regulation is necessary to comply with Senate Bill 100 (2022 Regular Session).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This amended administrative regulation conforms to the content of Senate Bill 100 (2022 Regular Session) by establishing guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended administrative regulation assists in the effective administration of the statutes by establishing guidelines for implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

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

(a) How the amendment will change this existing administrative regulation: This amended administrative regulation will incorporate the provisions of SB 100 for essential personal care visitor programs.

(b) The necessity of the amendment to this administrative regulation: This amended administrative regulation incorporates the provisions of SB 100 for essential personal care visitors to residents in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(c) How the amendment conforms to the content of the authorizing statutes: This amended administrative regulation incorporates the provisions of SB 100.

(d) How the amendment will assist in the effective administration of the statutes: This amended administrative regulation will incorporate the provisions of SB 100 and the essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amended administrative regulation affects assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals. There are 10 state-owned or operated assisted-living communities and long-term care facilities; and 3 state-owned or operated psychiatric hospitals.

(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: In accordance with the requirements of Senate Bill 100 and this administrative regulation, individuals designated as essential personal care visitors shall be exempt from any prohibitions on visiting a resident of an assisted-living

community, long-term care facility, or state-owned or operated mental or psychiatric hospital.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be significant costs to facilities to implement essential personal care visitor programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Essential personal care visitor programs are intended to help enhance the well-being and quality of life of Kentuckians in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

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

(a) Initially: There are no additional costs to the Cabinet for Health and Family Services for implementation of this amended administrative regulation.

(b) On a continuing basis: There are no additional costs to the Cabinet for Health and Family Services for implementation of this amended administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general funds and agency monies are used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: 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 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 amended administrative regulation impacts assisted-living communities, long-term care facilities, state-owned or operated psychiatric hospitals, and the Cabinet for Health and Family Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. Senate Bill 100 (2022 Regular Session)

(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 amended administrative regulation will not generate revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? This amended administrative regulation imposes no additional costs on the administrative body.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred to implement this amended administrative regulation on a continuing basis.

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](#).

PUBLIC PROTECTION CABINET
(Emergency Amended After Comments)

800 KAR 1:020E. Team Western Kentucky Tornado Relief Fund.

RELATES TO: KRS 12.270, 11.065, 39A.180, EO 2021-923, EO 2021-925

STATUTORY AUTHORITY: KRS 12.270, 11.065, 39A.180, EO 2021-925, **22 RS HJR 29**

NECESSITY, FUNCTION, AND CONFORMITY: Pursuant to KRS 11.065, the Secretary of the Public Protection Cabinet ("Secretary") is a member of the Governor's Executive Cabinet and shall, among other things, perform duties the Governor may require. To fulfill these duties, under KRS 12.270(2), the secretary of each cabinet is authorized to accept and expend funds from any public or private source. Executive Order 2021-925 ("Order") requires the Public Protection Cabinet ("Cabinet") to establish the Team Western Kentucky Tornado Relief Fund ("Fund") to be administered by the Secretary of the Public Protection Cabinet. The Order commands that the Fund, consisting of monies received from public or private sources, shall be used to provide financial assistance to those who are or will be affected due to the severe weather events of December 10 and 11, 2021. The Order further requires the Secretary establish standards, consistent with the public purpose of the Order to provide assistance to impacted Kentuckians, regarding acceptance and expenditure of funds based on eligibility and qualifications for assistance provided to a recipient[an applicant]. The standards shall include establishing eligibility criteria and a process for receiving, adjudicating, and paying requests for assistance from the Fund. KRS 39A.180(1) allows political subdivisions of the state and other agencies designated or appointed by the Governor to make, amend, and rescind orders and promulgate administrative regulations necessary for disaster and emergency response purposes. **22 RS HJR 29 extended Executive Orders 2021-923 and 2021-925 to April 14, 2022.**

Section 1. Definitions.

(1) "Administrative Purposes" means expenditures that are not direct aid to Kentucky residents affected by the severe weather events of December 10 and 11, 2021, including but not limited to overhead expenses of a Qualified Nonprofit Organization.

(2) **"Affected Counties" means the Kentucky counties listed in the Federal Emergency Management Agency (FEMA) Disaster Declaration 4630-DR-KY where individuals are eligible for FEMA assistance, including Barren, Caldwell, Christian, Fulton, Graves, Hart, Hickman, Hopkins, Logan, Lyon, Marion, Marshall, Muhlenberg, Ohio, Taylor, and Warren counties.**

(3) "Cabinet" means the Kentucky Public Protection Cabinet.

(4) ~~[(2)]~~ "Fund" means the Team Western Kentucky Tornado Relief Fund, established by Executive Order 2021-925.

(5) ~~[(2)]~~ "Qualified Nonprofit Organization" means a non-profit organization, entity, or institution, including but not limited to tax-exempt organizations under Internal Revenue Code Section 501(c)(3) or 501(c)(4) and religious organizations.

(6) **"Small Business" means any business entity organized for profit, including a sole proprietorship, partnership, limited partnership, corporation, limited liability company, joint venture, association, or cooperative, that:**

(a) Had fifty (50) or fewer full-time employees on December 9, 2021;

(b) Is not an affiliate or subsidiary of a larger corporate structure, unless the total number of employees of all the

affiliates and subsidiaries within that structure is fifty (50) or fewer;

(c) Had at least one (1) business location in an affected county on December 9, 2021;

(d) Sustained damage to a business location in an affected county or experienced business interruption as a result of the severe weather events of December 10 and 11, 2021;

(e) Is presently in operation or will be in operation; and

(f) Is in good standing with the Kentucky Department of Revenue and the Kentucky Secretary of State.

Section 2. Acceptance of Funds. Pursuant to KRS 12.270(2) and Executive Order 2021-925, the Cabinet may accept monies from any source, public or private, for deposit into the Fund.

Section 3. General eligibility requirements. Notwithstanding Sections ~~8 and 9~~ **9 and 10** of this emergency administrative regulation, to be eligible to receive a financial award from the Fund, a recipient[an applicant] shall:

(1) Be a Qualified Nonprofit Organization and agree to use all awarded funds to serve Kentucky residents affected by the severe weather events of December 10 and 11, 2021, by assisting with the provision of food, clothing, shelter, utilities, medical expenses, household needs, or other necessities of life. Funds can also be used to provide long-term financial or other assistance and rebuilding to those impacted by severe weather events of December 10 and 11, 2021; or

(2) Be a small business and agree to use all awarded funds to maintain business operations in an affected county or counties or rebuild or repair a business location in an affected county or counties.[Submit a complete application for a financial award to the Cabinet via an online portal available at <https://teamwkyrelieffundapp.ky.gov/> that includes the proper name of the organization, the current status of the organization, the charitable purpose or purposes of the organization, the geographic area the organization intends to serve with any awarded funds, and a description of the proposed project and how any financial award will be used;

~~(3) Include a description in the application explaining how those who are or will be impacted by the severe weather events of December 10 and 11, 2021 will be positively impacted should a financial award be provided to the applicant.]~~

Section 4. Financial Assistance. (1) A recipient[An applicant] meeting the requirements of Section 3 of this emergency administrative regulation may receive a financial award which shall be paid directly to the recipient[applicant] in the sole discretion of the Cabinet or its designee.

(2) Awards may be made in any amount; however, a qualified nonprofit organization shall agree not to expend[no] financial awards made from the Fund for[shall be expended on] Administrative Purposes or fees.

~~[(3) All funds received shall be used to serve Kentucky residents affected by the severe weather events of December 10 and 11, 2021, by assisting with the provision of food, clothing, shelter, utilities, medical expenses, household needs, or other necessities of life. Funds can also be used to provide long-term financial or other assistance and rebuilding to those impacted by the severe weather events of December 10 and 11, 2021.]~~

Section 5. Documentation of Expenditures. Any[A] Qualified Nonprofit Organization or small business that receives a financial award from the Fund shall document expenditures of all awarded

monies. The documentation must be retained for at least two (2) years following the distribution of all **awarded** funds and shall be subject to inspection during that time by the Cabinet or its designee.

~~Section 6. [Incomplete Applications. An incomplete application shall be denied. However, an applicant shall be permitted to submit an updated application if the applicant's prior application was denied solely on the basis of being incomplete.]~~

Section 7.] Administrative Fees. Administrative fees shall not be paid from the Fund to any agency of the Commonwealth of Kentucky or any contractor engaged to assist with the operation of the Fund, with the exception of processing fees imposed by merchant banks or credit card companies.

Section 7.[Section 8.] Applicability of Open Records and Document Retention. With the exception of information otherwise exempt from disclosure pursuant to the Kentucky Open Records Act, KRS 61.870, *et seq.*, all documents and materials submitted to either the Commonwealth or the Cabinet shall be considered a public record subject to the Kentucky Open Records Act. Accordingly, the Commonwealth and the Cabinet shall retain all documents described for a period of not less than two (2) years from the last distribution from the Fund.

Section 8.[Section 9.] Direct Payment for Funeral Expenses. Notwithstanding Sections 3 through **5[6]** of this regulation, the person who is responsible, or would be responsible absent donations, for the payment of funeral expenses for an individual whose death was related to the severe weather events of December 10 and 11, 2021, may receive direct financial assistance from the Fund in an amount not to exceed **\$10,000[\$5,000]** for the purpose of assisting in the payment of those funeral expenses or other expenses associated with the person's death. The Public Protection Cabinet or its designee shall coordinate such direct payments and shall obtain all necessary information from the Kentucky Office of Vital Statistics, coroners, or other appropriate entities to verify eligibility for any direct payment under this paragraph.

Section 9.[Section 10.] Other Acceptable Uses of Fund Monies. Subject to the availability of funds, the Cabinet, in its sole discretion, may elect to **distribute[allocate]** funds, including but not limited to excess funds, ~~[to Qualified Nonprofit Organizations located within the Commonwealth of Kentucky that provide for the health and welfare of Kentuckians or may directly distribute funds]~~ to Kentucky residents affected by the severe weather events of December 10 and 11, 2021.

Section 10.[Section 11.] No Entitlement. All awards shall be subject to the availability of funds, and all awards made from the Fund shall be purely a matter of grace and not subject to any appeal.

Section 11.[Section 12.] No Intent to Create Individual or Organizational Interests. The establishment of the Fund is not intended to create and shall not create any individual or organizational right, privilege, property interest, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Kentucky, its agents, departments, political divisions, or other entities, or any officers, employees, or agents thereof, or any other persons.

Section 12.[Section 13.] Expiration. This emergency administrative regulation shall not be replaced by a regular administrative regulation and shall expire at the latest date permitted by law.

RAY A. PERRY, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 8:50 a.m.

CONTACT PERSON: Benjamin Long, General Counsel, 500 Mero Street, 218 NC, Frankfort, Kentucky 40601, phone (502) 782-2736, fax (502) 546-3639, email Benjamin.Long@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: DJ Wasson

(1) Provide a brief summary of:

(a) What this administrative regulation does: This emergency administrative regulation establishes procedures, consistent with the public purpose of Executive Order 2021-925, as confirmed by HJR 29 during the 2022 Regular Session, regarding expenditure of monies from the Team Western Kentucky Tornado Relief Fund to Kentucky residents and small businesses affected by the severe weather events of December 10 and 11, 2021, and qualified nonprofit organizations that agree to use all awarded funds to serve Kentucky residents affected by the severe weather events of December 10 and 11, 2021, and to pay for funeral expenses for individuals whose deaths were related to the severe weather events of December 10 and 11, 2021.

(b) The necessity of this administrative regulation: This emergency administrative regulation is necessary to assist the Secretary of the Public Protection Cabinet in carrying out the duties set forth in KRS 11.065, KRS 12.270(2), and Executive Order 2021-925 to establish and administer Team Western Kentucky Tornado Relief Fund.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 11.065 makes the Secretary of the Public Protection Cabinet a member of the Governor's Executive Cabinet and requires that the Secretary shall, among other things, perform duties the Governor may require. KRS 12.270(2) authorizes each cabinet secretary to accept and expend funds from any source, whether public or private, in support of the duties and responsibilities of the related cabinet. Executive Order 2021-925 requires the Secretary to establish standards regarding acceptance and expenditure of, including establishing eligibility criteria and a process for receiving, adjudicating, and paying requests for financial assistance from the Fund. KRS 39A.180(1) authorizes the political subdivisions of the state and other agencies designated or appointed by the Governor to make, amend, and rescind orders and promulgate administrative regulations necessary for disaster and emergency response purposes and to supplement the carrying out the provisions of KRS Chapter 39A, if not inconsistent with any orders or administrative regulations promulgated by the Governor or by any state agency exercising a power delegated to it by the Governor.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This emergency administrative regulation establishes procedures for distribution of monies from the Team Western Kentucky Tornado Relief Fund to qualified nonprofit organizations and Kentucky residents affected by the severe weather events of December 10 and 11, 2021, and to pay for funeral expenses for individuals whose deaths were related to the severe weather events of December 10 and 11, 2021, including establishing eligibility criteria and a process for receiving, adjudicating, and paying requests as required by KRS 12.270(2) and Executive Order 2021-925.

(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 not applicable as this is an emergency administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is not applicable as this is an emergency administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is not applicable as this is an emergency administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is not applicable as this is an emergency administrative regulation.

(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 those impacted individuals and small businesses that receive financial assistance from the Team Western Kentucky Tornado Relief Fund and qualified nonprofit organizations who may be provided distributions from the fund for the purpose of serving those. Kentucky residents affected by the severe weather events of December 10 and 11, 2021, and individuals who are responsible, or would be responsible absent donations, for the payment of funeral expenses for individuals whose deaths were related to the severe weather events of December 10 and 11, 2021, may receive direct financial assistance from the Fund.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: The Public Protection Cabinet will work with the Federal Emergency Management Agency, insurance companies, local officials, and others local charitable organizations to identify the needs of impacted individuals and small businesses for the purpose of disbursement from the fund in accordance with this emergency administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Any costs to the Public Protection Cabinet will be met with existing Cabinet funds. There is no fee associated with financial assistance provided from the Team Western Kentucky Tornado Relief Fund.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This emergency administrative regulation enables the Public Protection Cabinet to distribute monies directly to Kentucky residents and small businesses affected by the severe weather events of December 10 and 11, 2021. Additionally, financial assistance may be provided to qualified nonprofit organizations through the Team Western Kentucky Tornado Relief Fund to assist with the provision of food, clothing, shelter, utilities, medical expenses, household needs, long-term financial assistance, rebuilding, or other necessities of life for those Kentucky residents affected by the severe weather events of December 10 and 11, 2021.. Monies from the Fund may also be This emergency administrative regulation further provides that a person responsible for the payment of funeral expenses for an individual whose death was related to the severe weather events of December 10 and 11, 2021, may receive direct financial assistance from the Fund in an amount not to exceed \$5,000 for the purpose of assisting in the payment of those funeral expenses.

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

(a) Initially: There are no anticipated additional initial costs to administer this emergency administrative regulation. Any costs to the Public Protection Cabinet will be met with existing Cabinet funds.

(b) On a continuing basis: There are no anticipated additional costs to administer this emergency administrative regulation on a continuing basis. Any costs to the Public Protection Cabinet will be met with existing Cabinet funds.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Implementation of this emergency administrative regulation is not anticipated to result in additional costs to the Public Protection Cabinet. Any Cabinet costs resulting from this emergency administrative regulation will be met with existing Cabinet funds. Any awards granted to eligible organizations or individuals or for funeral expenses will come from the Team Western Kentucky Tornado Relief 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: This emergency administrative regulation will not necessitate an increase in fees or require funding to the Public Protection Cabinet for implementation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees directly or indirectly increased by this emergency administrative

regulation.

(9) TIERING: Is tiering applied? Tiering is not applied as the Team Western Kentucky Tornado Relief Fund was established to provide relief for all individuals and small businesses impacted by the severe weather events of December 10 and 11, 2021.

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 Public Protection Cabinet, Office of the Secretary.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. This emergency administrative regulation is authorized by KRS 11.065, KRS 12.270(2), Executive Order 2021-923, Executive Order 2021-925, KRS 39A.180, 22 RS HJR 29.

(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 emergency administrative regulation is not anticipated to generate additional revenues for the agency.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This emergency administrative regulation is not anticipated to generate additional revenues for the agency.

(c) How much will it cost to administer this program for the first year? There are no anticipated additional initial costs to administer this emergency administrative regulation. Any costs to the Public Protection Cabinet will be met with existing Cabinet funds.

(d) How much will it cost to administer this program for subsequent years? This program is anticipated to be completed within one (1) year. There are no anticipated additional initial costs to administer this emergency administrative regulation. Any costs to the Public Protection Cabinet will be met with existing Cabinet funds.

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

Revenues (+/-): Neutral
Expenditures (+/-): Neutral
Other Explanation: None

CABINET FOR HEALTH AND FAMILY SERVICES Office of Inspector General (Emergency As Amended at ARRS, March 7, 2022)

900 KAR 14:010E. Essential personal care visitor programs; visitation guidelines.

Emergency As Amended version effective: March 7, 2022

Prior version:

New Emergency Administrative Regulation - 48 Ky.R. 2548

RELATES TO: KRS 194A.700(4), 216.510(1)

STATUTORY AUTHORITY: 2022 Ky. Acts ch. 10, sec. 1

NECESSITY, FUNCTION, AND CONFORMITY: 2022 Ky. Acts ch. 10, sec. 1 requires the cabinet to promulgate administrative regulations, subject to applicable federal requirements, to establish guidelines for any individual designated as an essential personal care visitor to have in-person visitation with a resident of an assisted-living community, long-term care facility, or state-owned or operated mental or psychiatric hospital during a period when general visitation is limited or prohibited.

Section 1. Definitions. (1) "Essential personal care visitor" means a family member, legal guardian, outside caregiver, friend, or volunteer who:

- (a) Is eighteen (18) years of age or older;
- (b) May have provided regular care and support to a resident prior to any restrictions on visitation;
- (c) Is designated as being important to the mental, physical, or social well-being of the resident; and
- (d) Meets an essential need of the resident, including companionship, assisting with personal care, or positively influencing the behavior of the resident.

(2) "Facility" means:

- (a) An assisted-living community as defined by KRS 194A.700(4);
- (b) A long-term care facility as defined by KRS 216.510(1); or
- (c) A mental hospital as defined by 2022 Ky. Acts ch. 10, sec. 1.

(3) "Facility-onset" means a COVID-19 or other communicable disease case that originates in a facility.

(4) "Outbreak" means one (1) new COVID-19 or other communicable disease case among facility staff or one (1) new facility-onset case among residents.

(5) "Personal care" means assisting a resident with essential everyday activities, which may include grooming, dressing, and eating.

(6) "Resident" means an individual who:

- (a) Resides in an assisted-living community or long-term care facility; or
- (b) Is a patient of a mental hospital as defined by 2022 Ky. Acts ch. 10, sec. 1.

Section 2. Essential personal care visitation. (1) A facility shall:

(a) Allow essential personal care visitation as an exception from any prohibition against general visitation;

(b) Establish policies and procedures for the designation of at least one (1) essential personal care visitor, including a process for changing the designated essential personal care visitor; and

(c) In accordance with 2022 Ky. Acts ch. 10, sec. 1, not be required to permit an in-person visitor at all times.

(2) Designation of an essential personal care visitor shall be made in consultation with, and upon agreement by the:

- (a) Resident; and
- (b) Resident's representative, if applicable.

(3) A facility may require a written agreement with an essential personal care visitor.

(4) A facility may limit the total number of visitors permitted in the facility at any one (1) time.

(5) A facility may limit visitation by an essential personal care visitor to the resident or residents he or she is approved to visit.

(6) ~~[A facility may temporarily suspend essential personal care visitation based on a clinical or safety factor, including:~~

- ~~(a) An outbreak in the facility;~~
- ~~(b) The resident's communicable disease status; or~~
- ~~(c) Noncompliance by the essential personal care visitor with:~~

~~1. Safety protocols or other requirements established by this emergency administrative regulation; or~~

~~2. Any policies and procedures the facility deems necessary to keep staff and residents safe.~~

~~(7)]~~ An essential personal care visitor who enters a facility during a period when general visitation is limited or prohibited shall:

- (a) Assume the risk of contracting a communicable disease;
- (b) Limit visitation to the resident's room or a facility-designated room within the building;
- (c) Limit his or her movement within the facility;
- (d) Follow the facility's safety protocols; and
- (e) Inform the facility if he or she develops symptoms of a communicable disease within fourteen (14) days of the visit.

~~(7)](8)]~~ If the resident has a roommate, an essential personal care visitor shall:

- (a) Not enter the resident's room if the roommate is there unless the roommate agrees in advance; and
- (b) Be prohibited from staying in the room for more than fifteen (15) minutes unless otherwise approved by the roommate or roommate's representative.

~~(8)](9)]~~ An essential personal care visitor shall follow the same

safety protocols required for facility staff, which may include one (1) or more of the following:

(a) Testing for a communicable disease, which may be the responsibility of the essential personal care visitor. If testing is provided by the facility, essential personal care visitors shall be tested on the same schedule as staff;

(b) Health screens, including screening for signs and symptoms of a communicable disease and denial of entry of any individual with signs and symptoms;

(c) Using appropriate personal protective equipment (PPE);

(d) Washing or sanitizing hands regularly;

(e) Maintaining a distance of six (6) feet from staff and other residents at all times. Social distancing from the resident receiving an essential personal care visit may be relaxed for a short period of time under certain circumstances, e.g., providing assistance with a personal care activity; and

(f) Adhering to any other requirement the facility deems appropriate in accordance with guidance from the Centers for Disease Control and Prevention (CDC).

~~(9)](10)]~~ During a period when general visitation is limited or prohibited, a facility shall:

(a) Be responsible for verifying and tracking the testing status of each essential personal care visitor if the facility requires testing as a safety protocol;

(b) Schedule essential personal care visits in advance or in accordance with a written agreement;

(c) Consider the number of other essential visitors who will be in the building at the same time when developing a visitation schedule;

(d) Establish limitations on the visitation frequency and length of the visits to keep staff and residents safe;

(e) Sanitize the area's high-frequency touched surfaces after the visit; and

(f) Continue to provide all required services and activities to a resident while an essential personal care visitor is with the resident.

Section 3. Training. (1) **If required by the facility's written policies and procedures,** each essential personal care visitor shall complete facility-designated training that includes basic information on infection prevention and control, **including:**

~~(a) Proper hand hygiene;~~

~~(b) Use of PPE, if applicable;~~

~~(c) Proper respiratory hygiene; and~~

~~(d) Any other infection control measure the facility may require].~~

(2) A facility may post signage throughout the facility that demonstrate key instructions to reinforce safe practices.

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 AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

SECRETARY OF STATE
(As Amended at ARRS, March 7, 2022)

30 KAR 2:010. Certification of vacancy in nominations

RELATES TO: KRS 14.025, 118.105

STATUTORY AUTHORITY: KRS 118.105(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 14.025(4)(2) requires the Department of State, Office of Elections, to be responsible for candidate filings and assisting the Secretary of State in his or her duties as the chief election official of Kentucky[elections]. KRS 118.105(3) 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. This administrative regulation establishes procedures to certify vacancy in nominations.

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)(e) 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.

Section 4. Incorporation by Reference. (1) "Notice of Candidate Withdrawal, SBE/SOS/05", April 2021, 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 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.

BOARDS AND COMMISSIONS
State Board of Accountancy
(As Amended at ARRS, March 7, 2022)

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] and authorize[permit] the board to, by administrative regulation, promulgate[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, and the procedures[and] 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 in which[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:

- (a) States[specifies] the college course work completed, degrees awarded, and the date the degree was awarded; and
- (b) 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 shall use[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 for licensure. ~~[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 the candidate receives[they receive] a score for that section.

(4) ~~if[(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.

~~(5) [(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. The[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 if[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[out-of-state] agency where the conviction was entered; and

c. A letter of explanation;

2. Indicate if[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 if[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 established/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 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 the board's/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 period.

(d) To obtain approval to sit for additional sections of the examination, a candidate shall submit a reexam application as established/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 6.~~[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 7.~~[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 8.~~[Section 9.]~~ An exam applicant shall immediately notify the board of a change in his or her mailing address.

Section 9.~~[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 if/whether the applicant has been convicted, plead guilty, entered an Alford plea, or a plea of no contest to a felony or

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misdeemeanor, 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 allowed/permitted to sit for reexam.

(7) The procedures and policies in Section 5[6] of this administrative regulation shall be applicable to a reexam application.

(8) The reexam candidate shall comply with the requirements of Sections 6 through 8[7, 8, and 9] of this administrative regulation.

Section 10.[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 11.[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.

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.

BOARDS AND COMMISSIONS

Board of Barbering

(As Amended at ARRS, March 7, 2022)

201 KAR 14:040. Inspection of shops and schools.

RELATES TO: KRS 317.440(1), 317.450(2), 317.590, 317.595(2)

STATUTORY AUTHORITY: KRS 317.440(1), 317.450(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1) requires the Board of Barbering to promulgate

administrative regulations governing the location and housing of barber shops or schools and the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. KRS 317.450(2) requires the board to refuse to issue a license to a barber who has failed to comply with the provisions of KRS Chapter 317 and 201 KAR Chapter 14. KRS 317.590 authorizes disciplinary action for violations of KRS Chapter 317 and 201 KAR Chapter 14. This administrative regulation establishes requirements relating to the inspection of a barber shop or school and the information to be displayed at a barber shop or school.

Section 1. A board member or authorized agent may inspect a barber shop, manicuring establishment located within a barber shop, or a barber school to determine if the licensee is in compliance with KRS Chapter 317 and 201 KAR Chapter 14.

Section 2. A barber shop or school shall conspicuously display:

(1) The license and picture of each barber and independent contract owner engaged in the practice of barbering at that shop or school; at the station where the barber or student is working;

(2) The license for the barber shop or school; [and]

(3) The most recent inspection sheet furnished by the board for the barber shop, independent contract owner, or school. The inspection sheet shall include the telephone number and address for a consumer to use to file a complaint against a licensee; and

(4) The permit card and current picture taken within the last twelve (12) months shall be displayed at each student workstation in a school of barbering.

Section 3. The owner and manager of each establishment licensed by the board shall be responsible for compliance with KRS Chapter 317 and 201 KAR Chapter 14. This section shall not apply to violations committed by an independent contract owner, in accordance with KRS 317.595(2).

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BOARDS AND COMMISSIONS

Board of Barbering

(As Amended at ARRS, March 7, 2022)

201 KAR 14:050. Apprentice[Probationary] license; qualifications.

RELATES TO: KRS 317.450(1)(a)-(d)

STATUTORY AUTHORITY: KRS 317.440(1)(d), 317.450(1)(a)-(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.450(1)(a)-(d) requires the Board of Barbering to issue apprentice[probationary] licenses before issuing a license to practice barbering. KRS 317.440(1)(d) requires the board to promulgate administrative regulations establishing qualifications of applicants to or enrollees in[for] barber schools. This administrative regulation establishes the process for obtaining apprentice[probationary] and barber licenses.

Section 1. An applicant for a license as an apprentice[a probationary] barber shall meet the qualifications listed in KRS 317.450(1)(a).

Section 2. A person holding a Kentucky cosmetology license shall be given credit for 750 hours toward a prescribed course of instruction at a school of barbering approved in accordance with 201 KAR 14:095.

Section 3. (1) An apprentice[A probationary] licensee shall not apply for a barber license until the apprentice[probationary] period required by KRS 317.450 has been served.

(2) The board may, in individual cases involving medical disability, illness, or undue hardship as determined by the board, grant an extension of the apprentice[probationary] period.

(a) 1. A written request for an extension of time involving medical disability, ~~for~~ illness, or undue hardship shall be submitted by an applicant.

2. A request involving a medical disability or illness[and] shall be accompanied by a verifying document signed by a licensed physician.

(b) An extension of the apprentice[probationary] period shall be granted by the board for a period of time not to exceed six (6) months, upon approval of the request and payment of the initial licensing[requisite] fee for an apprentice license, as established in 201 KAR 14:180, Section 1(1).

(c) If the medical disability, illness, or undue hardship upon which an extension has been granted continues beyond the period of the extension, the applicant shall reapply for an extension.

Section 4. Continuous service consists of working with an apprentice[a-probationary] license in a Kentucky licensed barber shop for an average of twenty (20) hours or more per week for six (6) continuous months.

Section 5. ~~[(4)]~~ The applicant shall submit the Initial License Form with the initial licensing fee for a barber license, as established in 201 KAR 14:180, Section 1(2)[application for licensure shall include the following information:

(a) The applicant's:

1. Name;

2. Address;

3. County;

4. Phone number; and

5. Email address; and

(b) The barber shop's:

1. Name;

2. Address; and

3. Phone number.

~~(2) [The application shall contain the question, "Are you in arrears or default on a repayment obligation under any financial assistance program with the Kentucky Higher Education Assistance Authority?"]~~

~~(3) [The application shall be signed by the applicant].~~

Section 6. Incorporation by Reference. (1) "Initial License Form", February 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, 312 Whittington Parkway, Suite 110, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at <https://barbering.ky.gov/>.

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BOARDS AND COMMISSIONS

Board of Barbering

(As Amended at ARRS, March 7, 2022)

201 KAR 14:085. Sanitation requirements.

RELATES TO: KRS 317.410, 317.440, 317.580

STATUTORY AUTHORITY: KRS 317.410, 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the Board of Barbering to promulgate administrative regulations governing the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes the sanitation requirements.

Section 1. Any barber, apprentice[probationary] licensee, student barber, manicurist, or instructor of barbering suffering from any contagious diseases or conditions shall not be allowed to practice in this state, in accordance with KRS 317.580. A person suffering from a contagious disease or condition shall not be rendered service by any barber, apprentice[probationary] licensee, student barber, manicurist, or instructor of barbering in the state.

Section 2. General Sanitation. The entire licensed facility, barber shops, and barber schools, including all equipment, employees, and implements, shall be continually maintained in a sanitary manner, in accordance with KRS 317.580 and this administrative regulation.

Section 3. Methods of Sanitizing. All commercially prepared sanitizing agents shall be used in accordance with the manufacturer's instructions.

Section 4. Disinfection of Implements and Spills; Blood and Body Fluids. (1) Implements and surfaces shall be thoroughly cleaned prior to disinfection because disinfectants are inactivated and ineffective if visibly contaminated with debris, hair, dirt, or particulates or if heavily soiled.

(a) Disinfectants shall be prepared fresh daily or more often if solution becomes diluted or soiled.

(b) Contact Time: A surface shall be left wet or completely immersed for ten (10) minutes or longer, as required by the manufacturer, for disinfecting against HIV, HBV, and all other viruses, bacteria, and fungi.

(2) All used implements shall first be cleaned of visible dirt, debris, or bodily fluids with warm soapy, detergent water and then disinfected by completely immersing in a disinfectant authorized by this subsection.

(a) All nonporous implements that come into contact with intact skin shall be thoroughly cleaned before immersion in a disinfectant authorized by this paragraph. An appropriate disinfectant for objects that come into contact with intact skin shall include:

1. An Environmental Protection Agency registered, hospital-grade bactericidal (especially pseudomonacidal), virucidal, and fungicidal that is mixed and used according to the manufacturer's directions; or

2. Household bleach in a ten (10) percent solution for ten (10) minutes.

(b) All nonporous implements which have come in contact with blood or body fluids shall be thoroughly cleaned before immersion in a disinfectant authorized by this paragraph. An appropriate disinfectant shall include:

1. Environmental Protection Agency registered tuberculocides or products registered against HIV/HBV; or

2. Household bleach in a ten (10) percent solution for ten (10) minutes.

(c) For personal protection against blood-borne pathogens, cleanup shall always be done wearing protective gloves, gowns, and eye protection for large spills.

(d) All implements, which have come in contact with blood or body fluids, shall be disinfected by complete immersion in a disinfectant in accordance with this section.

(3) Any nonporous surface that comes in contact with blood or body fluids shall first be cleaned with warm soapy, detergent water, and then a disinfectant shall be used in accordance with this subsection.

(a) An appropriate disinfectant for surfaces which have come in contact with blood or body fluids shall include:

1. Environmental Protection Agency registered tuberculocides or products registered against HIV/HBV; or

2. Household bleach in a ten (10) percent solution for ten (10) minutes.

(b) For personal protection against blood-borne pathogens, cleanup shall always be done wearing protective gloves, gowns, and eye protection for large spills.

(4) Household bleach shall be an effective disinfectant for all purposes in a shop or school, with the following considerations:

(a) Bleach solutions shall be mixed daily and used in a ten (10) to one (1) solution, nine (9) parts tap water and one (1) part bleach.

(b) Bleach shall be kept in a closed covered container and not exposed to sunlight.

(c) Each licensee shall be aware that bleach:

1. May produce eye irritation or mouth, esophageal, and gastric burns; and

2. Is corrosive to metals.

(d) Bleach shall not be placed or stored near other chemicals used in salons, such as acrylic monomers, alcohol, other disinfecting products, or near flame because bleach vapors can react with vapors from other chemicals.

(e) Used or soiled bleach solution shall be discarded every day by pouring the solution down a sink basin or toilet bowl.

(5) A bottle container other than the original manufacturer's container used for application of authorized disinfectant shall be properly labeled as to contents, percentage solution, and date mixed.

(6) Cleanup items from minor cuts shall be double bagged or placed in biohazard containers. Licensees shall consult with the local health department for directions about disposal.

(7) All Food and Drug Administration designated "medical devices" shall only be disinfected by Environmental Protection Agency approved disinfectants, which are indicated by their registration number on the product label. The manufacturer's directions for use shall always be followed.

Section 5. Shampoo Bowls. All shampoo bowls, shampoo boards, cups, or similar items shall be sanitized, in accordance with this administrative regulation, after each use.

Section 6. Proper Protection of Neck. (1) A shampoo apron, hair cloth, or similar article shall not be placed directly against the neck of the patron, and these items shall be kept from direct contact with the patron by means of a paper neck band or clean towel.

(2) A neck band of paper or cloth shall not be used more than once.

(3) A towel shall not be used more than once without proper laundering, in accordance with Section 12 of this administrative regulation.

Section 7. Use of Creams. (1) All creams and other semi-solid substances shall be removed from containers with a clean, sanitized spatula.

(2) Spatulas made of a washable, nonabsorbent material shall be sanitized before being used again.

(3) Spatulas made of wood shall be discarded after one (1) use.

Section 8. Use of Styptics. Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied by clean gauze, cotton, or any other sanitary item.

Section 9. Special Solution Containers. Product containers shall be used to prevent the contamination of unused solution.

Section 10. Use of Powder. All powder shall be dispensed from a shaker or similar receptacle and shall be applied with disposable puffs or cotton pledgets, or other disposable applicators.

Section 11. Walls and Floors. Walls, floors, and fixtures shall be sanitary and kept clean at all times.

Section 12. Proper Laundering Methods. (1) All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent and chlorine bleach used according to the manufacturer's directions for sanitation purposes.

(2) A closed, dustproof cabinet shall be provided for clean towels and linen, and a closed, dustproof hamper or receptacle shall be provided for all soiled towels and linens.

Section 13. Personal Hygiene. (1) Any barber, apprentice [~~probationary~~] barber, student barber, manicurist, or instructor of barbering shall wash his or her[their] hands in antibacterial soap and water before beginning work on any and each patron.

(2) All licensees shall wear a clean, washable outer garment while serving a patron in a shop.

(3) Instruments or implements shall not be carried or stored in pockets, belts, aprons, or smocks.

Section 14. Equipment Sanitation. (1) All equipment used in a shop shall be maintained in a sanitary manner, in accordance with this section.

(2) Razors, scissors, tweezers, combs, rubber disc, parts of vibrators, clippers, trimmers, neck dusters, and any appliances or implements that come in contact with the head, face, neck, and hands shall be sanitized in accordance with the manufacturer's instructions, KRS 317.580, and this administrative regulation and placed in a dry sanitizer such as a properly functioning cabinet sanitizer (light box, UV light) to maintain the sanitation between uses.

(3)(a) Electrical equipment that provides circulating, whirlpool, or vacuum effects (for example, a facial machine, pedicure station, and nail drill) shall be:

1. Cleaned and disinfected after each use; and

2. Flushed, cleaned, and disinfected on a bi-weekly schedule.

(b) A record of this cleaning shall be kept in a log and made available upon any shop inspection.

(c) A bi-weekly cleaning shall include the use of a hospital grade disinfectant or ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer.

(4)(a) Heated electrical equipment such as thermal irons, pressing combs, and stoves shall be considered sanitized by the heat source.

(b) Unheated parts of heated electrical equipment shall be cleaned and disinfected according to manufacturers' recommendations.

(c) Any other electrical equipment, such as clippers and attachments, shall be cleaned and disinfected after each use using the following method:

1. Removal of hair and all foreign matter from the equipment; and

2. Complete saturation of clipper blade and attachment with an EPA-registered high-level disinfectant solution, spray, or foam used according to the manufacturer's instructions.

Section 15. (1) Rooms used for multiple purposes, such as massage, shall be permissible if/as long as all instruments, implements, and supplies are properly sanitized, in accordance with this administrative regulation.

(2) Any barber, apprentice[~~probationary~~] barber, student barber, or instructor of barbering engaged in the practice of barbering work of any kind shall have a minimum of six (6) combs at his or her[their] disposal. Each work station shall have a bottle of alcohol (ethyl alcohol seventy (70)[~~ninety (90)~~] percent) and cotton of the same sanitary condition for the purpose of sanitizing scissors, razors, clippers, and all instruments before and after each use on a patron.

(3) At least one (1) covered waste receptacle for every two (2) work stations shall be provided in each barber shop and barber school for the deposit of soiled towels. An additional covered receptacle for every two (2) work stations shall be provided for the disposal of used paper products.

(4) Laundry work in a barber shop and school shall be prohibited in the same room where any barber service is rendered. Drying of towels or linens on radiators or on lines in a barber shop and barber school shall be prohibited.

(5) The use of the following items shall be prohibited in barber shops and barber schools:

(a) Non-disposable powder puffs;

(b) Sponges;

(c) Lump alum; and

(d) Styptic pencils.

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BOARDS AND COMMISSIONS
Board of Barbering
(As Amended at ARRS, March 7, 2022)

201 KAR 14:105. Barbering school enrollment and postgraduate requirements.

RELATES TO: KRS 317.410, 317.440, 317.450
STATUTORY AUTHORITY: KRS 317.430, 317.440, 317.450
NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.430(1) requires the Kentucky Board of Barbering to regulate barber schools and the teaching of barbering. KRS 317.440(1) requires the Kentucky Board of Barbering to promulgate administrative regulations governing applicants for barbering licenses. KRS 317.450(1)(b) requires the Kentucky Board of Barbering to ensure that a license to practice barbering shall be issued only if an applicant has acted as a licensed apprentice to a barber for at least six (6), but not more than nine (9) months. KRS 317.450(1)(a) 3.1(3) requires the Kentucky Board of Barbering to ensure that a licensed apprentice to a barber has graduated high school or possesses a General Educational Development (GED) certificate or equivalent. This administrative regulation establishes requirements for barbering school enrollment and postgraduate coursework.

Section 1. Enrollment Application. (1) Each student applicant shall complete and submit to the barbering school an Enrollment Application for Barber School, along with the required **student permit card fee, as established in 201 KAR 14:180, Section 5(4).**

(2) Each student applicant shall also submit to the barbering school:

(a) A copy of the applicant's high school:

1. Certificate;
2. Diploma; or
3. Transcript; or

(b) A copy of the applicant's General Educational Development (GED) certificate.

(3) A prospective student shall not attend a barber school until the student has complied with subsections (1) and (2) of this section and the board has notified the school, pursuant to subsection (4)(c) 2.a.[2a] of this section, that the board is in receipt of the completed and correct enrollment form and documentation.

(4)(a) The barbering school shall submit to the board the:

1. Student's enrollment application, the required **student permit card fee, as established in 201 KAR 14:180, Section 5(4);** and

2. Documentation required by subsection (2) of this section.

(b) The barbering school shall submit the material required by paragraph (a) of this subsection to the board by:

1. Scanning the application into an electronic format and emailing the application to the board;
2. Fax;
3. Post; or
4. Hand delivery.

(c)1. Upon the first business day that the board receives from the barbering school the material required by paragraph (a) of this subsection and the required **student permit card** fee, the board shall print, if the submission was in electronic format, and shall date stamp the material.

2.a. Within two (2) business days of receiving the documentation from the barbering school, the board shall contact the barbering school by phone, fax, or email to alert the school that the student is enrolled and may begin attending.

b. The board shall follow up with an official letter, sent to the barbering school and the student applicant, which shall state the student's official enrollment eligibility date.

Section 2. Postgraduate Requirements. (1) A barbering school shall enroll a student who requests postgraduate coursework if the student has complied with:

- (a) Section 1 of this administrative regulation;
- (b) 201 KAR Chapter 14; and

(c) KRS Chapter 317.

(2) A barbering school shall not approve postgraduate course credits for less than 150 hours, except in accordance with 201 KAR 14:015 if the applicant has failed the licensing examination twice consecutively.

Section 3. A person who is an owner of a barber school or who can make policy for the school shall not be enrolled in that barber school as a student.

Section 4. Incorporation by Reference. (1) "Enrollment Application for Barber School," **February 2022[August 2009]**, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, 312 Whittington Parkway, Suite 110, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at <https://barbering.ky.gov/licensure/Pages/Forms.aspx>.

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BOARDS AND COMMISSIONS
Board of Barbering
(As Amended at ARRS, March 7, 2022)

201 KAR 14:110. School equipment; plant layout.

RELATES TO: KRS 317.410, 317.440

STATUTORY AUTHORITY: KRS 317.430, 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the board to promulgate an administrative regulation regarding the quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes the barber school equipment and plant layout requirements.

Section 1. Each barber school shall send the board a certificate from the zoning commission and a certificate from a licensed electrician or electrical firm showing the electrical equipment to be properly installed, properly grounded, and in safe operating condition.

Section 2. Barber schools shall be completely equipped with standard tonics, dyes, tints, bleaches, shampoos, cosmetics, permanents, etc., all electrical devices and other equipment for the proper instruction of students, as well as with equipment and supplies for sanitation and hygiene.

Section 3. Each barber school shall be located as entirely separate and without a connection to any beauty or barber shop or any other place of business.

Section 4. A barber school shall not be approved by this board having a space less than six (6) feet square for each student enrolled therein.

Section 5. All accredited barber schools shall have a suitable and separate room to be used for demonstration and study. The room shall have necessary charts and equipment to carry out the curriculum, including:

- (1) Sufficient charts, blackboards, and whiteboards, etc., to teach all subjects of barbering; and
- (2) Sufficient classroom chairs with armrests, or desks, that will enable the student to take notes.

Section 6. Every barber school shall maintain a separate lavatory and toilet for male and female students.

Section 7. All barber schools shall comply with city and state building codes and zoning commission codes. The board shall be notified upon any changes made to the physical layout of a school.

Section 8. Lockers, dressing rooms, and restrooms shall be provided.

Section 9. Booths and partitions in the work department shall be sufficiently low to permit the observation of students while they are working.

Section 10. A school of barbering shall not be approved by the board having less than the following equipment:

- (1) (a) Shampoo bowls with hot and cold running water to be located in the room where barbering is done; and
- (b) One (1) shampoo bowl per every ten (10) students enrolled;
- (2) Dryers;
- (3) Manicure tables;
- (4) A liquid sterilizer on each manicure table;
- (3) (6) Hair cutting chair;
- (4) (6) Wall plates;
- (5) (7) Covered waste containers;
- (6) (8) Individual paper towels; and
- (7) (9) Containers for the use of students.

Section 11. (1) Each barbering school shall furnish a supply or dispensing room in which each student may obtain actual experience for a period of one (1) to three (3) weeks, as indicated by the course of instruction. The student will be directly responsible to the owner for any damage incurred due to the student's negligence or willful destruction while working in the supply or dispensing room.

(2) Supply or dispensing and sterilization room equipment required for a barbering school, including:

- (a) Supply of clean linens, neck cloths, etc.;
- (b) Lavatory for washing all combs, instruments, containers, etc.;
- (c) Bottles and containers in use shall be distinctly and correctly labeled;
- (d) Wet sterilizer;
- (e) Dry sterilizer;
- (f) Manicuring sterilizer;
- (g) Soap dispenser;
- (h) Covered waste container;
- (i) Cabinet for supply of clean linens;
- (j) Covered containers for soiled linens;
- (k) Cabinets for accessories;
- (l) Paper towel dispenser or clean towel cabinet for every two (2) stations;
- (m) Manicuring cups for preparation of solution from stock supplies; and
- (n) Various solutions and preparations used.

Section 12. A barbering school licensed by the board prior to the effective date of this administrative regulation shall not be required to comply with the requirements of Sections 10(1) (a), 10(1)(b), and 11(2)(l) of this administrative regulation.

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BOARDS AND COMMISSIONS

Board of Barbering

(As Amended at ARRS, March 7, 2022)

201 KAR 14:115. Examinations; school and board.

RELATES TO: KRS 317.410, 317.440

STATUTORY AUTHORITY: KRS 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1) (f) (e) requires the board to promulgate an administrative regulation to establish examination requirements. This administrative regulation establishes examination applications, deadlines, and sets forth scores for passing.

Section 1. (1)(a) The requirements in this administrative regulation shall apply to all examinations given by the board, unless stated otherwise.

(b) An apprentice [A probationary] license shall be required to take the barber's examination.

(c) A barber's license shall be required to take the instructor's examination.

(2) A student from a barber school shall not take any of the board's examinations:

(a) Without proof of a high school diploma, transcript, or GED certificate; and

(b) Unless the Apprentice Barber Application for Examination, Barber's Application for Examination, or Instructor's Application for Examination has reached the board's headquarters on the deadline date published by the board on its Web site at <https://barbering.ky.gov/bdinfo/Pages/default.aspx> at least seven (7) days prior to the date of the examination.

(3) (a) An applicant for a board examination shall complete the appropriate notarized application form by submitting either the Apprentice Barber Application for Examination, Barber's Application for Examination, or Instructor's Application for Examination, incorporated by reference in this administrative regulation.

(b) The applicant shall submit with the examination application:

1. The examination fee as required by 201 KAR 14:180, Section 2; and

2. A two (2) inch by two (2) inch passport photo.

(4) The deadline for applications is at noon (Eastern time) on the deadline date published by the board. Applications received after the deadline will have examinations [noon (Eastern time) shall not be] scheduled for the applicants for [until] the following month.

Section 2. The board's examination shall be given only to students who:

(1) Have been notified to appear for the examination;

(2) Are wearing a clean, washable uniform; and

(3) Have instruments to be used in the giving of their demonstrations.

Section 3. The board's examination shall include:

(1) A written examination that covers all subjects set forth in the administrative regulations relating to barbers, 201 KAR Chapter 14; and

(2) A practical demonstration on a living model.

Section 4. An applicant shall pass each portion, practice and theory, of the apprentice [probationary] examination with a seventy-five (75) percent passing grade on the board's examination.

Section 5. An applicant for an instructor's license shall score a general average of eighty (80) percent on the board's examination.

Section 6. A student who works in a barber shop prior to passing the apprentice [probationary] examination given by the board shall not be allowed to take the apprentice [probationary] examination until first:

(1) Paying a fine, as defined in KRS 317.590, in keeping with the seriousness of the violation and the facts of the case; and

(2) Meeting all the requirements of KRS Chapter 317 and 201 KAR Chapter 14.

Section 7. The examination schedule shall be conspicuously displayed on a bulletin board provided by the school.

Section 8. Written and oral tests shall be given at intervals by a school to determine the status of the student.

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

(a) "Apprentice[Probationary] Barber[Barber's] Application for Examination," February 2022[10/18][6/13];

(b) "Barber's Application for Examination," February 2022[4/19][6/13]; and

(c) "Instructor's Application for Examination," February 2022[7/21][40/43].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Barbering, 312 Whittington Pkwy. Suite 110[9114] Leesgate Road, Suite 6], Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at <https://barbering.ky.gov/bdinfo/Pages/default.aspx>.

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BOARDS AND COMMISSIONS
Board of Barbering
(As Amended at ARRS, March 7, 2022)

201 KAR 14:125. Instructor[Teacher] requirements.

RELATES TO: KRS 317.440, 317.450

STATUTORY AUTHORITY: KRS 317.440, 317.450[~~(4)~~](7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(c) requires the board to promulgate an administrative regulation regarding the qualifications of instructors[teachers] of barbering. This administrative regulation establishes rules for school faculty and establishes conditions for unlicensed instructor students.[student][teachers].

Section 1. (1) An instructor student[A teacher] shall achieve a passing score on the written instructor[teacher's] examination.

(2) A passing score shall be a minimum score of eighty (80) percent on the written examination required under subsection (1) of this section, and the oral and practical examinations required under Section 2(1)(b) and (c) of this administrative regulation.

Section 2. (1) An instructor student[A teacher] shall satisfy the following before the second renewal date as established in KRS 317.450[~~(9)~~](7)(a):

(a) Complete 400[twelve (12) months and 600] hours of instructional experience in a barber school licensed by the board, under the supervision of a board-licensed instructor[teacher] with a minimum of three (3) years of experience;

(b) Achieve a passing score on the oral instructor[teacher's] examination required by the board; and

(c) Achieve a passing score on the practical instructor[teacher's] examination required by the board.

(2) An instructor student[A teacher] may request a one (1) time extension of time to complete the requirements of subsection (1) of this section. The extension may be granted by the board to the next renewal date. An extension of time request shall be filed, in writing, with the board no later than July 31 following the second renewal date.

(3) A teaching license shall not be renewed if an instructor

student[a teacher] fails to achieve a passing score on the oral instructor[teacher's] examination and practical instructor[teacher's] examination by the second renewal period or upon the expiration of the extension of time.

(4) An individual whose teaching license is not renewed for failing to achieve a passing score on the oral instructor[teacher's] examination and practical instructor[teacher's] examination within the time period set out in subsection (3) of this section may reapply for an instructor[a teaching] license only after achieving a passing score on the oral instructor[teacher's] examination and practical instructor[teacher's] examination.

Section 3. (1) An instructor[A teacher] shall be present in the classroom of a school during the one (1) hour of classroom instruction required, and in the study of a school during study hours for the practical learning aspects, and will be required to supervise all practice student work.

(2) An instructor[A] student shall be under the face-to-face, direct supervision of an instructor[a teacher] while providing services to a client.

Section 4. A licensed barber shall not render services in a school, and an instructor student[a teacher] shall render services only incident to and for the purpose of instruction.

Section 5. Both instructor and instructor student[A teacher] in an accredited school shall devote his or her entire time during school or class hours to that of instructing the students and shall not apply his or her time to that of private or public practice for compensation during school hours or permit students to instruct or teach other students in the absence of an instructor or instructor student[a teacher].

Section 6. A properly qualified, licensed barber may demonstrate to the students new processes, new preparations, and new appliances in the presence of a licensed instructor[teacher]. A school shall not permit more than four (4) such demonstrations in any calendar year.

Section 7. All services rendered in a school on patrons shall be done by students only. An instructor[A teacher] shall be allowed to teach and aid [the] students in performing the various services. An instructor student or instructor[A teacher] may finish up the patrons after the students have completed their work.

Section 8. An instructor student and instructor[A teacher] in attendance shall wear a clean, washable outer garment such as a coat or smock.

Section 9. A school shall require an instructor student and instructor[a teacher] to wear an insignia or badge indicating that he or she is an instructor[a teacher].

Section 10. An instructor student[A teacher] who has not completed 400[twelve (12) months and 600] hours of instructional experience in a barber school licensed by the board under the supervision of a board-licensed instructor[teacher] with a minimum of three (3) years of experience shall document the hours of instructional experience. The documentation shall include the specific dates, times during the day, and the subject matter being instructed. The instructional experience documentation shall be signed by the teacher obtaining the instructional experience, the owner of the barber school where the instructional experience was obtained, and the board-licensed instructor[teacher] with a minimum of three (3) years of experience. This documentation shall be filed with the board prior to taking the examinations required under Section 2(1)(b) and (c) of this administrative regulation.

Section 11. The instructor student[teacher] obtaining the 400 hours[600 hours] of instructional experience and the board-licensed instructor[teacher] with a minimum of three (3) years of experience shall notify the board, in writing, of the mentoring and the notification to the board shall be signed by both[teachers]. The

notification shall be submitted prior to the beginning ~~[of the twelve (12) months and 600 hours]~~ of instructional experience.

Section 12. ~~An instructor~~~~[A teacher]~~ with a minimum of three (3) years of experience shall not mentor more than two (2) ~~apprentice instructors~~~~[teachers]~~ who have not satisfied Section 2(1)(b) and (c) of this administrative regulation.

Section 13. ~~An instructor~~~~[A teacher]~~ who is licensed by the board prior to the effective date of this administrative regulation is exempted from the requirements of Section 1 and Section 2(1)(b) and (c) of this administrative regulation.

Section 14. ~~An instructor student~~~~[A teacher]~~ in a school shall post~~hold~~ both a barber and barber ~~instructor~~~~[teacher's]~~ license issued by the board.

~~[Section 15. A teacher who has not satisfied the requirements of Section 2(1) of this administrative regulation shall not be considered a teacher for purposes of KRS 317.540(5).]~~

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BOARDS AND COMMISSIONS
Board of Barbering
(As Amended at ARRS, March 7, 2022)

201 KAR 14:150. School records.

RELATES TO: KRS 317.410, 317.450, 317.540

STATUTORY AUTHORITY: KRS 317.430, 317.440(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(b) requires the Kentucky Board of Barbering to promulgate administrative regulations to govern quantity and quality of equipment, supplies, materials, records, and furnishings required in barber shops or schools. This administrative regulation establishes requirements for school records.

Section 1. A monthly attendance record of the entire enrollment, including full-time and part-time students and ~~instructors~~~~[teachers]~~, shall be kept by the schools and received at the board office not later than the tenth calendar day of each month, and **this attendance record** shall not be amended after the last day of the month received.

(1) A barber school shall be held fully responsible for the completeness and accuracy of the attendance record, which shall show the total hours obtained for the previous month and the total accumulated hours to date for all students and ~~instructors~~~~[teachers].~~

(2)(a) Only the hours recorded shall be submitted each month.

(b) The report shall not be:

1. Amended without proof of error; or

2. Changed after the last day of the month it was reported.

(c) The report~~[, and]~~ shall be available for inspection~~[, and shall not be changed after the last day of the month it was reported].~~

(3) A copy of the student's daily attendance record for the month of graduation through the date of a student's graduation shall be submitted with the student's certification of hours as part of the application for examination upon completion of the course.

Section 2. A copy of the monthly attendance record, as provided to the board office, shall be posted monthly on a bulletin board in the school so it is available at all times to the students, employees, board members, or agents of the board.

Section 3. (1) Barber schools shall be required to keep a record of a student's daily work, approved and signed by the ~~instructor~~~~[teacher]~~ of each student's practical work, work performed on clinic patrons, and classroom work.

(2) This record shall be available for inspection and shall be included:

(a) With the student's certification of hours and application for examination, upon completion of the course; or

(b) With the certification of hours:

1. If a student withdraws or is dismissed from school; or
2. Upon the closure of a school.

Section 4. (1) A detailed record shall be kept of all enrollments, withdrawals, dismissals, and graduations.

(2) Certification of hours completed, including a copy of the student's daily attendance record for the month of graduation through the date of a student's graduation, shall be forwarded with all records of a student's daily work, to the office of the board within ten (10) calendar days of a student's withdrawal, dismissal, graduation, or closure of the barber school. Completed course hours provided to the board office shall be accurate and shall be recorded in the student's file.

(3) Completed course hours submitted to the board shall be transferable to another barbering school for no more than five (5) years.

(4) Records filed with the board shall be maintained for five (5) years, then destroyed in accordance with the board's retention schedule on file with the State Archives and Records Commission.

Section 5. (1) All records shall be kept in a lockable file on the premises of the school and shall be available for inspection.

(2) The security of all records shall be the responsibility of the school.

(3) Records shall be locked if not in use or during nonbusiness hours.

Section 6. A school shall immediately produce a copy of any record maintained under this administrative regulation when requested by the board during hours when the school is scheduled to be open and providing services. If the request is made during hours when the school is closed and not providing services, the school shall produce a copy of any record maintained under this administrative regulation within two (2) hours of the next normal day of business.

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BOARDS AND COMMISSIONS
Board of Barbering
(As Amended at ARRS, March 7, 2022)

201 KAR 14:180. Fees.

RELATES TO: KRS 317.450

STATUTORY AUTHORITY: KRS 317.440(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(2) requires the Board of Barbering to establish fees by administrative regulation. This administrative regulation establishes fees for examinations, permits, and licenses issued by the board.

Section 1. Initial licensing fees shall be as follows:

- (1) Apprentice license: fifty (50) dollars;
- (2) Barber license: fifty (50) dollars;
- (3) Barber school license: \$500;
- (4) Barber shop license: \$100;
- (5) Endorsement: \$250;
- (6) ~~Instructor~~~~[Teacher]~~ of barbering license: \$100; and
- (7) Independent contract owner: fifty (50) dollars.

Section 2. Examination fees shall be as follows:

- (1) Apprentice examination \$200;
- (2) Barber examination: \$200; and
- (3) ~~Instructor~~~~[Teacher]~~ of barbering examination: \$100 per

section (three (3) sections)]\$250].

Section 3. Renewal fees shall be as follows:

- (1) Barber: fifty (50) dollars;
- (2) ~~Instructor~~[Teacher] of barbering: \$100;
- (3) Barber shop: fifty (50) dollars;
- (4) Barber school: \$200; and
- (5) Independent contract owner: fifty (50) dollars.

Section 4. The fee for renewal of a license that has been expired for five (5) years or less shall be the lapse fee defined in KRS 317.410(9) in addition to the late fee set forth below:

- (1) Barber fee: twenty-five (25) dollars;
- (2) ~~Instructor~~[Teacher] of barbering fee: fifty (50) dollars[\$400];
- (3) Barber shop fee: twenty-five (25) dollars;
- (4) Barber school fee \$100; and
- (5) Independent contract owner: twenty-five (25) dollars.

Section 5. Miscellaneous fees shall be as follows:

- (1) Duplicate license: ten (10) dollars;
- (2) Certification of license: fifty (50) dollars; [and]
- (3) Demonstration permit: \$100; [and]
- (4) Student permit card: fifteen (15) dollars; and
- (5) Instructor student permit card: \$100.

Section 6. All fees received by the Kentucky Board of Barbering shall be non-refundable.

Section 7. If a license or permit is lost, destroyed, or stolen after issuance, a duplicate license may be issued. The applicant shall submit a duplicate license fee to the board with a Duplicate License Request form to verify the loss of the license or permit. Each duplicate license or permit shall be marked "duplicate."

Section 8. Incorporation by Reference. (1) ~~[The "]~~Duplicate License Request", May 2018, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Barbering, 312 Whittington Parkway, Suite 110, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 pm.

(3) This material is also available on the board's Web site at <https://barbering.ky.gov/licensure/Pages/Forms.aspx>.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:115. Definition of psychological testing.

RELATES TO: KRS 319.010

STATUTORY AUTHORITY: KRS 319.032(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(b) requires the Board of Examiners of Psychology to promulgate administrative regulations to establish and define the scope of practice within the field of psychology. This administrative regulation establishes parameters of psychological testing.

Section 1. Definition. "Psychological testing" means the use of one (1) or more standardized measurement instruments, devices, or procedures including the use of computerized psychological tests, to observe or record human behavior, and which require the application of appropriate normative data for interpretation or classification and includes the use of standardized instruments for the purpose of the diagnosis and treatment of mental and emotional disorders and disabilities, the evaluation or assessment of cognitive and intellectual abilities, personality and emotional states and traits, and neuropsychological functioning.

Section 2. Psychological Tests. Psychological tests may include a version or reformulation of the following[-of]:

(1) Individual tests for the evaluation of cognitive and intellectual abilities, examples of which are:

- (a) The Wechsler intelligence scales;
- (b) The Stanford-Binet intelligence scales; and
- (c) The Kaufman Assessment Battery for Children;

(2) Individual, objective, and projective tests of personality and emotional states and traits, examples of which are:

- (a) The Minnesota Multiphasic Personality Inventory;
- (b) The Millon Clinical Multiaxial Inventory;
- (c) The Millon Adolescent Clinical Inventory; and

(d) Projective techniques including:

1. The Rorschach Ink Blots;
2. Thematic Apperception Test; and
3. The Holtzman Ink Blots; and

(3) Individual tests of neuropsychological functioning, examples of which are:

- (a) The Halstead-Reitan Battery;
- (b) The Luria-Nebraska Battery;
- (c) The Lezak or Kaplan Battery; and
- (d) The NEPSY (A Developmental Neuropsychological Assessment).

Section 3. Services that are described as ["]psychological testing["] shall only be administered and interpreted by persons credentialed by this board or who meet the formal academic training and experience qualifications established in KRS Chapter 319 and these administrative regulations and who are otherwise exempt by statute.

(1) Persons credentialed by this board, as well as other licensed or certified professionals, may also use tests of language, education, and achievement, as well as tests of abilities, interests, and aptitudes. With the exception of the test categories and psychological tests listed in Section 2 of this administrative regulation, the use of these other tests is not exclusively within the scope of this administrative regulation.

(2) Persons not credentialed by this board shall not train or supervise any person in performing psychological testing.

~~(3) [The practice of psychology shall be construed within the meaning of the definition contained in KRS 319.010(7) without regard to whether payment is received for services rendered.~~

~~(4) Services that are described as ["]psychological testing["]~~ shall be administered to minor children only upon the notification of and the granting of written permission by the parent or legal guardian(s), unless otherwise required by the courts subject to specific state or federal law.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:125. Health service provider designation.

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: KRS 319.032(2), 319.050(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(7) requires that the designation of ["]health service provider["] shall be required for a licensed psychologist who supervises a psychological health care service. KRS 319.032(2) authorizes the board to promulgate administrative regulations necessary to administer KRS Chapter 319. This administrative regulation establishes the requirements for the granting of that designation.

Section 1. (1) The designation of ["]health service provider["] shall refer to a licensed psychologist who is authorized under KRS

319.050(7) and this administrative regulation to clinically supervise a certified psychologist, ~~[licensed psychological practitioner,]~~ temporarily licensed psychologist, licensed psychological associate, temporary licensed psychological associate, licensed psychologist, [or] a graduate-level psychology student in providing psychological health care services, or any credential holder under discipline.

(2)(a) Except as provided by paragraph (b) of this subsection, a licensed psychologist who does not have the designation of ~~["health service provider"]~~ shall not clinically supervise psychological health care services.

(b) A temporarily licensed psychologist or a licensed psychologist may provide concurrent clinical supervision to graduate students while under clinical supervision of a psychologist with a health service provider designation.

Section 2. Psychological health care services shall include delivery of diagnosis, assessment, psychotherapy, treatment, or other therapeutic services to individuals, couples, families, or groups whose growth, adjustment, or functioning is impaired or who otherwise seek psycho-logical health care services.

Section 3. (1) A health service provider shall be a licensed psychologist who has completed appropriate training and clinically supervised experience in psychological health service delivery at the doctoral level. The training and experience may occur in a variety of psychological health care delivery sites. The training and supervised experience shall include:

(a) 1,800 hours of clinically supervised experience as established in subsection (2) of this section; or

(b) Certification as established in subsection (3) of this section.

(2) 1,800 Hours of Clinically Supervised Experience.

(a) The 1,800 hours of clinically supervised experience shall be within one (1) or more health care settings in which the licensed psychologist delivered direct psychological health care services, pursuant to Section 2 of this administrative regulation, in addition to the 3,600 supervised experience hours required for licensure as a li-censed psychologist under 201 KAR 26:190.

(b) The clinical supervision shall be provided by a licensed psychologist with the health service provider designation approved by the board and shall consist of one (1) hour of individual supervision each week.

(3) Certification. The licensed psychologist shall:

(a)1. Hold a Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB) or a successor organization;

2. Be board-certified by the American Board of Professional Psychology (ABPP) or a successor organization; or

3. Hold a Certificate from the National Register of Health Service Providers in Psychology or a successor organization;

(b) Have a minimum equivalent of five (5) years of full time practice at the independent practice level; and

(c) Have had no disciplinary action taken by a licensure board or on record in the ASPPB data base.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:130. Grievances and administrative complaints.

RELATES TO: KRS 319.005, 319.032, 319.082, 319.118, 319.990

STATUTORY AUTHORITY: KRS 319.032(1)(k)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(k) requires the board to promulgate administrative regulations that establish the procedure for investigating

complaints or suspected violations of KRS Chapter 319 and notifying proper law enforcement authorities. KRS 319.005 prohibits unlicensed persons from engaging in the practice of psychology or using the title of psychologist, licensed psychologist, certified psychologist, licensed psychological practitioner, or licensed psychological associate. KRS 319.082 delineates the causes for which disciplinary action may be taken against a credential holder. KRS 319.118 authorizes the board to institute and maintain actions to restrain or enjoin violations of applicable statutes, administrative regulations, and orders of the board. KRS 319.990 sets forth the criminal penalty for violations and authorizes prosecution of violators. KRS 319.032 authorizes the board to develop guidelines for use in complaints involving alleged sexual misconduct by a license ~~[licensed]~~ holder, and for training of investigators in these matters. This administrative regulation is established to protect and safeguard the health and safety of the citizens of Kentucky and to provide procedures for filing, evaluating, and disposing of administrative complaints asserted against credential holders or applicants for licenses.

Section 1. Definitions. (1) "Administrative complaint" means a formal administrative pleading authorized by the board that sets forth charges against a credential holder or applicant and commences a formal disciplinary proceeding in accordance with KRS Chapter 13B.

(2) "Board" is defined in KRS 319.010(2), and for purposes of this administrative regulation, shall also mean a hearing panel.

(3) "Charge" means a specific allegation contained in any document issued by the board or hearing panel alleging a violation of a specified provision of the KRS Chapter 319 or 201 KAR Chapter 26.

(4) "Grievance" means any allegation alleging misconduct by a license ~~[licensed]~~ holder or applicant or alleging that an unlicensed person is engaging in the practice of psychology or using the title of psychologist.

(5) "Order" means the whole or any part of a final disposition of a hearing.

(6) "Person" means any individual, partnership, corporation, association, or public or private organization of any character other than an agency.

(7) "Respondent" means the person against whom a grievance or administrative complaint has been made.

Section 2. Grievance. (1) Source. A grievance may be initiated by:

- (a) The board;
- (b) The public; or
- (c) Any governmental agency.

(2) Form.

(a) A grievance shall:

1. Be in writing through use of hard copy or digital forms provided by the board;

2. Clearly identify the licensee against whom the grievance is being made;

3. Contain the date the grievance is initiated;

4. Clearly identify the complainant through printed name, contact information, and signature;

5. Contain a clear and concise statement of the facts giving rise to the grievance, including the relationship of the complainant to the licensee;

6. Indicate if the grievance arises out of a court-involved evaluation, consultation, treatment, or psychoeducation of a person;

7. Provide consent, or a means of acquiring consent, from the legal guardian for investigations involving minors or adults under guardianship; and

8. Provide a waiver of confidentiality for the complainant and the complainant's minor children or wards, if applicable.

(b) A certified copy of a court record for a misdemeanor or felony conviction relating to the practice of psychology shall be considered a valid grievance.

(c) The board shall not accept or process anonymous grievances or administrative complaints.

(3) A grievance shall be filed with the board at its designated office or place of business, or by e-mail.

(4) Response. The board shall provide a copy of the grievance to the respondent in a timely manner along with additional information and documents supplied by the complainant throughout the administrative process.

(5) The respondent shall have twenty (20) days to file with the board a written response to the grievance.

(6) Initial review of the grievance by the complaint screening committee:

(a) All grievances shall be assigned an identification number and be referred to as such to ensure anonymity.

(b) At the next subsequent regularly-scheduled meeting of the board's designated complaint screening committee, or as soon thereafter as practicable, the complaint screening board or a panel committee of the board shall review the grievance and response as well as determine if the matter is within the board's jurisdiction. At that time, and if all necessary information for decision making is available, the complaint screening committee may recommend:

1. Dismissal of the grievance if the complaint screening committee determines there is no evidence of a violation of law or ethics as provided by the statutes or administrative regulations pertaining to the practice of psychology or if if it is determined that the facts alleged in the grievance or investigative report do not constitute a prima facie violation, if the complaint screening committee recommends dismissal, and the board approves, the complaint screening committee shall notify the complainant and the respondent that no further action shall be taken at the present time.

2. Investigation;

3. Tabling the decision to allow for acquisition of additionally requested information, which may include a fitness for duty evaluation;

4. Referral of the grievance to the full board for further review and action; or

5. Issuing a voluntary assurance of compliance to unlicensed individuals whom engage in the practice of psychology.

(7) Investigation. The board shall provide investigators to explore the ethical and professional conduct of respondents related to the filing of grievances.

(a) The investigator shall review the factors and variables within the grievance that are pertinent to the practice of psychology and consider the circumstances for which the board's review is required.

(b) The respondent shall be contacted by the investigator or board administrator to begin the investigation. With the consent of the respondent, a meeting may be scheduled at which time the respondent may further respond to the allegations of the grievance. The board and the respondent shall have the right to be represented at the meeting by legal counsel.

(c) 1. If the grievance pertains to a minor or any person under legal guardianship as a consumer, collateral, or participant of the investigation, the investigator shall acquire consent from all involved legal guardians of the minor or ward prior to proceeding with the investigation, unless otherwise ordered by a court of law.

2. If the grievance arises out of a court-involved evaluation, treatment, or psychoeducation of a person whereby the respondent's engagement was affiliated with a legal action, the investigator shall secure information from all involved parties, as well as judicial officers and other involved professionals, concerning the role of the respondent and the purpose and scope of the respondent's court-affiliation. The investigator shall also secure information from opposing parties and other stakeholders in the legal process when assessing the role of the respondent in legal proceedings and how the role is related to the grievance.

3. Investigators shall consider information from multiple data-gathering methods to increase accuracy and objectivity.

4. Investigators shall strive to use a balanced and fair process of investigation through collection of valid collateral source information that demonstrates sufficiency and reliability.

5. In the investigation of the grievance, the investigator shall review all data provided from both the complainant and the respondent as well as answer to all requested information from the

board.

6. Investigators shall perform reasonable inquiry when confronted with information about a possible violation of law or ethics; however, the scope of the investigation shall be delineated by grievance.

7. Investigators shall be free from multiple relationships and conflicts of interest prior to acceptance and through completion of the investigation.

8. If the investigator is a member of the board, the investigating member shall not vote on disposition of the grievance.

9. Investigators shall complete the investigation in less than sixty (60) days from the respondent's final interview. If an extension is needed, the investigator shall inform the complaints screening committee of the reason for the extension as well as an estimated date of completion in fourteen (14) day intervals.

(8) Report of investigation. Upon the completion of the investigation, the person or persons making the investigation shall submit a written report to the [board] complaints screening committee containing a succinct statement of the facts disclosed or discovered by the investigation. The investigator shall also acknowledge incomplete, unreliable, or missing data.

(9) After consideration of the grievance and investigative report by the complaint screening committee, the committee may consider the options in paragraph (6)b of this section. If referred to the board, the board shall determine, with the weight it sees fit, if there has been a prima facie violation of KRS 319.082 based on consideration of the:

(a) Grievance;

(b) Response;

(c) Investigative report, if an investigation was warranted; and

(d) Fitness for duty examination, if an examination was warranted

(10) If it is determined that the facts alleged in the grievance or investigative report do not constitute a prima facie violation, the board shall notify the person making the grievance and the respondent that no further action shall be taken at the present time.

(11) If it is determined that there is a prima facie violation, the board shall:

(a) Issue an administrative complaint against the credential holder or applicant;

(b) File suit to enjoin the violator; or

(c) Seek criminal prosecution pursuant to KRS 319.990.

Section 3. Administrative Complaint. If the board determines that the grievance shall be made an administrative complaint, the administrative complaint shall be adjudicated pursuant to KRS Chapter 13B.

Section 4. Administrative Response. Within twenty (20) days of service of the formal administrative complaint, the respondent shall file with the board a written response to the specific allegations set forth in the administrative complaint. Allegations not properly responded to shall be deemed admitted, and may form the basis for a default adjudication against the respondent subject to the administrative complaint if the requisite elements of a violation are admitted. The board may, for good cause, permit the late filing of a response.

Section 5. Allegations of Sexual Misconduct by a License Holder. (1) To assure confidentiality for the complainant, the alleged victim's name shall not be used in any written document. This individual shall be identified by initials only or by some other mechanism for identification adopted by the board.

(2) Upon request, the testimony of the alleged victim may be taken by deposition ~~in order~~ to assure his or her confidentiality.

(3) To protect the confidentiality of all parties, the board may issue an order restraining all parties and their representatives, including counsel, from any discussion or release of information about the allegations outside of the investigative and hearing processes.

(4) In accordance with the provisions of KRS 319.032(1)(d), the board may hold some or all of the hearing procedures in closed session.

Section 6. Fitness for Duty Examination. (1) If there is reasonable cause to believe that a credential holder or applicant for a license is physically or mentally incapable of practicing psychology with reasonable skill and safety to clients, the board may order the credential holder or applicant to submit to an examination by a psychologist or other health care provider designated by the board to determine the credential holder's or applicant's fitness and competence to practice psychology.

(2) The expense of this examination shall be borne by the board.

(3) The board shall then consider the findings and conclusion of the examination.

(4) The board shall provide a copy of the examination to the respondent. The respondent may file with the board a written response to the examination within fifteen (15) days of the date on which the findings and conclusion of the examination was provided to the respondent.

(5)(a) Based on consideration of the psychological or physical examination, the board shall determine if there has been a prima facie violation of KRS 319.082.

(b) If it is determined that the findings and conclusion of the examination do not constitute a prima facie violation of KRS 319.082, the board shall notify the respondent and complainant, if any.

(c) If it is determined that there is a prima facie violation of KRS 319.082, the board shall issue an administrative complaint against the credential holder or applicant.

Section 7. Board Member Training for Cases of Sexual Misconduct. (1) Within six (6) months of their appointment, all board members and investigators shall undergo specialized training to cover the content specified by KRS 319.032(1)(e).

(2) An investigator shall not be assigned to cases where sexual misconduct has been alleged until the required training has been completed.

(3) Training shall consist of a three (3) hour course that includes the content specified by KRS 319.032(1)(e) and may be delivered by means of either live presentation, individual tutorial, or electronic media.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:155. Licensed psychologist: application procedures and temporary license.

RELATES TO: KRS 319.050

STATUTORY AUTHORITY: 319.032(1) (a), (c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (c) require the board to promulgate administrative regulations establishing the requirements for an applicant for licensure as a psychologist. This administrative regulation establishes the requirements for applicants for licensure~~[s]~~ and the conditions for a temporary license.

Section 1. Application. (1) After the requirements established in KRS 319.050(2) are met, an application for a credential as a licensed psychologist or a temporarily licensed psychologist may be submitted to the board, to an online application management system contracted by the board for the purposes of application screening, or as the board directs.

(2) The application made to the board or to the online application management system shall include:

(a) A certification by the applicant that the:

1. Information in the application is true, correct, and complete to the best of their knowledge and belief; and
2. Applicant is aware that the board may take disciplinary

action if the application contains a misrepresentation or falsification.

(b) Payment of the application fee, which shall be:

1. Made payable to the Kentucky State Treasurer if the application is processed through the board; or

2. Made to the online application management system as directed by the board.

(c) Three (3) recommendations from persons qualified to evaluate the applicant's professional ability within five (5) years from the date of application, including two (2) persons who have received a doctorate in psychology (Ph.D., Psy.D., Ed.D.). The recommendations shall be submitted on the Recommendation Form for Licensure as a Psychologist; and

(d) An official transcript for all levels of education required for licensure. Transcripts shall be received in sealed envelopes or electronically directly from the school or a third-party clearinghouse.

Section 2. Temporary Licensure. (1) Pending successful completion of required examinations, an applicant may request permission to practice psychology at the doctoral level on a temporary basis pursuant to KRS 319.050(3). The request for a temporary credential shall be cosigned by the candidate and the proposed supervisor, who shall be a licensed psychologist with health service provider certification approved by the board.

(2) Supervision during the period of temporary licensure shall be a minimum of one (1) hour of individual, face-to-face supervision on a weekly basis.

(3) A report of supervision shall be submitted on a regular basis as required by 201 KAR 26:171, Section 6.

(4) The candidate shall take the national EPPP within one (1) year of the board's written approval of temporary licensure.

(5)(a) A temporary license shall be valid for one (1) year from the date of the notice of approval by the board.

(b) During the period of temporary licensure, a candidate shall:

1. Successfully complete all credentials and examination procedures;

2. Pass the EPPP; and

3. Pass the Kentucky examinations as outlined in 201 KAR 26:230, Section 1(2), within one (1) year of the date of the notice of approval by the board for a temporary license.

(6)(a) Under exceptional circumstances and upon written request cosigned by the board approved supervisor, the board may approve an extension of the period of temporary licensure.

(b) If a temporary licensee requires an extension after one (1) year, the licensee may request a six (6) month extension.

(c) After the six (6) months, a second extension may be requested for an additional six (6) months.

(d) After a total of two (2) years of temporary licensure, the licensee may request a second temporary license following the steps in this section.

(e) If after two (2) years on the second temporary license another extension is requested, the licensee may request a third temporary license following the steps in this section.

(f) Licensees shall not exceed a total of six (6) years of extensions for all temporary licenses nor hold a temporary license for longer than six (6) years.

(g) All extensions are provided by the board at the board's discretion.

(h) A licensee shall submit a completed Request for Extension of Temporary Licensure as a Psychologist to request an extension.

Section 3. (1) An individual who submits an Application for Licensure as a Psychologist and has been approved by another state to take the EPPP shall submit:

(a) The official notice of the results of the EPPP from the state psychology regulatory board that approved the applicant to take the EPPP; or

(b) A request to ASPPB to release the results of the EPPP to the board and notify the board of the submission of the request.

(2) The applicant shall submit the official notice or notification of the request to ASPPB to the board within thirty (30) days of taking the examination.

Section 4. Grace Period for Submission of Credentials. To allow for processing of the candidate's materials by the board, there shall be a grace period not to exceed sixty (60) days within which candidates who have completed their degree requirements may begin to practice psychology under supervision of a board-approved supervisor, as established in 201 KAR 26:190.

(1) Upon acceptance of employment or the beginning of the required period of supervision, the candidate and the licensed psychologist who shall serve as his or her supervisor shall immediately submit a letter of notice to the board indicating that he or she has begun to practice in Kentucky and that application materials are forthcoming. Failure to submit this notice shall be deemed as grounds for disciplinary action against the candidate and the supervisor.

(2) The candidate shall ensure that all materials are forwarded to the board within thirty (30) days from the date of employment or supervision. Once the application is complete, the board shall review the material at its next scheduled meeting and, if appropriate, issue either a temporary or permanent credential. If the candidate does not meet the requirements for the credential, or if the application material is insufficient to take any action, he or she shall be notified by the board and directed to cease practice until the requirements are met or the necessary documentation has been submitted.

(3) The grace period shall not be extended beyond sixty (60) days. Candidates who fail to achieve approval within this timeframe shall not practice psychology until credentialed by the board.

(4) Upon filing the notice set forth in Section 3(1) of this administrative regulation, the candidate is deemed to be practicing psychology under the jurisdiction of the board, and shall comply with KRS Chapter 319 and 201 KAR Chapter 26.

Section 5. Incomplete Application. An incomplete application shall be determined to be expired one (1) year from the date of filing, and may be destroyed.

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

(a) "Application for Licensure as a Psychologist", October~~March~~ 2021;

(b) "Recommendation Form for Licensure as a Psychologist", March 2021; and

(c) "Request for Extension of Temporary Licensure as a Psychologist", March 2021.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material is also available on the Board's Web site and the address is: <https://psy.ky.gov>~~Web site~~.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:160. Fee schedule.

RELATES TO: KRS 319.050(2)(a), 319.064(2)(a), 319.071(1)

STATUTORY AUTHORITY: KRS 319.032(1)(n), 319.071(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.050(2)(a) and 319.064~~(2)(a)~~~~(1)(a)~~ require an applicant to pay a fee for applying for licensure. KRS 319.071(1) requires a credential holder to pay a renewal fee established by the board. KRS 319.032(1)(n) requires the board to promulgate administrative regulations increasing or decreasing the fees for an applicant or credential holder as the board deems necessary. This administrative regulation establishes the application and renewal fees for credential holders.

Section 1. (1) Except as provided in subsection (3) of this section, an applicant for licensure as a psychologist shall pay the following:

(a) A \$100 application review fee;

(b) The fee for taking the EPPP, which shall be paid directly to the ASPPB examination contractor; and

(c) A \$100 fee for taking the jurisprudence and competency examinations~~structured oral examination~~.

(2) Except as provided in subsection (3) of this section, an applicant for licensure as a psychological associate shall pay the following:

(a) A \$100 application review fee; and

(b) The fee for taking the EPPP, which shall be paid directly to the ASPPB examination contractor~~;~~;

(3) The examination fee established in subsection (1)(b) or (2)(b) of this section shall be waived if a candidate has:

(a) Previously taken the EPPP in another state; and

(b) Achieved a score which would be considered as passing in Kentucky.

(4) Upon successful completion of the application and examination processes, the initial licensure fees shall be as follows:

(a) An applicant for licensure as a psychologist or psychological practitioner shall pay \$250 for the first three (3) year period;

(b) An applicant for licensure as a psychological associate shall pay \$200 for the first three (3) year period.

(5) Every three (3) years a licensed psychologist, certified psychologist with autonomous functioning, or licensed psychological practitioner shall pay to the board a renewal fee of \$450.

(6) Every three (3) years a certified psychologist or licensed psychological associate shall pay to the board a renewal fee of \$300.

Section 2. The late renewal fee for late renewal during the three (3) month period shall be seventy-five (75) dollars.

Section 3. The reinstatement fee for licensure shall be \$100.

Section 4. The fee for registration as a nonresident psychologist shall be \$100.

Section 5. (1) If the applicant fails the Examination for Professional Practice in Psychology (EPPP) and applies to retake the~~this~~ examination, the applicant shall submit the examination fee as established by the ASPPB examination contractor directly to the contractor.

(2) If the applicant fails either the jurisprudence or competency examination~~structured oral examination~~ and applies to retake the~~this~~ examination, the fee shall be fifty (50) dollars for each attempt.

Section 6. An application for licensure by reciprocity shall be accompanied by a fee of \$100.

Section 7. All fees required by this administrative regulation shall be nonrefundable.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:190. Requirements for supervised professional experience.

RELATES TO: KRS 319.050, 319.053, 319.056, 319.064
 STATUTORY AUTHORITY: KRS 319.032, 319.050(2)(d)
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) and (1)(l) require the Board of Examiners of Psychology to promulgate administrative regulations to establish requirements for licensure and supervision. This administrative regulation establishes requirements for supervised professional experience.

Section 1. Supervisory Requirements for an Applicant for Licensure as a Psychologist. (1) The applicant for licensure as a psychologist with the authorization to provide psychological health care services shall have completed a minimum of 3,600 hours of supervised professional experience in accordance with this administrative regulation.

(2) A minimum of 1,800 hours of the supervised professional experience shall be a predoctoral~~[pre-doctoral]~~ internship of 1,800 hours with at least 100 hours of supervisory sessions.

(3) The remaining 1,800 hours of supervised professional experience shall be predoctoral~~[pre-doctoral]~~, postdoctoral, or a combination of pre- and post-doctoral supervised professional experience acceptable to the board based upon the requirements of Sections 2 and 3 of this administrative regulation.

(4) Supervised professional experience at the pre-internship level shall consist of practica, field placement, or other professional experiences, all of which shall [must] take place in an identifiable clinical setting with mental health clients~~[not—including—the beginning courses and accompanying practica in assessment and treatment techniques]~~.

(5) At least fifty (50) percent of the supervised professional experience shall be in service-related activities, such as treatment, assessment, interviews, report-writing, case presentations, and consultations.

Section 2. For a person applying for licensure as a psychologist, the predoctoral~~[pre-doctoral]~~ internship shall meet the following criteria:

(1) The experience shall occur within an organized training program, in contrast to supervised professional experience or on-the-job training and have a planned, programmed sequence of training experiences;

(2) For clinical and counseling psychology doctoral internships, the training program shall have a clearly designated staff psychologist who shall be:

(a) Responsible for the integrity and quality of the training program;

(b) Actively licensed by the Board of Examiners in Psychology; or

(c) Licensed at the doctoral level by the State Board of Examiners in the state in which the training program exists or otherwise meets the standards of applicable state law.~~;~~and]

(3) [(4)] For school psychology doctoral internships, the responsible psychologist director may be from an affiliate agency or from the university training program and shall retain responsibility for the integrity and quality of the training program~~;~~;

(4) [(3)] Internship supervision shall be provided by a staff member of the internship agency or by an affiliate of that agency who has clinical responsibility for the cases being supervised. At least half of the internship supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree;

(5) [(4)] The internship shall provide training in a range of assessment and treatment activities conducted directly with clients seeking psychological services;

(6) [(5)] At least twenty-five (25) percent of the trainee's time shall be in direct client contact;

(7) [(6)] The internship shall include a minimum of two (2) hours per week of regularly scheduled, formal, face-to-face individual supervision. There shall also be at least two (2) additional hours per week in learning activities such as case conferences, seminars dealing with clinical issues, and group supervision;

(8) [(7)] Training shall be post-clerkship, post-practicum, and post-externship level;

(9) [(8)] The internship shall have a written statement or brochure that:

- (a) 1. Describes the goals and content of the internship; and
2. States clear expectations for quality and quantity of the trainee's work; and
- (b) Shall be made available to prospective interns.

(10) [(9)] The internship experience shall be completed within twenty-four (24) months unless an extension is approved by the board for extreme extenuating circumstances such as illness, disability, or pregnancy;

(11) [(10)] The trainee shall have a title such as ["Intern"], ["Resident,"] ["Fellow,"] or other designation of trainee status; and

(12) [(11)] The internship agency, preparing institution, and intern shall have a written agreement that describes the goals and content of the internship including clearly stated expectations for the nature of experiences offered in the agency and for the quantity and quality of the work.

Section 3. Additional Required Supervisory Experience. (1) For a person applying for licensure as a psychologist to provide psychological health care services, the 1,800 hours of supervised professional experience, in addition to the internship required by KRS 319.050(2)(d), shall be a training-oriented professional experience that:

(a) May include course-related field experience and practica; and

(b) Shall take place in an identifiable clinical setting with mental health clients~~[Shall not include the beginning courses and practica in assessment and treatment techniques]~~.

(2) In addition to training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services, the supervised professional experience shall consist of a planned and organized sequence of activities that includes explicit training and supervision in the following areas:

- (a) Clinical skill development;
- (b) Legal and regulatory issues;
- (c) Ethical dilemmas and issues; and
- (d) Supervisory skill development.

(3) During the 1,800 hours of supervised professional experience in addition to the predoctoral internship, the candidate shall:

- (a) Be under supervision as required by 201 KAR 26:171; and
- (b) Be providing psychological health care services under the supervision of a licensed psychologist or other licensed mental health professional approved by the doctoral training program who is affiliated with the training program or with the practice setting in a:

1. Health care facility or agency;
2. Regional mental health or mental retardation board;
3. School, college, or university;
4. Government agency;
5. Independent practice; or
6. Formalized postdoctoral~~[internship]~~ program.

(4) The applicant and the supervisor of record shall design and describe the proposed experience, including the areas listed in subsection (2) of this section.

(5) If the supervised professional experience in addition to the predoctoral internship is in an independent practice, a special application letter shall affirm:

- (a) The identity of the applicant, supervisor, and employer;
- (b) That the supervising licensed psychologist is not hired, employed, or engaged under contract by the applicant and shall not be terminated by the applicant;
- (c) That the applicant is not an owner of the independent practice or organization, but rather serves as an employee; and
- (d) That the applicant has both administrative and clinical supervision that shall be provided by the independent practice or employer.

(6) If the supervised professional experience is in a university setting, the application shall also:

- (a) Be proffered by a full-time faculty member;
- (b) Include a plan that contains each of the areas established in subsection (2) of this section; and
- (c) Include a minimum of 400 hours of direct and indirect client involvement that:
 1. Is supervised by a licensed psychologist; and
 2. Includes:
 - a. Supervising student clinical work;
 - b. Diagnostic and interviewing activity that occurs within clinical research projects; or
 - c. Clinical work in the context of teaching psychotherapy, interviewing, or psychological testing.

(7) The board shall not grant a request for temporary licensure if the request does not contain an explicit and acceptable plan for the supervised professional experience as required by this section.

Section 4. An applicant for licensure as a psychological associate shall complete supervised professional experience consisting of course-related field experience, practica, and formal predoctoral internships adding up to a minimum of 600 supervised hours that shall meet the following criteria:

- (1) The experience shall occur within an organized training program and consist of a planned, programmed sequence of training experiences;
- (2) The preparing institution's psychology training program shall have a clearly[-]designated placement director who shall be responsible for the integrity and quality of the experiential component of the training program;
- (3) Weekly practicum and predoctoral internship supervision shall be provided by a staff member of the placement agency, by an affiliate of that agency, or by a university faculty member. At least half of the supervision shall be provided by one (1) or more psychologists with an appropriate doctorate degree and license;
- (4) Field experiences, practica, and predoctoral internships shall provide training in a range of diagnostic and treatment activities conducted directly with clients seeking psychological services;
- (5) At least twenty-five (25) percent of the trainee's time shall be in direct client contact;
- (6) The preparing institution shall maintain a written statement or brochure describing the goals and content of the required field experiences, practica, and predoctoral internships; and
- (7) Students participating in university-sanctioned supervised professional experience shall be clearly identified to clients and payers as trainees.

Section 5. An applicant for licensure as a psychological practitioner shall complete the equivalent of five (5) full-time years of psychological practice under the direct supervision of a licensed psychologist approved by the board, consistent with the requirements of 201 KAR 26:171.

- (1) For purposes of this requirement, a candidate shall complete the equivalent of five (5) full-time years of supervised professional experience from the date of initial credentialing as a psychological associate, excluding any period of temporarily licensed psychological associate. A full-time year comprises at least 1,800 hours of supervised professional experience.
- (2) A school psychologist who is employed in a Kentucky school system, credentialed by the Professional Standards Board, and also credentialed as a psychological associate by this board, may contract for on-going clinical supervision in the school setting with a board-approved licensed psychologist who is neither an employee nor a contractor of the school system.
 - (a) The supervised professional experience shall meet the conditions of this administrative regulation and may be used by the licensed psychological associate employed by the school system to meet the requirements for application to become a licensed psychological practitioner.
 - (b) To fulfill the requirements of 201 KAR 26:171, there shall be an explicit written plan approved by the board between the school system, the school psychologist, and the board-approved supervisor that delineates roles and responsibilities, without

restricting the ability of the school district to direct or control the activities of its employee.

(c) A person trained in school psychology, if employed by an agency other than a public school or engaged in practice outside of the school setting, shall obtain clinical supervision in the manner specified by 201 KAR 26:171.

Section 6. Incomplete Application. An incomplete application shall be denied one (1) year from the date of filing and may be destroyed.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:230. Examinations and applications.

RELATES TO: KRS 319.032(1)(a), 319.050, 319.053, 319.064
STATUTORY AUTHORITY: KRS 319.032(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032(1)(a) requires the board to promulgate an administrative regulation establishing the examination requirements for an applicant for licensure. KRS 319.050(1) and 319.064(2)(c), (3) require an applicant to successfully complete the required examination prior to licensure. This administrative regulation establishes the examination and application requirements.

Section 1. (1) The national examination shall be the Examination for Professional Practice in Psychology (EPPP) developed by the Association of State and Provincial Psychology Boards (ASPPB) examination contractor and owned by the ASPPB.

- (a) The EPPP shall be taken by computer administration.
- (b) The board shall submit to the ASPPB examination contractor a list of applicants eligible to sit for the examination.
- (2) The Kentucky examinations shall consist of a jurisprudence examination of Kentucky mental health law, and a competency examination of ethical principles[,] and professional practice.
 - (a) A candidate shall score at least an eighty (80) percent to pass the jurisprudence examinations.
 - (b) A candidate shall score a 100 percent to pass the competency examination.

Section 2. General Requirements. (1) An applicant for licensure shall:

- (a) 1. Submit a completed application as required by 201 KAR 26:155, Section 1; 201 KAR 26:280, Section 1; 201 KAR 26:180, Section 2; 201 KAR 26:185, Section 2; or[and] 201 KAR 26:290, Section 1; and
2. Pay the applicable fee established in 201 KAR 26:160; or
- (b) Submit the application required by subsection (1) of this section to the online application management system designated by the board that shall:
 1. Include a certification by the applicant that the:
 - a. Information in the application is true, correct, and complete to the best of their knowledge and belief; and
 - b. Applicant is aware that the board may take disciplinary action if the application contains a misrepresentation or falsification; and
 2. Be accompanied by payment of the application fee that shall:
 - a. Be made payable directly to the Kentucky State Treasurer if the application is processed through the board; or
 - b. Be made to the online application management system as directed by the board.
- (2) Once the Licensed Psychologist Applicant has completed all items, including sending supplemental materials, the online application management system completes a primary source verification process then forwards the application to the board for final review.

(3) The Credentialing Committee of the Board reviews the application and determines the applicant's eligibility for licensure.

(4) The applicant shall sit for the national (EPPP) examination within one (1) year of the notice of the application being approved by the board. An applicant may sit for the national (EPPP) examination at any approved ASPPB examination contractor testing center in the United States, U.S. Territories, or Canada.

(5) If an applicant loses eligibility to sit for the national (EPPP) examination because of failure to reschedule, cancel, or appear to take the examination as stated in subsection (4) of this section:

(a) The applicant shall forfeit all fees paid; and

(b) Any temporary license issued to the applicant shall be terminated.

Section 3. Examination for Licensure as a Licensed Psychologist. (1) The applicant shall pass:

(a) The national (EPPP) examination in accordance with subsection (2) of this section; and

(b) The Kentucky examinations as outlined in Section 1(2) of this administrative regulation. The competency examination shall be administered by two (2) licensed psychologists approved by the board.

(2) The applicant shall obtain an EPPP scaled score of 500 or greater or shall have obtained a previous national EPPP passing score which satisfied the doctoral licensure requirement as to criterion level at the time of that examination. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

(3) If an applicant for licensure as a licensed psychologist fails the national (EPPP) examination, the candidate may[shall] reapply with a detailed remediation plan, including the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of the remediation plan approved by the board, and the appropriate fee to the ASPPB examination contractor is paid, the applicant shall[to the board, pay the appropriate fee to the ASPPB examination contractor and] be deemed eligible by the board to be permitted to sit again for the national (EPPP) examination.

(a) The candidate shall continue to function under the supervision of the board-approved supervisor until:

1. The national (EPPP) examination and Kentucky examinations are successfully completed; or

2. The temporary license is terminated.

(b) The applicant for licensure as a licensed psychologist shall not be scheduled for the Kentucky examinations until the national (EPPP) examination has been successfully passed and the board has determined that the requirements for supervised experience for licensure as a licensed psychologist have been met.

(4) The competency examination shall not be required for an applicant who is board-certified by the American Board of Professional Psychology (ABPP) or a successor organization or holds a current license in good standing from a jurisdiction with a reciprocity agreement with this board.

(5) If the applicant does not pass either ~~[one]~~ of the Kentucky examinations on the first attempt, the applicant may reapply with a detailed remediation plan, including the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and with whom the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of the remediation plan approved by the board, the applicant shall be administered a second examination.

(6) If the applicant does not pass either ~~[one]~~ of the Kentucky examinations on the second attempt, the applicant may reapply with an additional remediation plan. Upon completion of the remediation plan approved by the board, the applicant shall be administered a third examination.

(7) An applicant may only take each ~~[one]~~ of the structured examinations on three (3) occasions. If an applicant for licensure as a licensed psychologist does not pass on the third attempt, they may apply to be credentialed as a licensed psychological associate

by completing an application and paying the appropriate fee, as required by 201 KAR 26:160. The board shall accept the applicant's previous examination results to satisfy the requirements for the licensed psychological associate application.

Section 4. Examination for Licensure as a Licensed Psychological Practitioner. (1) The applicant shall pass:

(a) A national (EPPP) examination unless the applicant's previous examination results for the national (EPPP) examination satisfied the doctoral licensure requirement as to criterion level at the time of that examination; or

(b) The applicant shall obtain a computerized national (EPPP) scaled score of 500 or greater. The applicant shall be notified by the board of the score, as well as of passing or failing the examination.

(2) Pursuant to KRS 319.050(3), an applicant for licensure as a licensed psychological practitioner who has been approved to sit for the national (EPPP) examination shall continue to be supervised until all requirements for licensure as a licensed psychological practitioner have been completed.

(3) If an applicant for licensure as a licensed psychological practitioner fails to obtain a scaled score of 500 or greater on the EPPP examination, the candidate may reapply to the board, pay the appropriate fee to the ASPPB examination contractor and be permitted to sit for the national (EPPP) examination again.

(4) The applicant for licensure as a licensed psychological practitioner shall not be scheduled for the Kentucky examinations until the national (EPPP) examination has been successfully passed and the required five (5) years of supervised experience or its equivalent have been approved by the board.

(5) An applicant for licensure as a licensed psychological practitioner shall submit to a competency examination as outlined in Section 1(2) of this administrative regulation administered by an at least one (1) licensed psychologist and either a certified psychologist with autonomous functioning or a licensed psychological practitioner. The applicant for licensure as a licensed psychological practitioner shall also complete a jurisprudence examination as outlined in Section 1(2) of this administrative regulation.

(6) If the applicant does not pass either ~~[one]~~ of the Kentucky examinations on the first attempt~~[-the]~~, the applicant may reapply with a remediation plan that includes[-, including] the process by which the applicant proposes to improve his or her performance on the examination, the time proposed to be spent on remediation, and how the applicant proposes to study or obtain further instruction and any other information requested by the board. Upon completion of a remediation plan approved by the board, the applicant shall be administered a second examination.

(7) If the applicant does not pass either ~~[one]~~ of the Kentucky examinations on the second attempt, the applicant may reapply with an additional remediation plan. Upon completion of a remediation plan approved by the board, the applicant shall be administered a third examination.

(8) An applicant may only take each examination three (3) times, and would have to remain as a Psychological Associate under board approved supervision if either examination is failed three (3) times.

Section 5. Examination for Licensure as a Psychological Associate. (1) The applicant shall:

(a) Obtain a national (EPPP) scaled score of 400 or greater; or

(b) Have obtained an EPPP passing score for licensure at the master's level in effect at the time of the applicant's previous national (EPPP) examination; and[-]

(c) ~~[The applicant shall]~~ Be notified by the board of the score, as well as of passing or failing the examination.

(2) Pursuant to KRS 319.064(3), an applicant for licensure as a licensed psychological associate who has been approved to sit for the national (EPPP) examination and whose supervisory arrangement has been approved by the board shall be considered to be functioning under a temporary license.

(3) If an applicant for licensure as a psychological associate fails the national (EPPP) examination, the applicant shall:

(a) File a detailed remediation plan, cosigned by the supervisor within thirty (30) days of notice of failure; and

(b) Be eligible to retake the national (EPPP) examination upon approval of the plan by the board.

~~[Section 6. Incorporation by Reference. (1) Application for Licensure as a Psychologist, March 2021, is incorporated by reference.~~

~~(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Examiners of Psychology, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]~~

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:270. Change of license status.

RELATES TO: KRS 319.053, 319.056

STATUTORY AUTHORITY: KRS 319.032(1)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.032 requires the board to promulgate administrative regulations to enable persons licensed by this board to change their license status upon completion of additional training and experience. This administrative regulation establishes procedures to enable license holders to change their license status.

Section 1. Change of License Status to Licensed Psychologist.

(1) If a person holds a license as a certified psychologist with or without autonomous functioning, as a licensed psychological practitioner or as a licensed psychological associate and later completes the educational and supervised experience requirements to apply for licensed psychologist status, a new and complete application for licensure shall be submitted with an approved application fee as required by 201 KAR 26:155 and 26:160.

(2) The board shall accept the applicant's previous examination results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.

(3) If the previous EPPP score does not satisfy the requirements of subsection (2) of this section, the applicant shall successfully complete the national (EPPP) examination as described in 201 KAR 26:230.

(4) The Kentucky[structured] examinations as outlined in 201 KAR 26:230, Section 1(2)[on Kentucky mental health law, ethical principles and professional practice] shall be successfully completed by the applicant as described in 201 KAR 26:230, Section 4(5).

Section 2. Change of License Status to Licensed Psychological Practitioner by Certified Psychologists with Autonomous Functioning.

(1) Persons holding a credential as a certified psychologist with autonomous functioning may continue to function with that title.

(2) Any certified psychologist with autonomous functioning may notify the board in writing of their choice to permanently change their title to [""]licensed psychological practitioner[""].

(3) The board shall then issue a new license with that title.

Section 3. Change of License Status to Licensed Psychological Practitioner by Certified Psychologists and Psychological Associates. (1) If a person holds a credential as a certified psychologist without autonomous functioning or as a licensed psychological associate and later completes the educational and supervised experience requirements to apply for licensed psychological practitioner status, a new and complete application for licensure shall be submitted with an approved application fee as required by 201 KAR 26:155 and 201 KAR 26:160.

(2) The board shall accept the applicant's previous examination

results for the national (EPPP) examination if the original test score satisfied the doctoral licensure requirement as to criterion level at the time of that examination.

(3) If the previous EPPP score does not satisfy the requirements of Section 1(2) of this administrative regulation, the applicant shall successfully complete the national (EPPP) examination as described in 201 KAR 26:230, Section 4(5).

(4) The Kentucky[structured] examinations as outlined in 201 KAR 26:230, Section 1(2)[on Kentucky mental health law, ethical principles, and professional practice] shall be successfully completed by the applicant as described in 201 KAR 26:230, Section 4(5).

Section 4. Change of License Status to Licensed Psychological Associate by Certified Psychologists. (1) Persons holding a license as a certified psychologist may continue to function with that title.

(2) At the time of renewal of their license, any certified psychologist may notify the board in writing of their choice to permanently change their title to [""]licensed psychological associate[""].

(3) The board shall then issue a new license with that title.

Section 5. Change of License Status to Licensed Psychological Associate by Certified Psychological Associates. (1) Persons holding a license as a psychological associate shall use the title licensed psychological associate.

(2) The board shall issue a new license with that title.

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BOARDS AND COMMISSIONS
Board of Examiners of Psychology
(As Amended at ARRS, March 7, 2022)

201 KAR 26:310. Telehealth and telepsychology.

RELATES TO: KRS 319.140

STATUTORY AUTHORITY: KRS 319.032(2), 319.140(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319.140 requires a treating psychologist utilizing telehealth to ensure a patient's informed consent and to maintain confidentiality. This administrative regulation protects the health and safety of the citizens of Kentucky and establishes procedures for preventing abuse and fraud through the use of telehealth, prevents fee-splitting through the use of telehealth, and utilizes telehealth in the provision of psychological services and in the provision of continuing education.

Section 1. Definitions. (1) "Client" is defined by 201 KAR 26:145, Section 3.

(2) "Telehealth" means delivery of health care-related services, by a provider who is a health care provider licensed in Kentucky, to a client[patient] through a face-to-face encounter with access to real-time interactive audio and video technology, or audio-only technology if video is not technologically possible due to limited internet connectivity or limited bandwidth. Telehealth shall not include the delivery of services through electronic mail, text chat, facsimile, or standard audio-only telephone call and shall be delivered over a secure communications connection that complies with the federal Health Insurance Portability and Accountability Act of 1996, 42 U.S.C. secs. 1320d to 1320d-9.

(3) "Telepsychology" means the [""]practice of psychology[""], as defined by KRS 319.010(7), between the credential holder and the client[psychologist and the patient] that is provided using:

(a) Electronic communication technology; or

(b) Two (2) way, interactive, simultaneous audio and video.

(4) "Telehealth service" means any service that is provided via telehealth and is one (1) of the following:

(a) Event;

(b) Encounter;

(c) Consultation;

- (d) Visit;
- (e) Remote patient monitoring;
- (f) Referral; or
- (g) Treatment.

Section 2. Client Requirements. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall, upon initial contact with the client:

- (1) Make reasonable attempts to verify the identity of the client;
- (2) Obtain alternative means of contacting the client other than electronically;
- (3) Provide to the client alternative means of contacting the credential holder other than electronically;
- (4) Document if the client has the necessary knowledge and skills to benefit from the type of telepsychology provided by the credential holder;
- (5) Use secure communications with clients, including encrypted text messages via e-mail or secure Web sites, and not use personal identifying information in non-secure communications;
- (6) Inform the client in writing about:
 - (a) The limitations of using technology in the provision of telepsychology;
 - (b) Potential risks to confidentiality of information due to technology in the provision of telepsychology;
 - (c) Potential risks of disruption in the use of telepsychology;
 - (d) When and how the credential holder will respond to routine electronic messages;
 - (e) The circumstances in which the credential holder will use alternative communications for emergency purposes;
 - (f) Who else may have access to client communications with the credential holder;
 - (g) How communications can be directed to a specific credential holder;
 - (h) How the credential holder stores electronic communications from the client; and
 - (i) The reporting of clients required by 201 KAR 26:145, Section 7.

(7) Within forty-eight (48) hours of the telehealth service, the credential holder shall document within the client's medical record that a service was provided by telehealth, and follow all documentation requirements of the practice.

Section 3. Competence, Limits on Practice, Maintenance, and Retention of Records. (1) A credential holder using telehealth to deliver psychological services or who practices telepsychology shall:

- (a) Limit the practice of telepsychology to the area of competence in which proficiency has been gained through education, training, and experience;
- (b) Maintain current competency in the practice of telepsychology through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge;
- (c) Document the client's presenting problem, purpose, or diagnosis;
- (d) Follow the record-keeping requirements of 201 KAR 26:145, Section 6;
- (e) Ensure that confidential communications obtained and stored electronically cannot be recovered and accessed by unauthorized persons when the credential holder disposes of electronic equipment and data; and
- (f) Document the client's written informed consent to the services being provided and the provision of those services via telehealth, including that the patient has the right to refuse telehealth consultation or services, has been informed of alternatives to telehealth services, that the client shall be entitled to receive information from the provider regarding the services rendered, that the client's information shall be protected by applicable federal and state law regarding patient confidentiality, that the client shall have the right to know the identity of all persons present at any site involved in the telehealth services, and to exclude any such person, and that the client shall have the right to be advised, and to object to, any recording of the telehealth consultation or services.

(2) The requirement of a written informed consent shall not apply to an emergency situation if the client is unable to provide informed consent and the client's legally authorized representative is not available.

Section 4. Compliance with Federal, State, and Local Law. A credential holder using telehealth to deliver psychological services or who practices telepsychology shall comply with:

- (1) State law where the credential holder is credentialed and state law regarding the practice of psychology where the client is located at the time services are rendered; and
- (2) Section 508 of the Rehabilitation Act, 29 U.S.C. 794(d), to make technology accessible to a client with disabilities;

Section 5. Representation of Services and Code of Conduct. A credential holder using telehealth to deliver psychological services or who practices telepsychology:

- (1) Shall not, by or on behalf of the credential holder, engage in false, misleading, or deceptive advertising of telepsychology; and
- (2) Shall comply with 201 KAR 26:145.

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BOARDS AND COMMISSIONS

Board of Licensure for Massage Therapy (As Amended at ARRS, March 7, 2022)

201 KAR 42:020. Fees.

RELATES TO: KRS ~~309.356~~, 309.357[, 309.362(2), (3)]

STATUTORY AUTHORITY: KRS 309.355(3), 309.357

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357 requires the board to establish reasonable fees for the licensure of massage therapists. KRS ~~309.357~~[309.362](2) and (3) authorize the issuance of an inactive license and reinstatement. This administrative regulation establishes the fees relating to massage therapy (MT) licensure.

Section 1. Fee Payments. (1) All fees established in Section 2 of this administrative regulation shall be:

- (a) Made payable as required by KRS 309.356 to the Kentucky State Treasurer[State Treasury]; and
- (b) Paid by:
 - 1. Cashier's check;
 - 2. Certified check;
 - 3. Money order;
 - 4. Personal check; or
 - 5. Online payment by credit card, debit card, or electronic check.

(2) A payment for an application fee that is incorrect shall be returned to the applicant and the application shall not be posted until the correct fee is received.

(3) The application fee and the initial licensure fee established in Section 2(1) of this administrative regulation shall be nonrefundable.

(4) If it is determined that a refund of any fee is required, the refund shall be issued to the applicant or licensee.

Section 2. Fees. (1) The fee for an initial massage therapist license shall be ~~\$200~~[425].

(2)(a) The biennial renewal fee for a massage therapist license renewed on or before the renewal date shall be ~~\$200~~[400].

(b) If the license is renewed after the renewal date and up to sixty (60) days after expiration of the license, the fee for late renewal shall be ~~\$225~~[450].

(c) If the license is renewed sixty-one (61) to ninety-one (91)[~~ninety~~-(90)] days after the expiration of the license, the late renewal fee shall be ~~\$250~~[200].

(d) If a license has been expired for[If a license is not renewed

within] ninety (90) days ~~or more~~[of expiration of the license], the licensee shall apply for reinstatement.[the applicant shall comply with KRS 309.357(6).]

(3) The licensee may apply to reinstate the license by paying the late renewal fee of \$250 and the following reinstatement fee:

(a) For applications for reinstatement submitted after ninety (90) days, but before one (1) year after the license expired, \$100;

(b) For applications for reinstatement submitted after one (1) year, but before two (2) years after the license expired, \$150;

(c) For applications for reinstatement submitted after two (2) years, but before three (3) years after the license expired, \$200;

(d) For applications for reinstatement submitted after three (3) years, but before four (4) years after the license expired, \$250; or

(e) For applications for reinstatement submitted after four (4) years, but before five (5) years after the license expired, \$300.

(f) A license shall not be reinstated under subsection~~Section~~ **21** (2)(d) **of this section** if more than five (5) years have passed since the license expired. A person may apply for and obtain a new license by meeting the current requirements for licensure.

(4)[(3)] A licensee shall be in good standing with the board at the time the licensee elects inactive status.

(5)[(4)](a) The annual renewal date for an inactive license shall remain the original issue date of the license.

(b) The fee for the issuance of an inactive license shall be fifty (50) dollars.

(c) The annual renewal fee for an inactive license shall be fifty (50)~~thirty-five (35)~~ dollars.

(6)[(5)] If the inactive license is renewed after the renewal date and up to sixty (60) days after expiration of the license, the fee for late inactive renewal shall be seventy (70) dollars~~\$52.50~~.

(7)[(6)] If the inactive license is renewed sixty-one (61) to ninety (90) days after the expiration of the license, the late renewal fee shall be eighty-five (85)~~seventy (70)~~ dollars.

(8)[(7)] The application fee for restoring~~moving~~ a license from inactive to active status shall be fifty (50) dollars and shall not be prorated.

(9)[(8)] A licensee who elects inactive status or an inactive licensee electing to activate his or her license shall complete and submit an Application for Inactive Status, Renewal of Inactive Status, or Return to Active Status in addition to the fee referenced in subsection (7) of this section. An applicant shall affix a two (2) inch by two (2) inch or larger passport quality color photograph of the applicant to the Application for Inactive Status, Renewal of Inactive Status, or Return to Active Status.

(10)[(9)] A licensee who elects to give notice of the licensee's retirement and voluntarily surrender his or her massage therapy license shall complete and submit a notarized written request~~[Voluntary Retirement Non-Renewal form]~~.

(11) The fee for an initial certificate of good standing for a program of massage therapy instruction in accordance with 201 KAR 42:080, Section 2, shall be \$125.

(12) The annual fee for renewal of a certificate of good standing for a program of massage therapy instruction in accordance with 201 KAR 42:080, Section 3, shall be seventy-five (75) dollars.

(13) The fee for a one (1) time certificate of good standing shall be fifty (50) dollars. This is only applicable to: out-of-state schools who have a graduate applying to the board for licensure as a massage therapist and therefore complete the Certificate of Good Standing application, as incorporated by reference in 201 KAR 42:080 for the period of time in which the graduate was in attendance.

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

(a)] "Application for Inactive Status, Renewal of Inactive Status, or Return to Active Status", June 2021 is incorporated by reference.[October 2016; and

(b)] "Voluntary Retirement Non-Renewal", October 2016.]

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Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: <https://bmt.ky.gov/>.

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BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(As Amended at ARRS, March 7, 2022)

201 KAR 42:030. Licensee's change of name, home address, or place of business.

RELATES TO: KRS 309.355(4)

STATUTORY AUTHORITY: KRS 309.355(3), (4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(4) requires the board to keep a register of all persons licensed as massage therapists. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 through 309.364. This administrative regulation establishes the mechanism for a massage therapist to change the name, home address, or place of business under which the therapist is originally licensed.

Section 1. (1) A massage therapist licensed pursuant to KRS Chapter 309 shall notify the board electronically or in writing of any change in the person's name, home address, or place of business within thirty (30) days after the change has taken place.

(2) Any request for a

[Section 2.—A] name change shall be made only after submission of a legal document that authorizes the change, such as an updated passport, Social Security card, driver's license, marriage certificate, or court order showing the new name.

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BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(As Amended at ARRS, March 7, 2022)

201 KAR 42:035. Application process, exam, and curriculum requirements.

RELATES TO: KRS 309.355, 309.358, 309.359, 309.362, 309.363, 309.3631, 335B.010-335B.070

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364 and to evaluate the qualifications of applicants for licensure. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364, including educational program curriculum. The board may issue a license to an applicant meeting the standards established in KRS 309.358 or 309.359. This administrative regulation establishes the application process and curriculum requirements for licensure.

Section 1. An applicant for licensure as a massage therapist shall:

(1) File a completed, signed, and dated Application for Licensure as a Massage Therapist, and the required documentation with the board, meeting the requirements established in KRS 309.358;

(2) Pay the application fee as established in 201 KAR 42:020; and

(3) Affix a two (2) inch by two (2) inch or larger passport quality color head shot photograph of only the applicant to the application

form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.

Section 2. (1) To comply with KRS 309.358(1)(f)(4), an applicant shall submit to the board, upon application, an official transcript or certificate that:

- (a) Shows the completion of at least 600 classroom hours earned at a board approved massage therapy program; and
- (b) Itemizes compliance with the clock hour requirements established in KRS 309.363(1)(b).

(2) Board approved massage therapy programs include only those programs holding a certificate of good standing issued pursuant to KRS 309.363, ~~KRS~~ 309.3631, and 201 KAR 42:080.

(3) A massage therapy school which has registered and obtained a school code assignment with the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB) shall maintain good standing with the NCBTMB during the entire period the applicant attended the school. Suspension or revocation of the NCBTMB school code at any time during that period shall constitute grounds for:

- (a) Denial of an application for licensure by graduates of that school; and
 - (b) Revocation of a certificate of good standing held by the massage therapy school.
- (4) A school's non-renewal of an NCBTMB code while in good standing shall not preclude an applicant from obtaining licensure.

Section 3. Examinations. (1) An applicant shall successfully pass an examination:

- (a) Listed in KRS 309.358(1)(g)(5); or
- (b) Approved by the board pursuant to KRS 309.358(1)(g)(5) and listed in subsection (4) of this section.

(2) An examination shall be approved by the board as meeting the standard established in KRS 309.358(1)(g)(5) if the board finds that the examination:

- (a) Has been scientifically constructed to be valid and objective;
- (b) Reflects the curriculum content established in KRS 309.363(1);
- (c) Has security procedures to protect the exam content; and
- (d) Has clear application, reporting, and appeal procedures.

(3) Approval of exams shall be noted in the board minutes and on the board Web site at <http://bmt.ky.gov>.

(4) The following examinations have been approved by the board pursuant to KRS 309.358(1)(g)(5):

(a) The Massage and Bodywork Licensing Examination (MBLE) or other exam administered by the Federation of State Massage Therapy Boards (FSMTB);

(b) An entry level examination administered by the National Certification Board for Therapeutic Massage and Bodywork (NCBTMB);

(c) Any examination of a certifying agency approved by National Commission on Certifying Agencies (NCCA);

(d) An entry level massage therapy examination administered by the National Board Certification Agency (NBCA);

(e) The State of Ohio Massage Therapy Licensing Exam; and

(f)(e) The State of New York Massage Therapy Licensing Exam; or

(d) The National Board Certification Agency (NBCA) Massage Therapy Certification Exam, Level One;

Section 4. (1) An applicant with a criminal history, excluding minor traffic violations, ~~may be required to~~ shall participate in an in-person interview with ~~be interviewed by~~ the board's Application Committee prior to licensure. ~~The purpose of this interview with the board's application committee shall be to find if the applicant meets~~ complies with the requirement for good moral character established in KRS 309.358(1)(c), ~~(3) and 335B.040, and the~~ The interview shall be conducted pursuant to the board's authority under KRS 309.355(2), ~~KRS~~ 309.362(1)(b), and 309.362(2) and in accordance with KRS 335B.010 to 335B.070.

(2) All applicants shall submit a recent fingerprint-supported

background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board.

Section 5. Appeals. ~~[(1) Upon initial review, the board shall make a preliminary determination with respect to an application. Preliminary determinations shall be non-final determinations until:~~

~~(a) A final decision is rendered subsequent to an administrative hearing conducted pursuant to KRS Chapter 13B;~~

~~(b) Settlement of the matter by informal proceedings is accomplished; or~~

~~(c) The time for appeal under subsection (2) of this section has expired.~~

~~(2) An applicant may appeal the denial of a preliminary determination denying~~ his or her licensure application by requesting a hearing in accordance with KRS 309.362(2)(4). In order to request a hearing, the applicant shall file a notice of appeal in writing ~~by certified mail that is received by the board~~ within thirty (30) days of the date of the letter informing the applicant of the ~~preliminary determination of~~ denial.

Section 6. Incorporation by Reference. (1) The "Application for Licensure as a Massage Therapist", June 2021 ~~September 2015~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601 ~~Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601~~, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: <https://bmt.ky.gov/>.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

BOARDS AND COMMISSIONS

Board of Licensure for Massage Therapy (As Amended at ARRS, March 7, 2022)

201 KAR 42:040. Renewal and reinstatement.

RELATES TO: KRS 309.357(1)(a)(3), (4), (5), (6), 309.358, 309.361, 309.362, 335B.010-335B.070

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364 and authorizes licensure renewal. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357(1)(a) requires the board to establish a schedule of fees for the renewal of licenses, the reinstatement of licenses, and establishes requirements for placing licenses in inactive status and for restoring licensing to active status. ~~[(3) requires all licenses to be renewed.]~~ KRS 309.361(1) designates a two (2) year renewal period. This administrative regulation establishes the requirements for renewal of licenses and the reinstatement of expired licenses that have been expired for less than five (5) years' time.

Section 1. (1) A license to practice massage therapy shall be renewed upon:

(a) Payment of the biennial renewal fee as established in 201 KAR 42:020, Section 2(2), on or before the anniversary date of issue of license;

(b) Submission to the board of a completed ~~the~~ Application for License Renewal form and the following written information:

1. Current complete home address, email address ~~to receive communications from the board~~, and telephone number, to receive communications from the board;

2. Current complete name, address, and telephone number of each location in which massage therapy service is provided by the

licensee;

3. A list indicating completion of the continuing education ~~hours[units taken during the licensure renewal period]~~ as required by 201 KAR 42:110. The list shall:

a. Itemize the number of clock hours credited for each course; and

b. Designate the courses that fulfill the three (3) required hours of ethics training; and

4. Confirmation that, since the license was issued or renewed, the licensee has not:

a. Been convicted of a felony; ~~or~~

b. Had his or her license disciplined and is not currently under disciplinary review in another state;~~or~~

c. ~~Defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) pursuant to KRS 164.772; and~~

(c) Submission of a two (2) inch by two (2) inch or larger passport quality color ~~head shot~~ photograph of only the applicant to the board affixed to the Application for License Renewal form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.

(2)(a) A licensee who has been convicted of a crime or who has been disciplined or is currently under disciplinary investigation or review by the board of another jurisdiction during the licensure period immediately preceding the submission of the Application for License Renewal may be required to[shall] participate in an in-person interview with the board's Application Committee prior to renewal of the license. The purpose of this interview~~[with the board's application committee]~~ shall be to find if the licensee ~~[met]~~meets the requirement of good moral character established in KRS 309.358(1)(c)~~[(3) and 335B.040]~~. The interview shall be conducted pursuant to the board's authority under KRS 309.355(2)~~[(3)]~~, 309.362(1)(b), and 309.362(2)~~[(4)]~~, and in accordance with KRS 335B.010 to 335B.070.

(b) Each applicant for renewal who has been convicted of a crime or who has been disciplined by the board of another jurisdiction during the licensure period immediately preceding the submission of the Application for License Renewal shall submit a recent fingerprint supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date the Application for License Renewal is submitted.

(3) If~~[, upon a preliminary review,]~~ the board~~[determines that]~~ denies an Application for License Renewal~~[shall be denied]~~, notice~~[of the preliminary decision]~~ shall be sent to the licensee and the licensee shall have thirty (30) days from the date of the notice~~[letter]~~ to request an administrative hearing in accordance with KRS Chapter 13B by filing a written request for an appeal~~[a hearing in writing by certified mail]~~ with the board. ~~[If a request for hearing by the licensee is not received by the board within thirty (30) days of the letter, the licensee shall be found to have voluntarily withdrawn his or her Application for Renewal.]~~

(4) A revoked license shall not be renewed.

Section 2. A licensee convicted of a felony or disciplined by the board of another jurisdiction~~[in the interim period between issuance and renewal of the license, or between renewal periods]~~, shall submit notice of the conviction or discipline to the board within sixty (60) days of the discipline or conviction.

Section 3. If payment and complete information are not received by the board on or before the anniversary date of the issuance of the license, the license shall expire and the person shall not practice nor represent himself or herself as a massage therapist in Kentucky.

Section 4. (1) An expired license shall be renewed within ninety (90) days of expiration if the applicant submits:

(a) A completed Application for License Renewal form;

(b) Documentation of successful completion of twelve (12) ~~[twenty-four (24)]~~ hours of continuing professional education, which:

1. Includes studies in ethics, business practices, science, and techniques related to massage therapy;

2. Have been credited within two (2) years prior to the renewal deadline; and

3. Have not been previously used within the same renewal period to satisfy Kentucky license renewal requirements; and

(c) The appropriate fee for renewal, as required by 201 KAR 42:020, Section 2(2), (5), or (6).

(2) If ninety-one (91) days or more, but less than five (5) years, have elapsed since the license expiration, the licensee shall file an Application for Reinstatement.~~[(a) A written request for an extension of time to file a completed Application for Renewal form shall be submitted to the board no later than ninety (90) days after the expiration of the license.~~

(b) An applicant submitting an Application for Renewal form later than ninety (90) days after the expiration date shall attach a written explanation for the late filing to the form. An Application for Renewal submitted later than ninety (90) days without a written explanation for the late filing shall be considered incomplete.

(c) The board shall permit late renewal beyond ninety (90) days after the expiration of the license for an applicant submitting documented proof of a medical disability or illness, or active military service that precluded the timely submission of an Application for Renewal form.

(d) The board shall not waive the late renewal fee required by KRS 309.357(6)(a).]

Section 5. (1) ~~[Upon initial licensing,]~~ A licensee shall at all times display a copy of the licensee's current license~~[be furnished a wall]~~ certificate ~~[which shall be displayed at all times]~~ at the primary massage therapy service location. A digital copy of the licensee's certificate shall be:

(a) Provided to the licensee upon initial licensing and renewal; and

(b) Made available for download by the licensee.

(2) A licensee shall provide verification of current licensure upon request if he or she is currently engaged in the practice of massage therapy, intends to engage within a reasonable time in the practice of massage therapy, or has engaged in the practice of massage therapy immediately prior to the request.

(3) Official verification of licensure status shall be available on the board's Web site at <http://bmt.ky.gov>.

Section 6. Reactivation Requirement for Inactive Status Massage Therapist. (1)(a) Before the expiration of five (5) years of inactive status, a licensee ~~[requesting to return]~~seeking restoration to active status shall:

1. Provide proof to the board of completion of~~[continuing education required by KRS 309.362(3)]~~ one (1) hour of continuing professional education for every six (6) months the license has been in an inactive state, not to exceed five (5) years, in accordance with 309.357(3). If an applicant obtained inactive status within ninety (90) days of a biennial renewal date, the applicant shall also provide proof of the twelve (12) required CE hours for renewal and pay the renewal fee~~[. At least three (3) of the continuing education hours submitted shall be focused on the area of ethics]~~;

2. Complete the Application for Inactive Status, Renewal of Inactive Status, or Return to Active Status, as required by 201 KAR 42:020, Section 2(8); and

3. Pay the fee prescribed by 201 KAR 42:020, Section 2(7).

(b) The continuing education hours provided pursuant to paragraph (a)1 of this subsection may be counted toward continuing education requirements~~[used]~~ for the next regular renewal period.

(2) After more than five (5) years of inactive status, a person requesting to return to active status shall reapply as required by KRS 309.357(1)(d)~~[362(3)]~~.

Section 7. (1) A former licensee whose license has been expired for less than five (5) years shall apply for reinstatement of the license by:

(a) Submitting a completed []Application for Reinstatement~~[]~~;

(b) Submitting proof of completion of a total of credit hours of continuing professional education determined at the rate of one-half (1/2) credit hour for each month having passed since the license expired; and

(c) Paying the applicable fee set forth in 201 KAR 42:020, Section 2(3).

(2) Continuing professional education credit hours completed by an applicant for reinstatement:

(a) May have been obtained by the applicant at any time after the license expired, but **shall/must** have been obtained prior to submitting the Application for Reinstatement; and

(b) **Shall/Must** meet the requirements for board-approved continuing education courses set forth at 201 KAR 42:110, Section 3.

(3) A license shall not be reinstated if more than five (5) years have passed since the license expired pursuant to Section 3 **of this administrative regulation**. A person may apply for and obtain a new license by meeting the current requirements for licensure.

(4)(a) Each applicant for reinstatement who has been convicted of a crime since the license expired shall submit a fingerprint supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The background check shall be applied for within the ninety (90) days preceding the date the Application for Reinstatement is submitted.

(b) If an applicant for reinstatement has been convicted of a crime or has been disciplined or is currently under disciplinary investigation or review by the board of another jurisdiction, the applicant shall include a written explanation of the charges and proof of dispositions with the application. ~~and~~ The board may require the applicant to participate in an in-person interview with the board's Application Committee prior to reinstatement of the license. The purpose of this interview shall be to find if the licensee meets the requirement of good moral character established in KRS 309.358(1)(c). The interview shall be conducted pursuant to the board's authority under KRS 309.355(2), 309.362(1)(b), and 309.362(2), and in accordance with KRS 335B.010 to 335B.070.

(5) If the board denies an Application for Reinstatement, notice of the decision shall be sent to the applicant for reinstatement and the applicant shall have thirty (30) days from the date of the notice to request an administrative hearing in accordance with KRS Chapter 13B by filing a written request for an appeal with the board.

(6) A revoked license shall not be reinstated.

Section 8.~~Section 7.~~ Incorporation by Reference.(1) The following forms are incorporated by reference:

(a) "Application for **License** Renewal", June 2021; and

(b) "Application for Reinstatement", June 2021.~~[October 2016, is incorporated by reference.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601~~[Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40602]~~, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: <https://bmt.ky.gov/>.

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BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(As Amended at ARRS, March 7, 2022)

201 KAR 42:050. Complaint procedure and disciplinary action.

RELATES TO: KRS 309.351, 309.355(1), (2), (6), 309.362

STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the board to regulate the practice of massage therapy. KRS 309.355(2) requires the board to investigate every alleged violation and take appropriate action. This administrative regulation establishes the procedure for filing a complaint and the action to be taken by the board on a complaint and disciplinary action of a licensee or applicant in violation of KRS 309.351 or 309.362.

Section 1. Definitions. (1) "Complaint committee" means a committee of the board that:

(a) Reviews an initiating complaint; and

(b) 1. Recommends dismissal or further investigation of the complaint; or

2. Determines the existence of sufficient evidence to bring a formal complaint.

(2) "Formal complaint" means a formal administrative pleading authorized by the board that sets forth a charge against a licensee or applicant and commences a formal disciplinary proceeding under KRS Chapter 13B.

(3) "Initiating complaint" means a written complaint alleging a violation of KRS 309.350 through 309.364.

(4) "Respondent" means the person against whom an initiating complaint or formal complaint has been made.

Section 2. Initiating Complaint. (1) A complaint may be initiated by:

(a) An individual;

(b) A state or government agency;

(c) Another member of the massage therapy profession; or

(d) The board.

(2) An initiating complaint shall be made in writing to the board and received in the board office.

(3) The board may conduct an investigation on its own initiative, without receipt of a complaint, if the board has reason to believe that there may be a violation of KRS 309.350 through 309.364, or 201 KAR Chapter 42.

(4) A certified copy of a court record for conviction of a misdemeanor or felony shall be considered a valid reason for an initiating complaint.~~[The complaint shall be submitted on a Form to File a Complaint or Unlicensed Activity Report.]~~

(5) Any complaint shall be in writing, identify the complainant, including name and contact information, and contain specific details regarding the complaint. Complaints without the required information will not be processed. **The Form to File a Complaint or Unlicensed Activity Report may be used for this purpose.**

Section 3. Procedure Upon Receipt of Initiating Complaint. (1) Upon receipt of the initiating complaint, the board office shall send a copy of the initiating complaint to the respondent at the respondent's last address of record with the board.

(2) The respondent shall file a response to the initiating complaint with the board within twenty (20) days after the board mails the initiating complaint to the respondent.

(3) The allegations in an initiating complaint shall be considered true if the respondent fails to respond to the initiating complaint in a timely fashion.

~~[(4) The board shall use the procedures established in this subsection to redact an initiating complaint.~~

~~(a) A copy of an initiating complaint may be redacted of personal names, personal identification numbers, and personal contact information upon recommendation of the complaint committee and consent by majority vote of the full board. The board shall keep the original initiating complaint free of redactions and store the document in the complaint case file.~~

~~(b) The board may send a redacted copy of an initiating complaint to the respondent to meet the requirements of subsection (1) of this section. The original initiating complaint that is free of redactions may be viewed by the respondent upon written request submitted to the board. The original copy of the initiating complaint that is free of redactions shall not be released to the respondent or the public until final disposition of the matter.]~~

Section 4. (1) The complaint committee shall:

(a) Review the initiating complaint and the response filed by the respondent at its next meeting; and

(b) Recommend one (1) of the following options to the board at the board's next meeting:

1. Dismissal;
2. Further investigation;
3. Issuance of a formal complaint; or
4. Referral to another government agency.

(2) A complaint committee member having any known conflict of interest shall be recused from the matter and disclose the existence of the conflict in a regular board meeting.

Section 5. Board Action upon Recommendation of Complaint Committee. At the board's next meeting following review by the complaint committee, the board shall review the committee's recommendations and shall accept or reject the recommendations in whole or in part.

Section 6. Dismissals. The complainant and respondent shall be notified if a case is dismissed.

Section 7. Investigations. (1) If investigation is warranted, the board shall appoint one (1) of its members or an agent or representative of the board to conduct an investigation of the complaint.

(2) In its investigation, the board may be assisted by:

- (a) Board staff;
- (b) A board agent; or
- (c) The Office of the Attorney General.

Section 8. Formal complaints. If the board finds that sufficient evidence exists to file a formal complaint, the board shall:

- (1) Resolve the case informally by agreed order; or
- (2) File a formal complaint, in accordance with KRS Chapter 13B.

Section 9. Settlement by Informal Proceedings. (1) The board, through counsel, may enter into informal discussions or negotiations with the respondent for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through informal proceedings shall be approved by the board and signed by the chair of the board, the respondent, and the respondent's attorney. A copy shall be placed in the licensee's file and a copy shall be mailed to the complainant.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 10. Procedures for Disciplinary Hearings. (1) All procedures for disciplinary hearings shall conform to KRS Chapter 13B.

(2) Testimony to be considered by the board, hearing panel, or hearing officer, if any, may be taken by deposition. A party or witness may be allowed to testify by deposition, rather than attend the hearing, upon a showing of inability to attend and a showing that other parties shall have an opportunity to cross-examine at the deposition. The presiding officer or hearing officer, if any, shall rule upon motions to allow testimony to be considered by deposition, subject to review and approval by the board.

(3) The presiding officer or hearing officer, if any, may order that at least five (5) days prior to the hearing, each party shall file a summary of each witness' expected testimony.

(4) The board may request recovery of administrative costs and fees incurred by the board in processing, investigating, or

administering a complaint to be paid by a respondent. The request shall be submitted by motion to an administrative hearing officer assigned under KRS 13B.080 to preside over a KRS Chapter 13B hearing of the complaint. The request may also be made to a circuit court judge presiding over an action for injunction filed by the board pursuant to KRS 309.355(6).

Section 11. Final Disposition. Upon reaching a decision, the board shall notify the respondent in writing, by certified mail or personal service, of its final disposition of the matter and the complainant shall be notified by regular mail.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Form to File a Complaint", June 2021~~[January 2014]~~; and

(b) "Unlicensed Activity Report", June 2021~~[January 2014]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, [Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40602, Monday through Friday, 8:00 a.m. to 4:30 p.m.] The board's Web site address is: <https://bmt.ky.gov/>.

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BOARDS AND COMMISSIONS

Board of Licensure for Massage Therapy (As Amended at ARRS, March 7, 2022)

201 KAR 42:061. Code of ethics and standards of practice for massage therapists.

RELATES TO: KRS 309.355(1), (3), 309.362

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(1) requires the Board of Licensure for Massage Therapy to administer and enforce the provisions of KRS 309.350 to 309.364. KRS 309.355(3) requires the board to establish by administrative regulation a code of ethics and standards of practice for massage therapists. This administrative regulation establishes those standards, which, if violated, are a basis for disciplinary action under KRS 309.362.

Section 1. Code of Ethical Standards for the Massage Therapist. A massage therapist shall:

(1) Maintain the confidentiality of all client information, unless law or court order mandates disclosure;

(2) Keep the client well informed of procedures and methods that will be employed during the session;

(3) Report to the board if the massage therapist has first-hand knowledge or evidence indicating any unethical, incompetent, or illegal act has been committed by another licensee;

(4) Take precautions to do no harm to the physical, mental, and emotional well-being of clients or associates;

(5) Make every reasonable effort to report unlicensed practice of massage therapy to the board;

(6) Represent his or her educational and professional qualifications honestly;

(7) Inform clients of the limitations of the licensee's practice;

(8) Consistently take measures to improve professional knowledge and competence by a regular assessment of personal and professional strengths and weaknesses through continuing education training;

(9) Respect the client's right to treatment with informed and voluntary consent, either verbal or written, and to refuse, modify, or terminate treatment regardless of prior consent;

(10) Not engage in sexual conduct or activities with a client;

(11) Not engage in an interest, activity, or influence that conflicts with the practitioner's obligation to act in the best interest

of the client;

(12) Respect the client's boundaries with regard to privacy, disclosure, exposure, emotional expression, beliefs, and reasonable expectations of professional behavior;

(13) Refuse to accept gifts or benefits, which are intended to influence a referral or treatment that are purely for personal gain and not for the good of the client;

(14) Conduct all business and professional activities with honesty and integrity;

(15) Respect the inherent worth of all clients;

(16) Provide only those services that the licensee is qualified to perform; and

(17) Respect the client's autonomy.

Section 2. Standards of Practice for the Massage Therapist. (1) In the practice of massage therapy, a massage therapist shall:

(a) Perform a written or verbal intake interview with the client to evaluate if any contraindications to massage therapy exist and if modifications including pressure, technique, and duration of treatment are applicable;

(b) Evaluate each client through observation, palpation, and any relevant records provided by the client;

(c) Acknowledge the limitations of, and contraindications for, massage;

(d) Plan and implement a treatment session or program individualized for the client;

(e) Refer the client to other professionals or services if the treatment or service is beyond the massage therapist's scope of practice;

(f) Maintain for a minimum period of five (5) years accurate, timely, and organized records of every client;

(g) Provide massage therapy services that meet or exceed the generally accepted practice of the profession;

(h) If a plan of care or treatment is applicable, explain the plan to the client, to others designated by the client, and to professionals with client permission;

(i) Unless prohibited by law, be allowed to pool or apportion fees received with other members of a business entity in accordance with any business agreement;

(j) Practice massage therapy in sanitary and safe conditions;

(k) Use proper draping technique;

1. Before beginning a massage, the massage therapist shall[must] explain to the client the draping techniques that will be used; and

2. Provide the client a clean drape large enough for the purpose of draping the buttocks, genitalia, and chest. These[Such] body parts shall[must] remain covered, except during therapeutic treatment of those specific areas, with the exception of the genitalia, which shall always remain covered; and

(l) Have the right to refuse to treat any person or part of the body at the licensee's discretion.

(2) In the practice of massage therapy, a massage therapist shall not:

(a) Provide treatment to the anus or anal canal, including, treatments such as[but not limited to,] colonic irrigations and enemas; or

(b) Provide treatment to the genitals, including, for conditions such as[but not limited to,] erectile dysfunction or pelvic floor issues.

(3) Interacting with other medical professionals. With written permission from the client, the massage therapist may interact with the client's physician or other healthcare providers if the client is under direct medical care.

(4) If the client is self-referred and under the care of a health care professional, the massage therapist may, with written permission from the client:

(a) Advise the health care professional that the patient is seeking massage treatment;

(b) Provide to the health care professional the massage therapist's evaluation results;

(c) Advise the health care professional of the noted treatment plan; and

(d) Provide a follow-up report upon completion of the massage

treatment plan to enhance communication between the multidisciplinary care-giving team.

(5) Breast massage. A licensee performing massage of the tissue of the breast shall:

(a) Obtain the client's informed written consent prior to providing the service;

(b) Maintain proof documenting specialized training in breast massage which addresses breast anatomy, breast pathology, and breast massage technique and which was provided by an approved massage therapy program or board approved continuing education provider;

(c) Inform the client prior to the commencement of the service that this service may be performed through a draping sheet if the client so desires and the licensee shall provide the service through a draping sheet if the client so prefers;

(d) Inform the client prior to the commencement of the service that the client may discontinue the service at any time and the licensee shall honor that election by discontinuing the provision of the service if that request is made;

(e) Keep detailed Subjective Objective Analysis Plan notes for the service such as notes related to all emotional factors that the client reports to the licensee which might impact the client's suitability for the service and the precautions that the licensee has taken to ensure that the service is provided in a manner accounting for those emotional factors; and

(f) Refrain from an act or statement which the client may construe as being sexual in nature.

Section 3. Standards for Documentation. The massage therapist and client shall agree upon the purpose of the massage session.

(1) Documentation shall not be required if the massage session is for general relaxation, a sports event massage, or public demonstration as in chair massage.

(2) If a written plan of treatment is requested or required, the client file shall include the following documentation:

(a) The initial evaluation, which shall include:

1. The client's name, age, and gender;

2. Date of the session; and

3. Pertinent medical history, including:

a. Client sensitivities and allergies;

b. Medical diagnoses, if available, and the source of the diagnosis;

c. Contraindications; and

d. Medications as disclosed by the client;

(b) Progress notes signed by the massage therapist rendering the massage therapy, which shall include:

1. Subjective information including the area of complaint as stated by the client and the date of onset;

2. Objective information including any observations and objective testing, if applicable;

3. Ongoing assessments, if applicable;

4. Actions taken by the massage therapist; and

5. The client response to massage therapy treatment; and

(c) A plan of treatment, if applicable, consisting of:

1. Modalities to be rendered;

2. Frequency and duration of treatment;

3. Referral to other professionals, if indicated;

4. Client self-help education and instruction; and

5. The goals or desired outcome of the treatment.

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BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(As Amended at ARRS, March 7, 2022)

201 KAR 42:070. Endorsement.

RELATES TO: KRS 309.355, 309.358,~~[309.358,]~~ 309.359,
309.362, 309.363, 335B.010-335B.070

STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.359 authorizes the board to issue a license to a person holding a credential in another state of the United States. KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 through 309.364. This administrative regulation establishes the application process for issuance of a license to a person holding a credential in another state of the United States.

Section 1. ~~[An applicant Meeting Equal or Higher Standards. An applicant holding a license issued by another state with licensure standards equal to or higher than the requirements of KRS 309.358 shall submit:~~

~~(1) A completed Application for Licensure as a Massage Therapist, which is incorporated by reference in 201 KAR 42:035;~~

~~(2) A verifiable statement that the individual is in good standing as a massage therapist from the credentialing authority of the jurisdiction in which the applicant holds a license or credential including duration of the license or credential; and~~

~~(3) The appropriate fee for licensure as required by 201 KAR 42:020, Section 2(1).~~

Section 2. ~~An Applicant Meeting Lesser Standards.]An applicant who is credentialed as a massage therapist in another state [with less stringent requirements than KRS 309.358] shall submit:~~

~~(1) A completed [“]Application for Licensure by[Through] Endorsement[as a Massage Therapist”], which is incorporated by reference in 201 KAR 42:035];~~

~~(2) A recent fingerprint-supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board.~~

~~(3) A two (2) inch by two (2) inch or larger passport quality color head shot photograph of only the applicant, which is attached to the application form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant.~~

~~(4) A certified statement from the credentialing authority of the jurisdiction in which the applicant currently holds a license or credential that the individual has been licensed in that jurisdiction for one (1) year prior to the filing of the application in Kentucky and has been[is] in good standing as a massage therapist[from the credentialing authority of the jurisdiction in which the applicant holds a license or credential] for the[including] duration of the license or credential;~~

~~(5)[(3)] The appropriate fee for licensure as required by 201 KAR 42:020, Section 2(1); and~~

~~(6)[(4)] Documents evidencing the applicant's combined initial training, professional experience, continuing education, or other credentials constituting equivalency to KRS 309.358. Acceptable documentation may include:~~

~~(a) Passage of an entry level examination administered by the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB[NCETMB]), which includes the National Certification Examination (NCE), National Certification Examination for Therapeutic Massage (NCETM), and the National Certification Examination for Therapeutic Massage and Bodywork (NCETMB)[’s National Certification Exam (NCE)] or an examination that has been approved by the board pursuant to 201 KAR 42:035;~~

~~(b) Certified school transcripts received directly from the massage school, which qualified for a certificate of good standing~~

~~from the Commonwealth of Kentucky for the duration of the applicant's attendance;~~

~~(c) Copies of continuing education certificates from studies completed after or not included as part of the initial training;~~

~~(d) Certified transcript of health care related academic course work;~~

~~(e) Proof of teaching massage therapy relevant curriculum as stated in KRS 309.363;~~

~~(f) Other credentials that may constitute equivalence to the standards in KRS 309.358, which may also include research, clinical internships, publications, and massage therapy leadership positions; or~~

~~(g) Current proof of hands-on therapeutic massage or bodywork sessions with supporting documentation for the hours or years of massage therapy work for six (6) months of the one (1) year preceding the application for endorsement.~~

~~1. The supporting documentation shall include:~~

~~a. Appointment books, employer verification,[and] log books, and contact information for the employer; or~~

~~b. If self-employed, appointment books, and verification of self-employment.~~

~~2. If proof of hands on therapeutic massage or bodywork sessions[this] is the only documentation provided to establish equivalency, a minimum of four (4) years' experience shall be required.~~

Section 2. Reciprocity for Spouses and Dependents of [Active Armed Forces]Members of the United States Military, Reserves, or National Guard. [(4)] The spouse or a dependent of a[an active-duty] member of the [Armed Forces of the]United States Military, Reserves, or National Guard may apply for licensure by endorsement by submitting:

(1) A completed [“]Application for Licensure by[Through] Endorsement[as a Massage Therapist,” June 2021].

(2) A recent fingerprint-supported background check performed by the Kentucky State Police and the Federal Bureau of Investigation. The required background check shall be applied for within the ninety (90) days preceding the date of submission of the application for licensure to the board;

(3) A two (2) inch by two (2) inch or larger passport quality color head shot photograph of only the applicant, which is attached to the application form. The photograph submitted with the application shall be taken within the previous six (6) months to reflect the current appearance of the applicant;

(4) The appropriate fee for licensure as required by 201 KAR 42:020, Section 2(1), unless prohibited by a Kentucky Revised Statute;

(5) Proof that the applicant holds a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States;

(6) Proof they are married to or a dependent of a[an active-duty] member of the [Armed Forces of the]United States Military, Reserves, or National Guard; and

(7) Proof that the applicant's spouse or family member is assigned to a duty station in this Commonwealth pursuant to the official [active-duty] orders.

Section 3. Criminal History. [(1)] An applicant with a criminal history, excluding minor traffic violations, may be required to be interviewed by the board's Application Committee prior to licensure to find if the applicant complies with the requirement for good moral character established in KRS 309.358(1)(c), and the interview shall be conducted pursuant to the board's authority under KRS 309.355(2) and KRS 309.362(1)(b), and in accordance with KRS 335B.010 to 335B.070.

Section 4. Appeals. (1) An applicant may appeal the denial of his or her licensure application by requesting a hearing in accordance with KRS 309.362(2).

(2) In order to request a hearing, the applicant shall file a notice of appeal in writing within thirty (30) days of the date of the letter informing the applicant of the denial.

Section 5. Incorporation by Reference. (1) The "Application for Licensure by[Through] Endorsement[as a Massage Therapist] March 2022[June 2021], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. The board's Web site address is: <https://bmt.ky.gov/>.

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BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(As Amended at ARRS, March 7, 2022)

201 KAR 42:080. Programs of massage therapy instruction.

RELATES TO: KRS 309.352(2), (9), 309.355(1), (3), 309.358(1)(f), 309.362, ~~309.358(4)~~, 309.363(1), 309.3631

STATUTORY AUTHORITY: KRS 309.355(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.352(2) requires the board to define licensed health-care professionals for the supervision of massage therapy students in clinical settings. KRS 309.355(1) requires the board to administer and enforce the provisions of KRS 309.350 to 309.364. KRS 309.355(3) requires the board to promulgate administrative regulations on standards of massage therapy educational program curriculum and instructor qualifications. KRS 309.358(1)(f)(4) requires the board to approve massage therapy training programs. KRS 309.363 requires board approval of massage therapy programs of instruction and establishes instructor qualifications. KRS 309.3631 requires the annual renewal of certificates of good standing, documentation of program updates, personnel changes, graduation rates, ~~and~~ licensing examination rates, and the payment of a fee. This administrative regulation establishes the definitions of supervision and qualifying supervisors and establishes the process for issuing and renewing the Certificate of Good Standing to a program of massage therapy education.

Section 1. Definitions. (1) "Adjunctive course" means a course in a program of education that enhances the career of a massage therapist, but is not massage theory, technique, or practice.

(2) "Clinic" or "clinical" means a setting in which students are provided with on-site supervision and training in the practice of massage therapy.

(3) "Clinical coordinator" means the instructor of a massage therapy course in which students are assigned to perform massage therapy sessions on non-students, on or off-campus, and who is responsible for assigning the student to a clinical setting, supervising student performance through regular consultation with the student, and evaluating student achievement of clinical course objectives.

(4) "Externship" means a course offered by an approved program that:

(a) Has a syllabus that describes objectives and evaluations; and

(b) Is over and above the [six hundred - (600)] supervised curriculum hours required for licensure.

(5) "Other licensed healthcare professional" means a practitioner as established in KRS 309.352(9)(a) through (c), (e), and (f) who may supervise a massage therapy student in a business.

(6) "Supervision" means the process of verifying attendance, assigning work, consulting with the student, evaluating student performance, and being available for emergency assistance.

Section 2. (1) To apply for a Certificate of Good Standing, a[A] program of massage therapy instruction shall file a completed, signed, and dated Certificate of Good Standing for a Massage

Therapy Training Program Initial Application Form and required documentation with the board, meeting the requirements established in KRS 309.363(1)(~~1~~), (a), (b), and (c), and pay the fee set forth in 201 KAR 42:020, Section 2(11), and if applicable, in Section 2(13)(10). Documentation shall include:

(a) A copy of the current license to operate issued by the Kentucky Commission for Proprietary Education, the Council on Postsecondary Education, or their equivalent in the state in which the school is conducting classes;

(b) A curriculum statement as described in KRS 309.363(1)(b)(~~1~~), 2, 3, 4, and 5 showing clock hours for each of the required subjects;

(c) A listing of instructional staff and their qualifications, as described in KRS 309.363(1)(c)1., 2., and 3. including:

1. Documentation of current Kentucky licensure of massage instructors; and

2. A resume, curriculum vitae, or PE-11 form, which is incorporated by reference in 791 KAR 1:010, for all instructors showing the specific qualifications for teaching an adjunctive or science course;

(d) A description of the policies and procedures in place for collecting and analyzing data about the quality and effectiveness of educational programs including student progress, completion, and licensure;

(e) A copy of the program or school catalogue;

(f) Documentation of accreditations held by the program or school offering the program; and

(g) A copy of a student contract agreeing not to accept compensation for massage therapy services provided prior to licensure by the board.

(2)(a) A school may be presumed to have met the qualifications in subsections (1)(b) and (c) of this section if:

1. It holds a current designation of "Approved School" from the National Certification Board of Therapeutic Massage and Bodywork; or

2. It has the designation of "accredited" or "COMTA-endorsed curriculum" from the Council for Massage Therapy Accreditation.

(b) The designation shall[must] have been current for the time period the Certificate of Good Standing is to be requested.

(3) After a [preliminary] determination is made, [by the board after an initial review,] an applicant that has been [preliminarily] denied shall be entitled to a hearing on the denial in accordance with KRS Chapter 13B if the applicant notifies the board in writing [by certified mail] within thirty (30) days that it desires[elects to take advantage of that opportunity for] a hearing.

Section 3. (1)(a) A Certificate of Good Standing may be renewed upon submission of the [Renewal Application for a] Certificate of Good Standing for[off] a Massage Therapy Training Program Renewal Application[Renewal Short Form or the Certificate of Good Standing for a Massage Therapy Training Program Renewal Application Long Form] with the information required by this administrative regulation to the board and payment of the fee set forth in 201 KAR 42:020, Section 2(12)(~~11~~), on or before the anniversary date of issue of the certificate.

(b) The Certificate of Good Standing for a Massage Therapy Training Program Renewal Application[Submission of the Certificate of Good Standing for a Massage Therapy Training Program Renewal Application Long Form] shall include:

1. The current complete name, address, email address, Web site, and telephone number of each location in which the massage therapy training program is provided;

2. The name and contact information of the owner;

3. Documentation of the items required in Section 2 of this administrative regulation if these have changed since the program's initial application or last renewal;

4. A statement with supporting statistics to show student completion, examination pass rates, licensure rates, and placement rates; and]

5. A statement with supporting documentation showing proof that at least seventy (70) percent of the graduates of the program who have taken the MBLEx or other board approved examinations over the twelve (12) months prior to application have received a

passing score. This statistical report from the examination company shall be computed for the twelve (12) months, which ends thirty (30) days prior to the certificate anniversary date. Failure to supply proof of meeting this standard shall be grounds for denial of a program's request for certification of good standing; ~~and~~

6. A curriculum statement for new programs of massage therapy added to the school's original offering, such as an associate's degree program, if the new program may be used to meet initial qualifications for licensure; and

(c) ~~[Submission of the Application for a Certificate of Good Standing of a Massage Therapy Training Program Renewal Short Form shall include] Documentation of changes to any of the following items, if these have changed since the program's initial application or last renewal, **shall be filed with the board within sixty (60) days of the change:**~~

1. The contact information for the school;
2. The instructional staff;
3. The qualifications of an instructor;
4. The curriculum;
5. The massage therapy programs offered; ~~or~~
6. The program's accreditation; ~~and~~

~~[(d)] [Each Short Form shall include] Updated information on student completion, examination pass rates, licensure rates, and placement rates.~~

~~[(e) Submission of documentation] [with the Short Form] may include:~~

- ~~1. The current complete name, address, email address, Web site, and telephone number of each location in which the massage therapy training program is provided;~~
- ~~2. The current listing of instructional staff and their qualifications as described in KRS 309.363(1)(c) [1., 2., and 3.], with attached documentation of qualifications and Kentucky licensure of new instructors;~~
- ~~3. A current curriculum statement as described in KRS 309.363(1)(b) [1., 2., 3., 4., and 5.];~~
- ~~4. A curriculum statement for new programs of massage therapy added to the school's original offering, such as an associate's degree program, if the new program may be used to meet initial qualifications for licensure;~~
- ~~5. A statement with supporting statistics to show student completion, examination pass rates, licensure rates, and placement rates;~~
- ~~6. Documentation of accreditation reviews and renewals, if held; and~~
- ~~7. A statement with supporting documentation showing proof that at least seventy (70) percent of the graduates of the program who have taken the MBLEx or other board approved examinations over the twelve (12) months prior to application have received a passing score. Failure to supply proof of meeting this standard shall be grounds for denial of a program's request for certification of good standing.]~~

(2) After a ~~[preliminary] determination is made~~ **by the board after an initial review**, an applicant seeking renewal that has been ~~[preliminarily] denied~~ shall be entitled to a hearing on the denial in accordance with KRS Chapter 13B if the applicant notifies the board in writing **[by certified mail]** within thirty (30) days that it ~~desires~~ **elects to take advantage of that opportunity for** a hearing.

Section 4. Notifications to Students of Changes in Status. (1) A program of massage therapy instruction shall notify current students in writing of any changes in status of its Certificate of Good Standing from the Commonwealth of Kentucky within thirty (30) days of that change in status. The notice shall include an explanation of the specific actions taken to remedy the problem.

(2) The program of massage therapy instruction shall provide proof to the board of this notification within ten (10) days of the notification.

Section 5. Externships and Clinicals. (1) A student completing an externship or clinical experience shall not receive compensation.

(2) Massage schools or businesses that provide any type of student massage shall conspicuously include the respective words "student massage" in all promotional materials, and shall conspicuously display a written notice in the waiting room or treatment area that services are being provided by a student.

(3) Clinical courses awarding credit hours toward the 600 hours required for licensure shall be supervised by a licensed massage therapist with at least three (3) years of experience in the practice of massage therapy and who is available for on-site consultation.

(a) Massage sessions offered as part of a student clinic shall be evaluated by the instructor, and applicable goals for improvement in areas such as customer service, technique, body mechanics, and draping shall be established according to the needs of the student.

(b) Student massage clinics shall be supervised by a massage therapy instructor in the clinic.

(c) Student clinic client records shall be maintained at the school and shall meet the record keeping requirement established in **201 KAR 42:061[201 KAR 42:060]**, Section 2(1)(f)(d) and the Standards for Documentation established in **201 KAR 42:061[201 KAR 42:060]**, Section 3. Record of payment shall be made available to the client upon request.

(4) The instructor of the externship course shall provide:

(a) Clear, written learning objectives to students and their site supervisors;

(b) Planned opportunities to discuss the externship experience at regular intervals with the student, and with the site supervisor; and

(c) A mechanism for evaluating student performance in the externship experience, presented to the student and the site supervisor at the beginning of the course.

(5) A program offering an externship course shall have a written agreement signed by the institution's representative or program director and the externship site personnel that clearly defines the responsibilities of the onsite supervisor, the clinical coordinator, and the student. An externship course shall be limited to no more than twenty (20) percent of the total program hours. The externship course, if offered, shall be completed after the primary 600 supervised curriculum hours required by KRS 309.358(1)(f)(4).

(6) A program offering an externship course shall have liability insurance to cover student activities within the course.

(7) Externship sites shall have a licensed massage therapist or other licensed healthcare professional onsite to be available for emergencies or consultation.

(a) Externs may accrue hours for reception, documentation, or business-related activities other than hands-on massage services while the site supervisor is off-premises.

(b) A student session at an externship site may occur with the site supervisor available by phone if the client of the session is on the staff of the externship site or is another extern, and a member of the professional staff is on premises for emergency assistance.

(8) Externship client records shall be maintained at the externship site and shall meet the record keeping requirement established in **201 KAR 42:061[201 KAR 42:060]**, Section 2(1)(d) and the Standards for Documentation established in **201 KAR 42:061[201 KAR 42:060]**, Section 3. Record of payment shall be available to the client upon request.

Section 6. (1) A program of massage therapy instruction which fails to uphold the standards set in KRS 309.363 shall notify the board **in writing** within ten (10) days of the lapse. The failure to uphold the standards, and the failure to notify the board in a timely manner, may result in a fine and probation as determined by the board **pursuant to KRS 309.362** to allow time to re-attain the standard. Graduates from the program during the period of non-compliance and the probationary period may be considered for licensure. If there is a failure to meet standards and the program's Certificate of Good Standing is revoked, the board shall not consider graduates of the program to have met the educational requirements for licensure after the revocation.

(2) The loss of a qualified instructor shall be remedied within

thirty (30) days. The use of an unqualified instructor to substitute in the program may result in revocation of the Certificate of Good Standing and a fine of fifty (50) dollars.

(3) Proof of the exam rate from the administering agency for twelve (12) months ending thirty (30) days prior to the renewal date shall be submitted with the **Certificate of Good Standing for a Massage Therapy Training Program Renewal Application**.

(a) The first incidence of failure to maintain the required license exam pass rate for this twelve (12) month period shall result in a probationary period during which graduates of the program may still be considered by the board for licensure.

(b) A second failure within a five (5) year period may result in revocation of the Certificate of Good Standing, and graduates of the program may no longer be considered for licensure by the board unless they graduate from another approved program of massage therapy instruction.

(c) Pursuant to KRS 309.362, the board may set a fine per violation of failure to maintain the required exam pass rate.

(4) If[When] filing [an Application for Renewal of a Certificate of Good Standing for a Massage Therapy Training Program Renewal Application while on probation, the school shall explain in writing specific actions taken to remedy the problem.

Section 7. Sale or Other Change in Ownership. If[In the event] the school is sold or is otherwise transferred, the school shall notify the board in writing within thirty (30) days of transfer of the new ownership, and provide updated information regarding the ownership structure, contact information, and any staff or curriculum changes.

Section 8.[Section 5.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Certificate of Good Standing for a Massage Therapy Training Program Initial Application Form", November 2021 [September 2015]; and

(b) ["Application for a Certificate of Good Standing of a Massage Therapy Training Program Renewal Short Form", September 2015; and

(c)] "Certificate of Good Standing for a Massage Therapy Training Program Renewal Application[Long Form]", **March 2022[November 2021]**[September 2015].

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BOARDS AND COMMISSIONS
Board of Licensure for Massage Therapy
(As Amended at ARRS, March 7, 2022)

201 KAR 42:110. Continuing education requirements.

RELATES TO: KRS **309.350, 309.351, 309.355, 309.361**
STATUTORY AUTHORITY: KRS 309.355(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate an administrative regulation establishing a requirement for continuing education as a condition for renewal of a license. KRS 309.361 identifies the requirements for continuing education and prescribes the types of courses required during the renewal period. This administrative regulation establishes the procedures and standards for submitting documentation to meet the continuing education requirements for renewal of a license.

Section 1. Definitions. (1) "ABMP" means the Associated Bodywork and Massage Professionals.

(2) "AMTA" means the American Massage Therapy Association.

(3) "AOBTA" means the American Organization for Bodywork Therapies of Asia.

(4) "Board" is defined by KRS 309.350(1).

(5) "CE hour" means continuing education hours consisting of fifty (50) minutes of an organized learning activity that is either didactic or clinical experience and **excludes[shall exclude]** meals, breaks, and registration.

(6) "Competency" means the study, development, and demonstration of knowledge and skills in meeting professional expectations as a massage therapist.

(7) "Continuing education" means participation in an approved program or learning experience that is designed to facilitate continued competency including ethical and legal practice in the therapeutic massage and bodywork profession through participation in a learning process that enhances the licensee's current knowledge, skills, and abilities in the profession.

(8) "FSMTB" means the Federation of State Massage Therapy Boards.

(9) "NCBTMB" means the National Certification Board for Therapeutic Massage and Bodywork.

(10) "NCCAOM" means the National Certification Commission for Acupuncture and Oriental Medicine.

(11) "Provider" means an organization, entity, or individual that has met the requirements of the board to provide educational courses that are designed to ensure continued competence in the practice of massage therapy.

(12) "Self-paced learning" means a course designated for an individual to learn at his or her own pace and is often referred to as correspondence or home study with testing or an evaluation process.

Section 2. Accrual of CE Hours; Computation of Accrual. (1) A licensee shall accrue a minimum of **twelve (12) CE[twenty-four (24) continuing education]** hours during a two (2) year licensure period for renewal of a license, beginning on the date of license issue.

(2) A minimum of three (3) of the **twelve (12)[twenty-four (24)]** hours required by subsection (1) of this section shall be accrued in the field of professional ethics.

(3) All **CE** hours shall be in or related to the practice of massage therapy.

(4) Coursework related to therapeutic techniques conducted on animals shall not be approved for continuing education credit.

Section 3. Acquisition of CE Hours. (1) CE hours applicable to the renewal of a license shall be directly related to the professional growth and development of massage therapy practitioners. CE hours may be earned by completing any of the educational activities described in this subsection.

(a) Courses Not Requiring Board Review and Approval. Courses from the following sources shall be relevant to the practice of massage therapy and shall be approved if the course is in or relates to massage therapy and does not violate any of the prohibitions contained in this administrative regulation:

1. Courses and Learning Opportunities approved by the NCBTMB;

2. Courses offered by the AMTA and its state affiliates;

3. Courses approved by the NCCAOM;

4. Courses offered by the AOBTA and its state affiliates;

5. Courses offered by the ABMP;

6. Kentucky board approved massage therapy programs of instruction or massage therapy programs duly licensed to operate in other states;

7. Relevant academic courses completed in a degree-granting college or university accredited by an agency that is approved by the Council on Higher Education Accreditation (CHEA); or

8. Courses offered by the FSMTB.

(b) Programs Requiring Board Review and Approval. All other programs, including self-paced learning courses and in-service training provided by organizations, educational institutions, or other

service providers not listed in paragraph (a) of this subsection, and programs or academic courses presented by the licensee shall require approval by the board.

(c) Required Training for pulsed electromagnetic field (PEMF) or microcurrent devices. Massage therapists who use PEMF therapy or microcurrent devices shall be able to prove training in the use of the device they employ. ~~This~~~~[Such]~~ training may be provided by entities described in ~~subsection~~~~[Section 3](1)(a) and (b) of this section~~, or by the manufacturer of the device if the Applications Committee reviews the training and finds that it provides clear guidelines for proper application, indications, and contraindications. Manufacturer training ~~shall~~~~[will]~~ not be considered for CE credit unless the training has been approved by the board as described in ~~subsection~~~~[Section 3](1)(b) of this section~~.

(2) Presenters of relevant programs or academic courses may earn double continuing education credit for the length of presentation time, not to exceed ~~six (6) CE[twelve–(12)]~~ hours per renewal cycle.

(3) Credit shall not be issued for repeated instruction of the same course.

(4) A licensee shall not receive credit for completing the same CE course within the two (2) year renewal period.

Section 4. Documentation of CE Hours. (1) A licensee shall furnish the following information regarding completion of the appropriate number of CE hours for the current renewal period:

- (a) Name of course, date, and the author or instructor;
- (b) Name of providing organization and the location of the course;
- (c) The number of hours attended;
- (d) Provider number;
- (e) Provider name and telephone number for board verification;
- (f) Official transcripts with a raised seal showing academic credits and grades awarded if courses are received from a university, college, or vocational technical adult education facility; and
- (g) Documentation of completion, if requested by the board.

(2) A licensee who supplies false information to the board in order to comply with the CE requirements of this administrative regulation shall be subject to disciplinary action that may include suspension or revocation of license.

Section 5. Procedures for Preapproval of Continuing Education Courses. (1) An entity seeking to obtain approval of a continuing education course prior to its offering shall complete a Continuing Education Program Application and submit it to the board at least sixty (60) days in advance of the commencement of the course, stating the:

- (a) Type of learning activity;
- (b) Subject matter;
- (c) Names and qualifications of the instructors;
- (d) Number of ~~CE[continuing education]~~ hours offered; and
- (e) Statement of how the CE course relates to massage therapy.

(2) A CE activity shall be preapproved if the activity being presented:

- (a) Is an organized course of learning;
- (b) Pertains to subject matters that integrally relate to the practice of massage therapy;
- (c) Contributes to the professional competency of the licensee; and
- (d) Is conducted by an individual with approved educational training or experience.

(3) The board shall review preapproval requests meeting the board's deadline at the board meeting immediately following the submittal and receipt of all required materials. An entity shall submit a preapproval request, and all required materials shall be received by the board at least one (1) business day before the board meeting. The board may defer a preapproval request to the next board meeting if the request did not meet the deadline established in this subsection.

Section 6. Responsibilities and Reporting Requirements of Licensees. A licensee shall:

- (1) Identify the licensee's own continuing education needs, take the initiative in seeking continuing professional education activities to meet these needs, and seek ways to integrate new knowledge, skills, and attitudes;
- (2) Select approved activities by which to earn CE hours;
- (3) Maintain records of CE hours, for a period of two (2) years from the date of renewal; and
- (4) Document attendance and participation in a CE activity by providing official transcripts, copies of certificates, or verification of completion, if requested.

Section 7. Carry-over of CE Hours. (1) A maximum of ~~six (6)[twelve–(12)]~~ CE hours may be carried over into the next renewal period.

(2) A licensee shall maintain records related to carry-over ~~CE[continuing education]~~ hours and submit those ~~CE[continuing education]~~ hours to the board if the licensee elects to utilize those hours for the fulfillment of the continuing education requirement for the current renewal period.

(3) A continuing education course shall only be used for the fulfillment of the continuing education requirement for a single renewal period and shall not be subdivided for utilization in multiple renewal periods.

Section 8. Appeal Procedure If Approval for CE Hours is Denied. If an application for approval of CE hours is disapproved, the licensee may request reconsideration by the board. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of the CE hours.

Section 9. Audit of CE Activities. The board may audit the documentation of a licensee's CE hours for the current renewal period. If notified by the board, the licensee shall respond to the audit within thirty (30) days of the date of the request.

Section 10. Waiver or Extension of Continuing Education. (1) The board shall, in individual cases involving medical disability, illness, undue hardship, active military service, or other similar extenuating circumstance that precludes the individual's completion of the requirements, waive CE requirements or grant an extension of time within which to fulfill the requirements if the board receives:

- (a) A written request for waiver or extension of time; and
 - (b) 1. Verifying documentation signed by a licensed physician or proper military personnel, if applicable; or
 2. Documentation to support the waiver.
- (2) A waiver of the minimum CE requirements or an extension of time within which to fulfill the CE requirements may be granted by the board for a period not to exceed one (1) calendar year. If the circumstance extends beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension.

Section 11. Incorporation by Reference. (1) "Continuing Education Program Application", ~~June 2021~~~~[August–2014]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Professional Licensing, 500 Mero Street, Frankfort, Kentucky 40601~~[Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40602]~~, 8:00 a.m. to 4:30 p.m. The board's Web site address is: <https://bmt.ky.gov/>.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782 - 8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, March 7, 2022)

301 KAR 5:001. Definitions for 301 KAR Chapter 5.

RELATES TO: KRS 150.195

STATUTORY AUTHORITY: KRS 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195 requires the department to promulgate administrative regulations. This administrative regulation establishes definitions for~~To define the~~ terms used in 301 KAR Chapter 5.

Section 1. Definitions. (1) "Agents of county clerks" means the business establishments included on the list submitted to the department by county clerks of their authorized license agents as of July 16, 1994.

(2) "Commission" is defined by KRS 150.010~~(6) [(4)]~~.

(3) "Commissioner" is defined by KRS 150.010~~(7) [(5)]~~.

(4) "Department" is defined by KRS 150.010~~(11) [(8)]~~.

(5) "License agent" means a county clerk, government office, or business authorized to sell licenses and conduct other transactions for the department.

(a) "Governmental agent" means a license agent who is a county clerk or the representative of another federal, state, or local governmental entity.

(b) "Out-of-state agent" means a license agent who sells licenses at a location outside the boundaries of Kentucky.

(6) "License stock" means the blank paper upon which licenses are printed by the POS device.

(7) "POS device" means a point-of-sale computer terminal, printer, and associated hardware, software, and connecting cables used to generate licenses and record license sale data.

(8) "POS licenses" means the licenses or permits authorized by KRS 150.175 and 301 KAR 3:022, which are available for sale through POS devices.

(9) "Transaction" means the application for a hunt or the purchase or sale of a license, permit, or product~~[-or the application for a hunt]~~, using a POS device at a license agent location.

(10) "Upload" means the transfer, over telephone lines, of electronic data from the POS device to the department.

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
Department of Fish and Wildlife Resources
(As Amended at ARRS, March 7, 2022)

301 KAR 5:030. Purchasing licenses and permits~~[obtaining replacement licenses]~~.

RELATES TO: KRS 150.090, 150.170, 150.175, 150.195, 150.235, 150.990

STATUTORY AUTHORITY: KRS 150.170, 150.175, 150.195

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.195(1) authorizes the department to promulgate administrative regulations pertaining to the issuance of licenses and permits. KRS 150.175 authorizes the department to require proof of residency and age or disability for those eligible to purchase a senior~~[/]~~ or disabled combination~~combination~~~~[sportsman's]~~ license. This administrative regulation establishes~~specifies~~ the information required to purchase a [POS] license or permit, ~~[the information required on the license]~~ the method of purchasing a license or permit, ~~[how replacement]~~ reprinting or refunding licenses or permits ~~[may be obtained]~~, and how to obtain a disability authorization~~[card]~~.

Section 1. Purchasing Licenses or Permits.~~[Information Required to Purchase a POS License.]~~(1) Licenses or permits ~~may~~can be obtained:

(a) At license agent locations;

(b) At other department sponsored or approved ~~[sponsored/approved]~~ sites or events;~~for~~

(c) By accessing the department's online or mobile purchase portals;~~or~~]

(d) By Phone. Phone sales customers shall~~will~~ be issued an authorization number and shall~~must~~ comply with Section 2 of this administrative regulation.

(2) A person buying a [POS] license or permit shall submit ~~to~~furnish the license agent the applicant's~~following applicant~~ information:

(a) [(1) The license applicant's d] Date of birth;~~and~~

(b) [(2) One (1) of the following [Aa] identification numbers;], which shall be:

(a) The license applicant's:

1. Social Security number; or~~er~~

2. Fish and Wildlife Identification number;~~for~~

3. An agency approved state or federal identification number.

(c) Address, including city, state, and zip code;

(d) Email or~~and/or~~ phone number;

(e) If purchasing a senior license, proof of age; and

(f) If purchasing a disability license, an unexpired disability authorization issued by the department to the license applicant.]

(b) If buying a senior/disabled license:

1. If age sixty-five (65) or over, proof of age and Kentucky residency;~~or~~

2. If under age sixty-five (65), an unexpired disability authorization card issued by the department and proof of Kentucky residency.]

Section 2. ~~[Providing Information on Licenses]~~ Proof of License or Permit. (1) Before performing an act authorized by the license or permit, the [license] holder shall:

(a) [Sign the POS license] keep proof of license or permit purchase, whether printed, electronic, or department issued authorization number in possession at all times while performing any act authorized by the license or permit;~~and~~

(b) Provide the following information, legibly in ink or indelible pencil, in the blanks provided on the POS license:

1. Address, including city, state and zip code;

2. Eye color;

3. Hair color;

4. Sex;

5. Height; and

6. Weight.]

(2) A license or permit not completed as established ~~[specified]~~ in this section shall not be valid.

(3) A senior combination~~[disabled combination]~~ [sportsman's] license shall not be valid unless accompanied by:

(a) proof of age and Kentucky residency, if the license recipient is age sixty-five (65) or over.[-or]

(4) A disability combination[sportsman's] license shall not be valid unless accompanied by proof of Kentucky residency.

[(b) An unexpired disability authorization card issued to the license recipient, if the license recipient is under age sixty-five (65) and proof of Kentucky residency.]

(5) The authorization number shall serve in lieu of the paper or electronic license or permit. A person using an authorization number as proof of license or permit, while performing an act authorized by the license or permit, shall carry [upon their person] and present upon request to a law enforcement officer:

(a) The authorization number; and

(b) If sixteen (16) years of age or older, identification with a picture and date of birth.

(6) A person using an authorization number in lieu of a deer, elk, or turkey permit shall:

(a) Before hunting, write the person's[their] name, address, and applicable authorization number on a card;

(b) Immediately after taking an animal, write the date the animal was taken, the species, and the sex of the animal on the card;

(c) Complete any check-in procedure required for that species

~~and~~ write the telecheck authorization number on the card; ~~and~~

(d) If the carcass is out of the hunter's possession, ~~the hunter shall~~ attach another card to the carcass containing the hunter's name, address, authorization number, date the animal was taken, species, and telecheck authorization number, if already obtained; ~~and~~

~~(e) Present to a law enforcement officer, upon request, the information applicable as established in this subsection.~~

Section 3. [Replacement of Lost or Destroyed Licenses] Reprint or Refunding of Licenses or Permits. (1) A person whose license or permit is lost or destroyed may:

(a) ~~Request a replacement license from the department~~ Reprint the license or permit using the reprint option available in the customer's profile on the department's Web site at <https://app.fw.ky.gov/Myprofile/default.aspx> or mobile application; or

(b) ~~Purchase a replacement license and request a refund from the department~~ Ensure an electronic version is available as ~~established~~ outlined in Section 2 ~~of this administrative regulation.~~

(2) A person may request ~~requesting~~ a refund ~~for a~~ for ~~replacement~~ license or permit ~~or refund shall provide the department with~~ by: (a) His name and complete mailing address;

(b) The identification number used to purchase the original license; and

(c) One (1) of the following:

1. A replacement fee of five (5) dollars; or

2. The license number of the license he bought to replace the lost or destroyed license.

(3) If the department can verify the purchase of the original license, it shall:

(a) Void the original license; and

(b) Issue a:

1. Replacement license; or

2. Refund check for the amount of the license, less a five (5) dollar replacement fee.

(4) A person shall not use, or present to a conservation officer or other peace officer, a license voided by the issuance of a replacement.

(5) The department shall not refund a license replacement fee.

Section 4. Duplicate License Refunds. (1) ~~A person may obtain a refund for a duplicate license or permit by:~~

(a) Requesting a refund from the license agent who completed the transaction if the request is made within four (4) hours of the license or permit issuance; or

(b) For duplicate licenses or permits, by ~~submitting to~~ furnishing the department ~~with~~ the license or permit holder's:

1. Identification number used to purchase;

2. Date of birth;

3. Last name;

4. Mailing address to send the refund;

5. License, permit, or authorization number of the original license or permit; and

6. Reason for refund request.

(3) Upon receipt of the refund request, and subsequent verification of the original purchase, the department shall issue a refund check for the license or permit purchased. ~~A person may obtain refunds for a duplicate POS license:~~

(1) From the license agent who completed the transaction, if:

(a) The request is made on the same day the license was issued; and

(b) The original license is surrendered to the license agent; or

(2) By furnishing the department with:

(a) The duplicate license;

(b) The name and mailing address of the person requesting the refund;

(c) The license number of the original license; and

(d) An explanation of the reason for the refund request.

(3) Upon receipt of the refund request and duplicate license, and subsequent verification of the original purchase, the department shall issue a refund check for the amount of the license less a fee of five (5) dollars.]

~~Section 4.~~ Section 5. Buying Licenses or permits for Another.

A person purchasing a [POS] license or permit for another person shall provide the ~~license agent with the~~ information about the person for whom the license is being purchased as required in Section 1 of this administrative regulation. A person other than a parent or guardian ~~shall~~ may not purchase a junior hunting license for another person.

~~Section 5.~~ Section 6. Obtaining a Disability Authorization Card]. (1) To verify that ~~the applicant~~ he qualifies for a ~~combination~~ senior ~~disabled combination~~ sportsman's license because of a disability as ~~established~~ specified in KRS 150.175, a person shall provide the department proof of Kentucky residency and one (1) of the following:

(a) A ~~paper~~ department approved form or electronic verification from the applicant's ["TPQY long" form from his] local federal Social Security office certifying ~~that he~~ the applicant is receiving disability benefits from Social Security;

(b) A copy of his disability rating showing at least a fifty (50) percent military service-connected disability;

(c) A letter of verification from the United States Railroad Retirement Board certifying that the applicant has been declared totally and permanently disabled;

(d) A letter, on that state board's letterhead, certifying that the applicant has been declared totally and permanently disabled by another state's workers' compensation board;

(e) A letter of verification from the Kentucky Teachers' Retirement System certifying that the applicant has been declared totally and permanently disabled from teaching; or

(f) A letter of verification from the U.S. Office of Personnel Management certifying that the applicant has been declared totally and permanently disabled.

(2) A person declared totally and permanently disabled by the Kentucky State Workers' Compensation Board shall:

(a) Obtain a Disability Workers Compensation Exemption form from the department; and

(b) Complete the form and mail it to the address given on the form.

(3) Upon receipt of the verification required by subsection (1) of this section or upon receipt of verification from the state Worker's Compensation Board, the department shall issue an ~~authorization card~~ certifying the person is eligible to purchase a ~~senior~~ disabled ~~combination~~ combination sportsman's license.

~~Section 6.~~ Section 7. (1) Duration of Disability Exemption. Certification by the Social Security Administration, Kentucky Teachers' Retirement System, or a state worker's compensation board shall remain valid for three (3) years after issue of the disability authorization ~~card~~.

(2) Certification by the United States Railroad Retirement Board, U.S. Office of Personnel Management, or certification of at least fifty (50) percent military service-connected disability shall remain valid until the license holder turns sixty-five (65) years of age or no longer requires the disability exemption. ~~Section 8. Incorporation by Reference. (1) The following material is incorporated by reference:~~

(a) "Disability Authorization Card", March 2001; and

(b) "Disability Authorization Card Instructions", March 2001.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, Division of Fiscal Control, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.]

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
Department of Fish and Wildlife Resources
(As Amended at ARRS, March 7, 2022)**

301 KAR 5:100. Interstate Wildlife Violator~~[Violators]~~ Compact.

RELATES TO: KRS 150.236

STATUTORY AUTHORITY: KRS 150.025, 150.236, 150.238

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to establish administrative regulations necessary to carry out the purpose of KRS Chapter 150. KRS 150.236 authorizes the department to promulgate administrative regulations regarding the suspension of hunting or fishing privileges for persons whose hunting or fishing privileges have been suspended or revoked by other jurisdictions. KRS 150.238 authorizes the department to enter into reciprocal agreements with other states regarding fish and wildlife violations. This administrative regulation establishes the provisions of a reciprocal interstate Wildlife Violator~~[Violators]~~ Compact.

Section 1. Definitions. (1) "Citation" means any summons, complaint, ticket, penalty assessment, or other official document issued by a wildlife officer or other peace officer for a wildlife violation containing an order that/which requires the person to respond.

(2) "Collateral" means any cash or other security deposited to secure an appearance for trial, in connection with the issuance by a wildlife officer or other peace officer of a citation for a wildlife violation.

(3) "Compliance" means:

(a) The act of answering a citation through appearance at a court or/; a tribunal;; or

(b) Payment of fines, costs, and surcharges, if any;; or

(c) Both paragraphs (a) and (b) of this subsection~~[such appearance and payment]~~.

(4) "Conviction" means:

(a) A conviction, including any court conviction, of any offense related to the preservation, protection, management, or restoration of wildlife [which is] prohibited by state statute, law, administrative regulation, ordinance, or administrative rule;; or

(b) A forfeiture of fines, bond, or other security deposited to secure appearance by a person charged with having committed any [such] offense;

(c); or Payment of a penalty assessment;

(d); or A plea of nolo contendere;; or

(e) The imposition of a deferred or suspended sentence by the court.

(5) "Home state" means the state of primary residence of a person.

(6) "Issuing state" means the party state that/which issues a wildlife citation to the violator.

(7) "License" means any license, wildlife~~;~~ permit, or other public document that conveys to the person to whom it was issued the privilege of pursuing, possessing, or taking any wildlife regulated by statute, law, administrative regulation, ordinance, or administrative rule of a party state.

(8) "Licensing authority" means the department within each party state [which is] authorized by law to issue or approve licenses or permits to hunt, fish, trap, or possess wildlife.

(9) "Party state" means any state that/which enacts legislation to become a member of the Interstate Wildlife Violator~~[this wildlife]~~ Compact.

(10) "Personal recognizance" means an agreement by a person made at the time of issuance of the wildlife citation that the person will comply with the terms of that citation.

(11) "State" means any state, territory, or possession of the United States.

(12) "Suspension" means any revocation, denial, or withdrawal of any or all license privileges or rights, including the privilege or right to apply for, purchase, or exercise the benefits conferred by any license.

(13) "Terms of the citation" means those conditions and options expressly stated upon the citation.

(14) "Wildlife" means:

(a)1. All species of animals, including mammals, birds, fish, reptiles, amphibians, mollusks, and crustaceans; and

2. Food, fish, and shellfish; and

(b) That/Which are:

1. Defined as wildlife, food fish, or shell fish in that specific jurisdiction; and

2. Protected by or otherwise regulated by statute, administrative regulation, ordinance, or administrative rule in that specific jurisdiction.

(15) "Wildlife law" means any statute, law, administrative regulation, ordinance, or administrative rule developed and enacted to manage wildlife resources and the use thereof.

(16) "Wildlife officer" means any individual authorized by a party state to issue a citation for a wildlife violation.

(17) "Wildlife violation" means any cited violation of a statute, law, administrative regulation, ordinance, or administrative rule developed and enacted to manage wildlife resources and the use thereof.

Section 2. Procedures for the Issuing State. (1) If issuing a citation for a wildlife violation, a wildlife officer shall issue a citation to any person whose primary residence is in a party state in the same manner as if the person were a resident of the home state and shall not require the person to post collateral to secure appearance, subject to the exceptions established~~[contained]~~ in subsection (2) of this section, if the officer receives the person's personal recognizance that the person shall comply with the terms of the citation.

(2) Personal recognizance shall be acceptable ~~if is acceptable~~.

(a) ~~[If]~~ Not prohibited by local law or the compact manual adopted by the Kentucky Department of Fish and Wildlife Resources; and

(b) ~~[If]~~ The violator provides adequate proof of the violator's identification to the wildlife officer.

(3) Upon conviction or failure of a person to comply with the terms of a wildlife citation, the appropriate official shall report the conviction or failure to comply to the licensing authority of the party state in which the wildlife citation was issued. The report shall be made in accordance with procedures of~~[specified by]~~ the issuing state and shall contain the information established~~[specified]~~ in the Compact Manual ~~[adopted by the Kentucky Department of Fish and Wildlife Resources as policy as minimum requirements for effective processing by the home state]~~.

(4) Upon receipt of the report of conviction or noncompliance required by subsection~~[subdivision]~~ (3) of this section~~[administrative regulation]~~, the licensing authority of the issuing state shall transmit to the licensing authority in the home state of the violator the information in a form and content as established~~[contained]~~ in the Compact Manual ~~[adopted by the Kentucky Department of Fish and Wildlife Resources as policy]~~.

Section 3. Procedures for Home State. (1) Upon receipt of a report of failure to comply with the terms of a citation from the licensing authority of the issuing state, the licensing authority of the home state shall notify the violator, shall initiate a suspension action in accordance with the home state's suspension procedures, and shall suspend the violator's license privileges or rights until satisfactory evidence of compliance with the terms of the wildlife citation has been submitted~~[furnished]~~ by the issuing state to the home state licensing authority. Due process rights shall be provided to any person who is issued a citation pursuant to this administrative regulation.

(2) Upon receipt of a report of conviction from the licensing authority of the issuing state, the licensing authority of the home state shall enter the conviction in its records and shall treat the conviction as if it occurred in the home state for the purposes of the suspension of license privileges.

(3) The licensing authority of the home state shall maintain a record of actions taken and make reports to issuing states as established~~[provided]~~ in the Compact Manual ~~[adopted by the department as policy]~~.

Section 4. Reciprocal Recognition of Suspension. All party states shall recognize the suspension of license privileges or rights of any person by any state as if the violation on which the suspension is based had in fact occurred in ~~the~~**[their]** state and would have been the basis for suspension of license privileges or rights in ~~the reciprocal~~**[their]** state.

Section 5. The commissioner shall designate a department representative who shall serve as the department's compact administrator.

Section 6. Appeals. (1) A person who is convicted pursuant to this administrative regulation or who is found to have committed a violation in another state that warrants the department denying ~~them~~**-ja** hunting license, fishing license, trapping license, or any wildlife permit, may appeal the decision and request in writing an administrative hearing within thirty (30) days of the denial.

(2) Upon receipt of a written request for an administrative hearing, the department shall set the date, time, and place of the hearing and shall ~~forthwith~~**-j** notify the person by regular U.S. mail.

(3) An administrative hearing conducted pursuant to this section shall be held in accordance with KRS Chapter 13B.

Section 7. Effective Dates of Suspensions. Only violations that are committed on or after ~~April 4, 2008~~**[the effective date of this compact]**, and resulting suspensions, shall be subject to the provisions of the compact.

Section 8. Incorporation by Reference. (1) "Compact Manual", 2/08, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Ky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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.

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 7, 2022)**

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", ~~March 7, 2022~~**[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[3/4/48])
KSR 02-00-01	Inmate Canteen (Amended 3/7/22 [11/16/21] [4/42/47])
KSR 02-00-03	Screening Disbursements from Inmate Accounts (Amended 3/7/22 [11/16/21] [4/42/47])
KSR 02-00-11	Inmate Accounts (Amended 11/16/21[3/4/48])
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[4/42/47])
KSR 09-00-28	Restricted Areas (Amended 11/16/21[12/14/45])
KSR 09-00-30	Parole Board (Amended 11/16/21[4/42/47])
[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 3/4/48)]
KSR 10-01-12	Restrictive Housing Unit General Operational Procedures – Unit E/Upper A Wing (Added 3/7/22 [11/16/21])
KSR 11-00-01	Meal Planning and Procedure (Amended 11/16/21[3/4/48])
KSR 11-00-05	Food Service Department Clothing Issuance, Laundry and Sanitation (Amended 11/16/21[12/14/45])
KSR 11-00-06	Health Standards for Food Service Employees (Amended 11/16/21[4/42/47])
KSR 12-00-03	State and Personal Hygiene Items Issued to Inmates (Amended 11/16/21[3/4/48])
KSR 12-00-07	Inmate Barber and Beauty Shop [Barbershop] (Amended 3/7/22 [11/16/21] [4/41/46])
KSR 12-00-09	Treatment of Inmates with Body Lice (Amended 11/16/21[3/4/48])
KSR 13-00-03	Medication for Inmates Leaving Institutional Grounds (Amended 12/14/15 [11/16/21] [12/14/45])
KSR 13-00-04	Medical and Dental Care (Amended 11/16/21[5/45/48])
KSR 13-00-05	Medical Records (Amended 11/16/21[4/11/16])
KSR 13-00-09	Institutional Pharmacy Procedures (Amended 3/7/22 [11/16/21] [4/42/47])
KSR 13-00-10	Requirements for Medical Personnel (Amended 11/16/21[42/44/45])
KSR 13-00-17	Special Care (Amended 11/16/21[12/44/45])
KSR 13-01-01	Death of an Inmate and Notification of Inmate Family About a Critical
KSR 13-02-01	Mental Health Services (Amended 3/7/22 [11/16/21] [12/44/45])
KSR 13-02-03	Suicide Prevention and Intervention Program (Amended 3/7/22 [11/16/21] [3/4/48])
KSR 13-02-08	Inmate Observer Program (Amended 11/16/21[4/42/47])
KSR 13-03-01	Correctional Psychiatric Treatment Unit (Added 3/7/22 [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[12/14/45])
KSR 15-00-06	Inmate Identification Cards (Amended 11/16/21[3/4/48])
KSR 15-00-09	Tobacco Free Environment (Amended 11/16/21[12/14/45])
KSR 15-00-10	Program Services for Special Housing Placement (Amended 3/7/22 [11/16/21] [3/4/48])
[KSR 15-01-01	Responsibilities of Staff Assigned to Units A, B & C (Amended 3/4/48)]
KSR 15-01-02	Staff Operational Procedures for Units A, B, and [C] (Amended 3/7/22 [11/16/21] [3/4/48])
KSR 15-01-03	Inmate Rules for General Population Living Areas (Amended 3/7/22 [11/16/21] [3/4/48])
[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 3/4/48])

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KSR 16-00-02	Inmate Correspondence and Mailroom Operations (Amended 11/16/21[3/4/48])
KSR 16-00-03	Inmate Access to Telephones (Amended 11/16/21[3/4/48])
KSR 16-01-01	Inmate Visiting (Amended 11/16/21[3/4/48])
KSR 17-00-05	Inmate Reception and Orientation (Amended 11/16/21[3/4/48])
KSR 17-00-07	Inmate Personal Property (Amended 11/16/21[3/4/48])
KSR 18-00-04	Inmate Transfers, Admission, and Discharge Procedures (Amended 11/16/21[3/4/48])
KSR 18-00-06	Classification (Amended 11/16/21[4/2/4/45])
[KSR 18-00-07]	Kentucky State Reformatory Placement Committee (Amended 12/4/45)
KSR 18-01-00	Youthful Offenders (Amended 3/7/22[11/16/21][4/1/17])
[KSR 18-02-01]	Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) (Amended 1/12/17)
KSR 19-00-02	Inmate Work Programs (Amended 3/7/22[11/16/21][3/4/48])
[KSR 19-00-03]	Safety Inspections of Inmate Work Assignment Locations (Amended 3/14/18)
KSR 20-00-01	LaGrange Education Center [Programming] (Amended 3/7/22[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[3/4/48])
KSR 22-00-03	Inmate Organizations (Amended 3/7/22[11/16/21][3/4/48])
KSR 22-00-04	Inmate Recreation Programs (Added 3/7/22[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 4/1/17])
[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 3/7/22[11/16/21][3/4/48])
KSR 25-00-01	Discharge of an Inmate to Hospital or Nursing Home (Amended 11/16/21[4/2/4/45])
KSR 26-00-01	Volunteer Services Program (Amended 11/16/21[1/12/17])

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**JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, March 7, 2022)**

501 KAR 6:290. Southeast State Correctional Complex.

RELATES TO: KRS Chapters 196, 197, 439
STATUTORY AUTHORITY: KRS 196.035, 197.020, 439.470, 439.590, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, 439.590, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate

administrative regulations necessary and suitable for the proper administration of the department or of its divisions. These policies and procedures are incorporated by reference in order to comply with the accreditation standards of the American Correctional Association. This administrative regulation establishes the policies and procedures for the Southeast State Correctional Complex.

Section 1. Incorporation by Reference. (1) "Southeast State Correctional Complex policies and procedures", ~~March 7[February 14], 2022[November 3, 2021]~~, are incorporated by reference. Southeast State Correctional Complex policies and procedures include:

SSCC 01-06-01	Inmate Access to and Communication with SSCC Staff
SSCC 01-07-01	Institutional Tours of SSCC
SSCC 01-08-01	SSCC Cooperation with Outside Agencies Including Courts, Governmental, Legislative, Executive, and Community Agencies
SSCC 01-10-01	Public Information and Media Communication <u>3/7/22</u>
SSCC 01-11-01	Tobacco Products and Nicotine Procedures
SSCC 02-08-01	Inmate Canteen
SSCC 02-12-01	Inmate Accounts <u>3/7/22</u>
SSCC 05-02-01	Outside Consultation and Research <u>3/7/22</u>
SSCC 09-01-01	Inmate Counts <u>3/7/22</u>
SSCC 09-02-01	Inmate Substance Abuse Testing
SSCC 09-03-01	Inmate Death <u>3/7/22</u>
SSCC 09-04-01	Construction Crew Entry and Exit Procedures <u>3/7/22</u>
SSCC 09-05-01	Entry and Exit Procedures <u>3/7/22</u>
SSCC 10-01-01	Special Management Unit <u>3/7/22[Restrictive Housing Unit 2/14/22]</u>
SSCC 11-01-01	Food Service General Information & Staff Health Standards <u>3/7/22</u>
SSCC 11-01-02	Inmate Dining Room
SSCC 11-02-01	Food Service Security
SSCC 11-03-01	Inmate Work Schedule for Food Service
SSCC 11-04-01	Meal Preparation and Service
SSCC 11-04-02	Menu, Nutrition, Special, and Individual Diets
SSCC 12-01-01	Clothing, Bedding, Hygiene Supplies, and Barber Shop <u>3/7/22</u>
SSCC 12-03-01	Vermin and Insect Control
SSCC 13-02-01	Medical Services Informed Consent, Sick Call, Physician's Clinics, Pill Call, and Medical Co-Payment
SSCC 13-02-02	Emergency Medical Care and Specialized Health Services
SSCC 13-02-03	Continuity of Care: Health Evaluations, Intra-System Transfer, Individual Treatment Plans
SSCC 13-03-01	Use of Pharmaceutical Products <u>3/7/22</u>
SSCC 13-05-01	Management of Serious and Infectious Diseases
SSCC 13-06-01	Mental Health Services <u>3/7/22</u>
SSCC 13-07-01	Suicide Prevention and Intervention Program <u>3/7/22</u>
SSCC 13-08-01	Eye Care
SSCC 13-09-01	Dental Care
SSCC 13-12-01	Inmate Self Administration of Medication
SSCC 13-13-01	Health Education Program and Detoxification
SSCC 13-14-01	COVID-19 Precautions
SSCC 14-02-01	Legal Services Program <u>3/7/22</u>
SSCC 16-01-01	Inmate Visitation <u>3/7/22</u>

SSCC 16-02-01	Inmate Mail
SSCC 16-03-01	Inmate Telephone Communications
SSCC 16-04-01	Inmate Packages
SSCC 17-01-01	Personal Property Control
SSCC 17-02-01	SSCC Inmate Receiving and Orientation Process
SSCC 17-03-01	Television Repair Process
SSCC 18-01-01	Inmate Classification
SSCC 18-02-01	Meritorious Housing
SSCC 18-02-02	Meritorious Visitation
SSCC 19-01-01	Inmate Work Program
SSCC 20-01-01	Educational Courses
SSCC 21-01-01	Library Services
SSCC 22-01-01	Recreation Programs
SSCC 22-02-01	Inmate Clubs and Organizations
SSCC 22-03-01	Arts and Crafts Projects
SSCC 23-01-01	Religious Services
SSCC 24-01-01	Social Services and Counseling Program
SSCC 25-01-01	Pre-Release Program
SSCC 25-01-02	Inmate Release Process
SSCC 25-02-01	Parole Hearings
SSCC 26-01-01	Citizen Involvement and Volunteer Service Program

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**JUSTICE AND PUBLIC SAFETY CABINET
Department of State Police
(As Amended at ARRS, March 7, 2022)**

502 KAR 15:010. Traffic collision[Accident] reports.

RELATES TO: KRS 189.635

STATUTORY AUTHORITY: KRS 15A.160, 189.635

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 authorizes the secretary of 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 189.635 requires the Department of Kentucky State Police to establish a reporting system for vehicle collisions[accidents], including uniform reporting procedures, collision report dissemination, and fee schedule[and forms]. This administrative regulation establishes the reporting system, dissemination procedures, [forms,] and fee schedule.

Section 1. Definitions. (1) "Cabinet" is defined by KRS 16.010(2).

(2) "Department" is defined by KRS 16.010(8).

(3) "Person" is defined by KRS 446.010(33).

(4) "Traffic collision report" means the report for a traffic collision or vehicle accident within the Commonwealth that is required in KRS 186.635.

Section 2. **Collision Reporting. (1) A law enforcement officer shall make a traffic collision report as required in KRS 189.635(3) using the E-CRASH collision reporting system in the Kentucky Open Portal Solution (KYOPS) client application. The E-CRASH collision reporting system shall be the reporting system for the reports by a law enforcement officer required by KRS 189.635(1)-(3). For access to the reporting system, a**

law enforcement agency may contact the Kentucky State Police, Criminal Identification and Records Branch, 1266 Louisville Road, Frankfort, Kentucky 40601, (502) 227-8700.

(2) If a traffic collision is not investigated by a law enforcement officer, a party involved in the collision may submit the report required by KRS 189.635(4) by using the online civilian collision reporting tool located on the department Web site at <https://kentuckystatepolice.org/civilian-collision-reports.us>. [The "Uniform Police Traffic Collision Report" form provided][published] [by the department][Department of Kentucky State Police] shall be the official vehicle accident report form for all law enforcement agencies in Kentucky.]

Section 3.[Section 2.][Interpretation and classification of traffic accidents in connection with completion of a Kentucky uniform police traffic collision][accident] report form shall follow instructions in the most recent version of the "Kentucky Uniform Police Traffic Accident Report Manual" provided][published] [by the Justice and Public Safety Cabinet on the electronic collision reporting portal and instructions not in conflict with the Kentucky manual contained in the most recent version of the "Manual on Classification of Motor Vehicle Traffic Collision," published by the National Safety Council.

Section 4.[Section 3.] A law enforcement agency whose officers make a traffic collision[accident] report shall be the originating agency with respect to the report[and shall retain a copy of the report]. Responsibility for providing[copies of traffic collision][accident] [reports] to the parties authorized by KRS 189.635 shall remain with the originating agency.

Section 4.[Section 5.][Section 4.][A law enforcement agency whose officers create a traffic collision report shall utilize the electronic submission application as provided by the department][receiving a vehicle accident report pursuant to KRS 189.635 shall forward the original copy of the report to the "CRASH Section, Criminal Identification and Records Branch" Department of Kentucky State Police, Justice and Public Safety Cabinet, Frankfort, Kentucky 40601, in envelopes provided by the cabinet within ten (10) days of receiving the report. The report shall be mailed flat and shall not be folded].

Section 6.[Section 5.] Fees for Vehicle Collision[Accident] Reports. Vehicle Collision[Accident] Reports may be obtained by authorized parties pursuant to KRS 189.635(5) and (8) upon payment of the following fees:

- (1) Paper copies: five (5) dollars; and
- (2) Reports obtained via the Kentucky State Police Web site: ten (10) dollars.

Section 5.[Section 7.] News-gathering organization. An organization requesting a traffic[vehicle] collision report pursuant to KRS 189.635(8) shall complete and sign KSP [Form] 029, News-gathering organization certification and submit the form with the request for records by:

(1) Email to ksp.openrecords@ky.gov;

(2) Fax to 502-573-1636; or

(3) Mail or hand delivery to Kentucky State Police, Legal Services Branch, Attn: Records Custodian, 919 Versailles Road, Frankfort, Kentucky 40601.[according to the procedures described on the department Web site.]

Section 6.[Section 8.][Section 6.] Incorporation by Reference.

(1) [The following material is incorporated by reference:

(a) KSP Form 74, "Kentucky Uniform Police Traffic Collision Report" [, "][Form KSP 74,][2008 edition][Revised 4/2000"]];

(b) "Kentucky Uniform Police Traffic Collision Report Manual", 2008 edition][July 2000"]];

(c) "Manual on Classification of Motor Vehicle Traffic Accidents" [, 6th edition]["] and

~~(d)] KSP[Form] 029, "News gathering organization certification", 9/2021[2017] edition["Vehicle accident report envelope, 1st edition"]].~~

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EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Kentucky Board of Education
Department of Education
(As Amended at ARRS, March 7, 2022)

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 the[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 the[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. ~~An[*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.

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EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Board of Education
Department of Education
(As Amended at ARRS, March 7, 2022)

704 KAR 3:395. Extended school services.

RELATES TO: KRS 156.070, 158.070, 158.6451, 158.6453, 158.792

STATUTORY AUTHORITY: KRS ~~156.070(4)~~, 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 ~~6 through 12[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 grade 12[the twelfth grade]. Students shall be eligible to receive these services until they graduate from grade 12[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.

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**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Policy and Operations
(As Amended at ARRS, March 7, 2022)**

907 KAR 3:170. Telehealth service coverage and reimbursement.

RELATES TO: KRS 194A.060,[194A.125,] 205.510(16)[(15)], (17), 205.559, 205.5591, 205.560, 304.38-240, 422.317, 434.840-434.860, 42 C.F.R. 400.203, 415.174, 415.184, 431.300-431.307, 440.50, Part 455, 45 C.F.R. 164.530, 42 U.S.C. 1395m

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.559[(2)], 205.5591[(7)], 205.560

NECESSITY, FUNCTION, AND CONFORMITY: In accordance with KRS 194A.030(2), 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. KRS 205.559 establishes the requirements regarding Medicaid reimbursement of telehealth providers, and KRS 205.5591 requires[205.559(2) and (7) require] the cabinet to promulgate an administrative regulation relating to telehealth services and reimbursement. This administrative regulation establishes the Department for Medicaid Services' coverage and reimbursement policies relating to telehealth services in accordance with KRS 205.559 and 205.5591.

Section 1. Definitions. (1) "Asynchronous telehealth" means a store and forward telehealth service that is electronically mediated.

(2) "Department" means the Department for Medicaid Services or its designated agent.

(3) "Face-to-face" means:

- (a) In-person; and
- (b) Not via telehealth.

(4) "Federal financial participation" is defined by 42 C.F.R. 400.203.

(4) "In-person" means a healthcare encounter occurring:

(a) Via direct contact and interaction between the individual and healthcare provider;

(b) At the same location; and

(c) Not via telehealth.

(5) "Medical necessity" or "medically necessary" means a covered benefit is determined to be needed in accordance with 907 KAR 3:130 or pursuant to the process established by KRS 304.38-240.

(6) "Place of service" means anywhere the patient is located at the time a telehealth service is provided, and includes telehealth services provided to a patient located at the patient's home or office, or a clinic, school, or workplace.

(7) "Remote patient monitoring" means a digital technology that collects medical and health data from an individual in one (1) location and electronically and securely transmits that data to a telehealth care provider in a different location.

(8) "Synchronous telehealth" means a telehealth service that simulates an in-person[a face-to-face] encounter via real-time interactive audio and video technology between a telehealth care provider and a Medicaid recipient.

(9) [(8)] "Telehealth" is defined by KRS 205.510(16)[(15)].

(10) [(9)] "Telehealth care provider" means a Medicaid provider who is:

(a) 1. Currently enrolled as a Medicaid provider in accordance with 907 KAR 1:672;

2. [(b)] Currently participating as a Medicaid provider in

accordance with 907 KAR 1:671;

3.[(c)] Operating within the scope of the provider's professional licensure; and

4.[(d)] Operating within the provider's scope of practice; or[-]

(b) A community mental health center (CMHC) that is participating in the Medicaid Program in compliance with 907 KAR 1:044, 907 KAR 1:045, or 907 KAR 1:047.

(11)[(10)] "Telehealth service" means any service that is provided by telehealth and is one (1) of the following:

(a) Event;

(b) Encounter;

(c) Consultation, including a telehealth consultation as defined by KRS 205.510(17)(46);

(d) Visit;

(e) Store and forward transfer, as limited by Section 6[4] of this administrative regulation;

(f) Remote patient monitoring[-, as limited by Section 4 of this administrative regulation];

(g) Referral; or

(h) Treatment.

Section 2. Recipient Right to Receive Care In-Person or Via Synchronous Telehealth. (1) Any recipient, upon being offered the option of an asynchronous or audio-only telehealth visit, shall have the opportunity or option to request to be accommodated by that provider in an in-person encounter or synchronous telehealth encounter.

(2)(a) A telehealth care provider that has received a request for an in-person encounter or synchronous telehealth encounter shall provide an alternative in-person or synchronous telehealth encounter for the recipient within:

1. A reasonable time;

2. The existing availability constraints of the provider's schedule; and

3. No more than three (3) weeks of the recipient's request, unless the recipient's condition or described symptoms suggest a need for an earlier synchronous or in-person encounter.

(b)1. A provider's failure to accommodate a recipient with a synchronous telehealth or in-person encounter shall be reported to the Office of the Ombudsman and Administrative Review of the Cabinet for Health and Family Services, or its successor organization by a:

a. Recipient;

b. Recipient's guardian or representative;

c. Another provider; or

d. Managed care organization.

2. The Office of the Ombudsman and Administrative Review shall investigate as appropriate and forward reports of a failure to accommodate to the department.

(c) If a provider fails to accommodate any recipient or combination of recipients ten (10) or more times within a calendar year, the department may:

1. Issue a corrective action plan to ensure that recipients are receiving appropriate and timely care.

2. Suspend the provider from providing asynchronous telehealth services to Medicaid recipients.

(d) The requirement to accommodate established in this subsection shall not apply to a provider who is participating in the encounter only to diagnose or evaluate an image or data file.

(e) A request for an in-person or synchronous encounter shall be recorded within the recipient's medical record.

Section 3. General Policies. (1)(a) The telehealth policies established in this administrative regulation shall supersede any in-person requirement established within KAR Title 907.

(b) The requirement established in paragraph (a) of this subsection shall not supersede an in-person requirement established pursuant to:

1. State or federal law, including via the state plan or a waiver;

2. A standard set by a professional criteria, such as the American Society of Addiction Medicine's (ASAM) Criteria, if applicable;

3. A licensing body; or

4. A billing code requirement established pursuant to a department utilized procedure code.

(2) Subject to any relevant restrictions in this administrative regulation, a telehealth service shall be reimbursable if it is:

(a) Appropriate and safe to be delivered via the telecommunication technology used. For the purposes of this section, whether a service is appropriate shall include any requirements and descriptions relating to a department utilized procedure code;

(b) Not prohibited by the licensing board of the telehealth care provider delivering or supervising the service; and

(c) Provided by a telehealth care provider.

(3) Unless prohibited by the relevant licensing board of the telehealth care provider, a telehealth care provider may establish a new patient and conduct an initial visit with the new patient via the use of synchronous telehealth.

(4)(a) Except as provided in paragraph (b) of this subsection, the coverage policies established in this administrative regulation shall apply to:

1. Medicaid services for individuals not enrolled in a managed care organization; and

2. A managed care organization's coverage of Medicaid services for individuals enrolled in the managed care organization for the purpose of receiving Medicaid or Kentucky Children's Health Insurance Program services.

(b) A managed care organization shall reimburse the same amount for a telehealth service as the department reimburses unless a different payment rate is negotiated in accordance with Section 4[3](1)(b)[(a)]2.] of this administrative regulation.

(5)[(2)] A telehealth service shall not be reimbursed by the department if:

(a) It is not medically necessary;

(b) The equivalent service is not covered by the department if provided in an in-person[a face-to-face] setting; or

(c) The telehealth care provider of the telehealth service is:

1. Not currently enrolled in the Medicaid Program pursuant to 907 KAR 1:672;

2. Not currently participating in the Medicaid Program pursuant to 907 KAR 1:671;

3. Not in good standing with the Medicaid Program;

4. Currently listed on the Kentucky DMS Provider Terminated and Excluded Provider List, which is available at <https://chfs.ky.gov/agencies/dms/dpi/pe/Pages/terminated.aspx>;

[or]

5. Currently listed on the United States Department of Health and Human Services, Office of Inspector General List of Excluded Individuals and Entities, which is available at <https://oig.hhs.gov/exclusions/>;

6. [Not] Otherwise prohibited from participating in the Medicaid program in accordance with 42 C.F.R. Part 455; or

7. Not physically located within the United States or a United States territory at the time of service.

(6)[(3)](a) A telehealth service shall be subject to utilization review for:

1. Medical necessity;

2. Compliance with this administrative regulation; and

3. Compliance with applicable state and federal law.

(b) The department shall not reimburse for a telehealth service if the department determines that a telehealth service is not:

1. Medically necessary;

2. Compliant with this administrative regulation;

3. Applicable to this administrative regulation; or

4. Compliant with applicable state or federal law.

(c) The department shall recover the paid amount of a[reoup the] reimbursement for a previously reimbursed telehealth service if the department determines that a telehealth service was not:

1. Medically necessary;

2. Compliant with this administrative regulation;

3. Applicable to this administrative regulation; or

4. Compliant with applicable state or federal law.

(7)(a) If a telehealth service is delivered as an audio-only encounter and a telephonic code exists for the same or similar service, the department shall reimburse at the lower

reimbursement rate between the two (2) types of services.

(b) An attempted and scheduled telehealth service that is completed telephonically due to provider or recipient technological failure shall be reimbursed at the reimbursement rate of the telehealth encounter.

(8)[(4)] A telehealth service shall have the same referral requirements as an in-person[a-face-to-face] service.

(9)[(5)] Within forty-eight (48) hours of the reconciliation of the record of the telehealth service, a provider shall document within the patient's medical record that a service was provided via telehealth, and follow all documentation requirements established by Section 5 of this administrative regulation.

(10) Pursuant to 907 KAR 1:671 and 1:672, the department shall require a telehealth care provider to meet all relevant licensure and accreditation requirements that would be required for that provider to provide care to a recipient in an in-person setting.

Section 4.[Section 3.] Telehealth Reimbursement. (1)(a)[4-] The department shall reimburse an eligible telehealth care provider for a telehealth service in an amount that is at least 100 percent of the amount paid for a comparable in-person service.

(b)[2-] A managed care organization and provider may establish a different rate for telehealth reimbursement via contract as allowed pursuant to KRS 205.5591(2)(a)1.[(5)].

[(b) A telehealth service reimbursed pursuant to this section shall be subject to cost-sharing pursuant to 907 KAR 1:604.]

(2) A provider shall appropriately denote telehealth services by place of service or other means as designated by the department or as required in a managed care organization's contract with the provider or member.

(3)(a) Pursuant to KRS 205.559(2)(a)1., the department shall reimburse an originating site fee for a qualifying Medicare-participating telehealth care provider if the Medicaid beneficiary served was physically located at a rural health clinic, federally qualified health center, or federally qualified health center look-alike when the telehealth service was performed.

(b) The payment for an originating site facility fee shall be consistent with the amounts established in 42 U.S.C. 1395m)(2)(B)(i).

Section 5. Telehealth Provided by an Out-of-State Telehealth Care Provider. (1) The department shall evaluate and monitor the healthcare quality and outcomes for recipients who are receiving healthcare services from out-of-state telehealth care providers.

(2) The department shall implement any in-state or out-of-state participation restrictions established by a state licensing board for the impacted provider[type].

[(3) In order to improve healthcare quality and outcomes for recipients, the department may:

[(a) Require a telehealth care provider who is located out-of-state to practice under an agreement with a provider with a physical presence within Kentucky;

[(b) Prohibit certain services, recipients, or providers from conducting telehealth services if those services are provided by a telehealth care provider located out-of-state.]

Section 6.[Section 4.] Asynchronous Telehealth. (1) An asynchronous telehealth service or store and forward transfer shall be limited to those telehealth services that have an evidence base establishing the service's safety and efficacy.

(2) A store and forward service shall be permissible if the primary purpose of the asynchronous interaction involves high quality digital data transfer, such as digital image transfers. An asynchronous telehealth service within the following specialties or instances of care that meets the criteria established in this section shall be reimbursable as a store and forward telehealth service:

- (a) Radiology;
- (b) Cardiology;
- (c) Oncology;
- (d) Obstetrics and gynecology;
- (e) Ophthalmology and optometry, including a retinal exam;
- (f) Dentistry;
- (g) Nephrology;

(h) Infectious disease;

(i) Dermatology;

(j) Orthopedics;

(k) Wound care consultation;

(l) A store and forward telehealth service in which a clear digital image is integral and necessary to make a diagnosis or continue a course of treatment;

(m) A speech language pathology service that involves the analysis of a digital image, video, or sound file, such as for a speech language pathology diagnosis or consultation; or

(n) Any code or group of services included as an allowed asynchronous telehealth service pursuant to subsection (4) of this section.

(3) Unless otherwise prohibited by this section, an asynchronous telehealth service shall be reimbursable if that service supports an upcoming synchronous telehealth or in-person[face-to-face] visit to a provider that is providing one (1) of the specialties or instances of care listed in subsection (2) of this section.

(4)(a) The department shall evaluate available asynchronous telehealth services quarterly, and may clarify that certain asynchronous telehealth services meet the requirements of this section to be included as permissible asynchronous telehealth, as appropriate and as funds are available, if those asynchronous telehealth services have an evidence base establishing the service's:

1. Safety; and
2. Efficacy.

(b) Any asynchronous service that is determined by the department to meet the criteria established pursuant to this subsection shall be available on the department's Web site.

(5) Except as allowed pursuant to subsection (4) of this section or otherwise within the Medicaid program, a provider shall not receive additional reimbursement for an asynchronous telehealth service if the service is an included or integral part of the billed office visit code or service code.

(6)[(a)] Pursuant to Section 7 of this administrative regulation, remote patient monitoring shall [not] be an eligible telehealth service within the fee-for-service and managed care Medicaid programs.

(7) Each asynchronous telehealth service shall involve timely actual input and responses from the provider, and shall not be solely the result of reviewing an artificial intelligence messaging generated interaction with a recipient[program unless that service is:

1. Expanded pursuant to subsection (4) of this section;
2. Otherwise included as a part of a department approved value based payment arrangement; or
3. Otherwise included as a value added service or payment arrangement.

(b) A managed care organization may reimburse for remote patient monitoring as a telehealth service if expanded pursuant to subsection (4) of this section or provided as a:

1. Value based payment arrangement; or
2. Value added service or payment arrangement].

Section 7.[Section 5.] Remote Patient Monitoring. (1) Conditions for which remote patient monitoring shall be covered include:

(a) Pregnancy;

(b) Diabetes;

(c) Heart disease;

(d) Cancer;

(e) Chronic obstructive pulmonary disease;

(f) Hypertension;

(g) Congestive heart failure;

(h) Mental illness or serious emotional disturbance;

(i) Myocardial infarction;

(j) Stroke; or

(k) Any condition that the department determines would be appropriate and effective for remote patient monitoring.

(2) Except for a recipient participating due to a pregnancy, a recipient receiving remote patient monitoring services shall have

two (2) or more of the following risk factors:

(a) Two (2) or more inpatient hospital stays during the prior twelve (12) month period;

(b) Two (2) or more emergency department admissions during the prior twelve (12) month period;

(c) An inpatient hospital stay and a separate emergency department visit during the prior twelve (12) month period;

(d) A documented history of poor adherence to ordered medication regimens;

(e) A documented history of falls in the prior six (6) month period;

(f) Limited or absent informal support systems;

(g) Living alone or being home alone for extended periods of time;

(h) A documented history of care access challenges; or

(i) A documented history of consistently missed appointments with health care providers.

(3) A recipient may participate in a remote patient monitoring program as the result of a pregnancy if the provider documents that the recipient has a condition that would be improved by a remote patient monitoring service.

(4) Remote patient monitoring shall be ordered by:

(a) A physician;

(b) An advanced practice registered nurse; ~~or~~

(c) A **physician[physician's]** assistant; **or**

(d) When operating within their scope of practice and licensure, the following behavioral health practitioners:

1. A psychiatrist;

2. A licensed psychologist;

3. A licensed psychological practitioner;

4. A certified psychologist with autonomous functioning;

5. A licensed clinical social worker;

6. A licensed marriage and family therapist;

7. A licensed professional art therapist;

8. A licensed clinical alcohol and drug counselor; or

9. A licensed behavior analyst.

(5) Providers who may provide remote patient monitoring services include:

(a) A home health agency;

(b) A hospital;

(c) A federally qualified health center;

(d) A rural health center;

(e) A primary care center;

(f) A physician;

(g) An advanced practice registered nurse;

(h) A **physician[physician's]** assistant;

(i) A behavioral health multi-specialty group participating in the Medicaid Program pursuant to 907 KAR 15:010;

(j) A behavioral health services organization participating in the Medicaid Program pursuant to 907 KAR 15:020 or 907 KAR 15:022;

(k) A residential crisis stabilization unit participating in the Medicaid Program pursuant to 907 KAR 15:070;

(l) A chemical dependency treatment center participating in the Medicaid Program pursuant to 907 KAR 15:080;

(m) A community mental health center that is participating in the Medicaid Program in compliance with 907 KAR 1:044, 907 KAR 1:045, or 907 KAR 1:047; or

(n) A certified community behavioral health clinic that is participating in the Medicaid Program.

(6) A recipient participating in a remote patient monitoring service shall:

(a) Have the capability to utilize any monitoring tools involved with the ordered remote patient monitoring service. For the purposes of this paragraph, capability shall include the regular presence of an individual in the home who can utilize the involved monitoring tools; and

(b) Have the internet or cellular internet connection necessary to **accommodate[host]** any needed remote patient monitoring equipment in the home.

(7) The department may restrict the remote patient monitoring benefit by excluding:

(a) Remote patient monitoring equipment;

(b) Upgrades to remote patient monitoring equipment; or

(c) An internet connection necessary to transmit the results of the services.

Section 8. Telephonic Services. Telephonic code reimbursement shall be:

(1) An alternative option for telehealth care providers to deliver audio-only telecommunications services, and shall not supersede reimbursement for an audio-only telehealth service as established pursuant to KRS 205.559 or 205.5591;

(2) For a service that has an evidence base establishing the service's safety and efficacy;

(3) Subject to any relevant licensure board restrictions of the telehealth care provider;

(4) Subject to any synchronous telehealth limits of this administrative regulation or other state or federal law; and

(5) For a service that is listed on the most recent version of the **Medicaid Physician Fee Schedule, as established by 907 KAR 3:010, Section 1(17).**

Section 9. Department Maintained List. (1) In order to assist with the effective and appropriate delivery of services, the department may establish and maintain an informational listing of procedure codes that are:

(a) Not allowed to be provided via telehealth due to conflicts with the requirements established within state or federal law, or this administrative regulation; or

(b) Subject to additional restrictions related to telehealth, such as a requirement that any telehealth associated with a procedure be conducted via a connection that has both video and audio of the recipient and provider.

(2) Any informational listing shall be available on the department's Web site **at** <https://chfs.ky.gov/agencies/dms/Pages/default.aspx>.

Section 10. Medical Records. (1) A medical record of a telehealth service shall be maintained in compliance with 907 KAR 1:672 and 45 C.F.R. 164.530(j).

(2) A health care provider shall have the capability of generating a hard copy of a medical record of a telehealth service.

Section 11.[Section 6.] 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 12.[Section 7.] Appeal Rights. (1) An appeal of a department determination regarding a Medicaid beneficiary shall be in accordance with 907 KAR 1:563.

(2) An appeal of a department determination regarding Medicaid eligibility of an individual shall be in accordance with 907 KAR 1:560.

(3) A provider may appeal a department-written determination as to the application of this administrative regulation in accordance with 907 KAR 1:671.

(4) An appeal of a managed care organization's determination regarding a Medicaid beneficiary shall be in accordance with 907 KAR 17:010.

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ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

BOARDS AND COMMISSIONS

Kentucky Applied Behavior Analysis Licensing Board
(Amended After Comments)

201 KAR 43:040. Code of ethical standards and standards of practice.

RELATES TO: KRS 319C.060(1), (2)(c)

STATUTORY AUTHORITY: KRS 319C.060(2)(c)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

Section 1. Definitions. (1) "BACB Code" means the Behavior Analyst Certification Board ("BACB") January 1, 2022 Ethics Code for Behavior Analysts.

(2) In addition to the definition set forth in the BACB Code, "Behavior analyst" means a person was licensed under KRS Chapter 319C as a licensed behavior analyst, a licensed assistant behavior analyst, or a temporary licensee.

(3)[(2)] In addition to the definition set forth in the BACB Code, "Client" means a person who receives behavior analytic assessment, intervention, consultation, treatment, or other professional services for the purpose of practicing applied behavior analysis. A corporate entity or other organization shall be considered the client if the professional contract is to provide a professional service of benefit to the corporate entity or organization. ~~The~~A legal guardian of a minor or a legally incompetent adult shall be considered the client for a decision-making purpose.[who meets the requirements established in Section 2 of this administrative regulation.]

(4)[(3)] "Confidential information" means information revealed by a client or clients or otherwise obtained by a behavior analyst in a professional relationship and includes all data, assessments, and recommended interventions as confidential.

(5)[(4)] "Court order" means the written or oral communication of a member of the judiciary, or other court magistrate or administrator, if the authority has been lawfully delegated to the magistrate or administrator.

(6)[(5)] "Kentucky Code" means the Code of Ethics set forth in this administrative regulation.

(7) "Professional relationship" means a mutually agreed upon relationship between a behavior analyst and a client for the purpose of the client obtaining the behavior analyst's professional expertise.

(8)[(6)] "Professional service" means all actions of the behavior analyst in the context of a professional relationship with a client.

(9)[(7)] "Technician[Supervisee]" means a person who functions under the extended authority of the behavior analyst to ~~implement~~provide behavioral services.

(10)[(8)] In addition to the definition set forth in the BACB Code, "Trainee" means a person who is acquiring experience in applied behavior analysis toward an eligibility requirement for either a **Board Certified Behavior Analyst (BCBA) or Board Certified Assistant Behavior Analyst (BCaBA)**~~[BCBA or BCaBA]~~ certification credential.

Section 2. Administration and Enforcement of the Code of Ethics. (1) Notwithstanding the requirements of the BACB Code, the changes established in the Kentucky Code shall be mandatory and shall supersede any conflicting provisions of the BACB Code.

(2) Except as superseded by the provisions of this administrative regulation and the Kentucky Code, the BACB Code shall be the mandatory ethics code for Kentucky Applied Behavior Analysts.

Section 3. Additional Requirements for Kentucky Licensees.

(1) Reporting of abuse of children and vulnerable adults. The behavior analyst shall be familiar with the relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with those laws, including KRS 620.030.

(2) Disclosure without informed written consent. The behavior analyst shall disclose confidential information without the informed consent of the client if the behavior analyst has a duty to warn an intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.[Client Requirements. (1) Identification of a client. A client shall be a person who receives:

(a) An evaluation, assessment, or professional services;

(b) Other professional services for the purpose of practicing applied behavior analysis or applied behavior analysis interventions; or

(c) Consultation regarding applied behavior analysis or applied behavior analysis interventions in the context of a professional relationship].

(2) A corporate entity or other organization shall be considered the client if the professional contract is to provide a professional service of benefit to the corporate entity or organization.

(3) A legal guardian of a minor or legally incompetent adult shall be considered the client for a decision-making purpose.

(4) A person identified as a client pursuant to subsections (1) to (3) of this section shall be deemed to continue to be a client for a period of two (2) years following the last date of service rendered to the person.]

Section 3. Competence. (1) Limits on practice. The behavior analyst shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training, and experience.

(2) Maintaining competency. The behavior analyst shall maintain current competency in the areas in which he or she practices, through continuing education, consultation, or other procedures, in conformance with current standards of scientific and professional knowledge.

(3) Adding new services and techniques. The behavior analyst, if developing competency in a service or technique that is new either to the behavior analyst or new to the profession, shall engage in ongoing consultation with other behavior analysts or relevant professionals and shall obtain appropriate education and training. The behavior analyst shall inform a client of the innovative nature and the known risks associated with the service, so that the client can exercise freedom of choice concerning the service.

(4) Referral. The behavior analyst shall make or recommend a referral to other professional, technical, or administrative resources if a referral is clearly in the best interests of the client.

(5) Sufficient professional information. A behavior analyst rendering a formal professional opinion in a report, letter, or testimony about a person shall not do so without direct and substantial professional contact with or a formal assessment of that person.

(6) Maintenance and retention of records.

(a) The behavior analyst rendering professional services to an individual client, or services billed to a third-party payor, shall maintain professional records that include:

1. The presenting problem, purpose, or diagnosis from another mental health professional;

2. The fee arrangement;

3. The date and substance of each professional contact or service;

4. Test results or other evaluative results obtained and the basic test data from which the results were derived;

5. Notation and results of a formal consult with another provider; and

6. A copy of all test or other evaluative reports prepared as part of the professional relationship.

(b) The behavior analyst shall ensure that all records are maintained for a period of not less than six (6) years after the last date that services were rendered.

(c) The behavior analyst shall store and dispose of written, electronic and other records in a manner which shall ensure their confidentiality.

(d) For each person supervised pursuant to KRS Chapter 319C, the behavior analyst shall maintain for a period of not less than six (6) years after the last date of supervision a record of each supervisory session that shall include the type, place, date, and general content of the session.

(7) Continuity of care. The behavior analyst shall make arrangements for another appropriate professional or professionals to provide for an emergency need of a client, as appropriate, during a period of his or her foreseeable absence from professional availability.

Section 4. Impaired Objectivity and Dual Relationships. (1) Impaired behavior analyst.

(a) The behavior analyst shall not undertake or continue a professional relationship with a client if the objectivity or competency of the behavior analyst is impaired due to a mental, emotional, physiologic, pharmacologic, or substance abuse condition.

(b) If an impairment develops after a professional relationship has been initiated, the behavior analyst shall:

1. Terminate the relationship in an appropriate manner;
2. Notify the client in writing of the termination; and
3. Assist the client in obtaining services from another professional.

(2) Prohibited dual relationships.

(a) The behavior analyst shall not undertake or continue a professional relationship with a client, or the client's parent or legal guardian, if the objectivity or competency of the behavior analyst is impaired because of the behavior analyst's present or previous familial, social, sexual, emotional, financial, supervisory, administrative, or legal relationship with the client or a relevant person associated with or related to the client.

(b) The behavior analyst, in interacting with a client, or the client's parent or legal guardian, shall not:

1. Engage in verbal or physical behavior toward the client, or the client's parent or legal guardian, which is sexually seductive, demeaning, or harassing;
2. Engage in sexual intercourse or other physical intimacy with the client or the client's parent or legal guardian; or
3. Enter into a potentially exploitative relationship with the client, or the client's parent or legal guardian.

(c) The prohibitions established in paragraph (b) of this subsection shall extend indefinitely if the client is clearly vulnerable, by reason of emotional or cognitive disorder, to exploitative influence by the behavior analyst.

Section 5. Client Welfare. (1) Providing explanation of procedures. The behavior analyst shall give a truthful, understandable, and appropriate account of the client's condition to the client or to those responsible for the care of the client. The behavior analyst shall keep the client fully informed as to the purpose and nature of an evaluation, treatment, or other procedure, and of the client's right to freedom of choice regarding services provided.

(2) Termination of services.

(a) If professional services are terminated, the behavior analyst shall offer to assist the client in obtaining services from another professional.

(b) The behavior analyst shall:

1. Terminate a professional relationship if the client is not benefiting from the services; and
2. Prepare the client appropriately for the termination.

(3) Stereotyping. The behavior analyst shall not impose on the client a stereotype of behavior, values, or roles related to age, gender, religion, race, disability, nationality, sexual preference, or diagnosis, which would interfere with the objective provision of professional services to the client.

(4) Solicitation of business by clients. The behavior analyst providing services to an individual client shall not induce that client,

or the client's parent or legal guardian, to solicit business on behalf of the behavior analyst.

(5) Referrals on request. The behavior analyst providing services to a client shall make an appropriate referral of the client to another professional if requested to do so by the client.

Section 6. Welfare of Supervisees and Research Subjects. (1) Welfare of supervisees. The behavior analyst shall not exploit a supervisee.

(2) Welfare of research subjects. The behavior analyst shall respect the dignity and protect the welfare of his or her research subjects, and shall comply with all relevant statutes and administrative regulations concerning treatment of research subjects.

Section 7. Protecting the Confidentiality of Clients. (1) General. The behavior analyst shall safeguard the confidential information obtained in the course of practice, teaching, research, or other professional services. Except as provided in this section, the behavior analyst shall obtain the informed written consent of the client prior to disclosing confidential information.

(2) Disclosure without informed written consent. The behavior analyst shall disclose confidential information without the informed consent of the client if the behavior analyst has a duty to warn an intended victim of the client's threat of violence pursuant to KRS 202A.400 or 645.270.

(3) Disclosure if the client is a corporation or other organization. If the client is a corporation or other organization, the requirements for confidentiality established in this section shall:

(a) Apply to information that pertains to:

1. The corporation or organization; or
2. An individual, including personal information, if the information is obtained in the proper course of the contract; and

(b) Not apply to personal information concerning an individual if the individual had a reasonable expectation that the information was:

1. Obtained in a separate professional relationship between the behavior analyst and the individual; and
2. Subject to the confidentiality requirements established in this section.

(4) Services involving more than one (1) interested party. If more than one (1) party has an appropriate interest in the professional services rendered by the behavior analyst to a client or clients, the behavior analyst shall clarify to all parties prior to rendering the services the dimensions of confidentiality and professional responsibility that shall pertain in the rendering of services.

(5) Multiple clients. If service is rendered to more than one (1) client during a joint session, the behavior analyst shall, at the beginning of the professional relationship, clarify to all parties the manner in which confidentiality shall be handled.

(6) Legally dependent clients. At the beginning of a professional relationship, the behavior analyst shall inform a client who is below the age of majority or who has a legal guardian of the limit the law imposes on the right of confidentiality with respect to his or her communications with the behavior analyst.

(7) Limited access to client records. The behavior analyst shall limit access to client records to preserve their confidentiality and shall ensure that all persons working under the behavior analyst's authority comply with the requirements for confidentiality of client material.

(8) Release of confidential information. The behavior analyst shall release confidential information upon court order or to conform with state law, including KRS 422.317, or federal law or regulation.

(9) Reporting of abuse of children and vulnerable adults. The behavior analyst shall be familiar with the relevant law concerning the reporting of abuse of children and vulnerable adults, and shall comply with those laws, including KRS 620.030.

(10) Discussion of client information among professionals. If rendering professional services as part of a team or if interacting with other appropriate professionals concerning the welfare of the client, the behavior analyst may share confidential information

about the client if the behavior analyst takes reasonable steps to ensure that all persons receiving the information are informed about the confidential nature of the information and abide by the rules of confidentiality.

~~(11) Disguising confidential information. If case reports or other confidential information is used as the basis of teaching, research, or other published reports, the behavior analyst shall exercise reasonable care to ensure that the reported material is appropriately disguised to prevent client identification.~~

~~(12) Observation and electronic recording. The behavior analyst shall ensure that diagnostic interviews or therapeutic sessions with a client are observed or electronically recorded only with the informed written consent of the client.~~

~~(13) Confidentiality after termination of professional relationship. The behavior analyst shall continue to treat as confidential information regarding a client after the professional relationship between the behavior analyst and the client has ceased.~~

~~Section 8. Representation of Services. (1) Display of credentials. The behavior analyst shall display his or her current credential to practice on the premises of his or her professional office.~~

~~(2) Misrepresentation of qualifications. The behavior analyst shall not misrepresent directly or by implication his or her professional qualifications such as education, experience, or areas of competence.~~

~~(3) Misrepresentation of affiliations. The behavior analyst shall not misrepresent directly or by implication his or her affiliations, or the purposes or characteristics of institutions and organizations with which the behavior analyst is associated.~~

~~(4) False or misleading information. The behavior analyst shall not include false or misleading information in a public statement concerning professional services offered.~~

~~(5) Misrepresentation of services or products. The behavior analyst shall not associate with or permit his or her name to be used in connection with a service or product in a way which misrepresents:~~

~~(a) The service or product;~~

~~(b) The degree of his or her responsibility for the service or product; or~~

~~(c) The nature of his or her association with the service or product.~~

~~(6) Correction of misrepresentation by others. The behavior analyst shall correct others who misrepresent the behavior analyst's professional qualifications or affiliations.~~

~~Section 9. Disclosure of Cost of Services. The behavior analyst shall not mislead or withhold from a client, prospective client, or third party payor, information about the cost of his or her professional services.~~

~~Section 10. Assessment Procedures. (1) Confidential information. The behavior analyst shall treat as confidential assessment results or interpretations regarding an individual.~~

~~(2) Protection of integrity of assessment procedures. The behavior analyst shall not disseminate a test in a way that may invalidate it.~~

~~(3) Information for professional users. The behavior analyst offering an assessment procedure or automated interpretation service to another professional shall:~~

~~(a) Accompany this offering by a manual or other printed material which describes the development of the assessment procedure or service, the rationale, evidence of validity and reliability, and characteristics of the normative population;~~

~~(b) State the purpose and application for which the procedure is recommended and identify special qualifications required to administer and interpret it properly; and~~

~~(c) Ensure that advertisements for the assessment procedure or interpretive service are factual.~~

~~Section 11. Delegating professional responsibility. The behavior analyst shall not delegate professional responsibilities to~~

~~a person not appropriately credentialed or otherwise appropriately qualified to provide professional services.~~

DR. ERICK DUBUQUE, Board Chair

APPROVED BY AGENCY: March 15, 2022

FILED WITH LRC: March 15, 2022 at 9:00 a.m.

CONTACT PERSON: Kevin Winstead, Commissioner,
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782-8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(c).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(c) requires the board to adopt a code of ethical standards and standards of practice for all licensed behavior analysts, assistant behavior analysts, and temporary licensees. This administrative regulation establishes the code of ethical standards and standards of practice for licensees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

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

(a) How the amendment will change this existing administrative regulation: The amendment updates the Code of Ethics to incorporate the Behavior Analyst Certification Board Ethics Code for Behavioral Analysts. The changes in the Amended After Comments version clarify when a legal guardian is considered a client for decision-making purposes, and spell out the references to Board Certified Behavior Analyst and Board Certified Assistant Behavior Analyst the first time the acronyms for those credentials are used.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 17 licensed assistant behavior analysts, 531 licensed behavior analysts, 10 temporary behavior analysts, and 6 temporary registered telehealth healthcare providers.

(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: This regulation will provide an update Code of Ethics with which licensees will be required to follow.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: None.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow licensees to have an updated understanding of their ethical requirements.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Applied Behavior Analysis Licensing Board is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319C.060(2)(c).

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

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

(d) How much will it cost to administer this program for subsequent years? None

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

BOARDS AND COMMISSIONS

Kentucky Applied Behavior Analysis Licensing Board (Amended After Comments)

201 KAR 43:050. Requirements for supervision.

RELATES TO: KRS 319C.050(1) and 319C.060(2)(a)-(d)

STATUTORY AUTHORITY: KRS 319C.060(2)(a)-(d)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

Section 1. Definitions. (1) "Direct supervision" means in-person interactions between the supervisor and the licensee under his or her supervision which includes direct observation of actual service provision to individuals.

(2) "General supervision" means interactions between the

supervisor and the licensee under his or her supervision involving real time visual and auditory contact, conducted in-person or via electronic means.

(3) "Licensed supervisee" means an individual holding licensure in Kentucky as a:

(a) Licensed assistant behavior analyst permitted to practice the items from the most current BACB BCaBA Task List or BCaBA Test Content Outline under the direction of a Licensed Behavior Analyst qualified to supervise,

(b) Temporarily licensed behavior analyst permitted to practice the items from the most current BACB BCaBA Task List or BCaBA Test Content Outline under the direction of a Licensed Behavior Analyst qualified to supervise, or

(c) Temporarily licensed assistant behavior analyst permitted to practice the items from the most current BACB BCaBA Task List or BCaBA Test Content Outline under the direction of a Licensed Behavior Analyst qualified to supervise[licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst permitted to practice the items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of a Licensed Behavior Analyst qualified to supervise] licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst permitted to practice the items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of a Licensed Behavior Analyst qualified to supervise].

(4) "Supervisee" means a person who is not licensed but acts under the extended authority and direction of a licensed behavior analyst or a licensed assistant behavior analyst to provide applied behavior analysis services; and limits their practice to the items from the most current BACB Registered Behavior Technician Task List.

(5) "Unlicensed supervisee" means an individual accruing fieldwork/experience toward fulfilling eligibility requirements for BCaBA or BCBA certification without a license permitted to practice the items from the most current BCBA Task List for Temporary licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts under the direction of an individual qualified to supervise under the Behavior Analyst Certification Board's (BACB) supervision standards under limited conditions.

Section 2. Qualifications to Supervise. In order to provide supervision to a licensed ~~supervisee~~[assistant behavior analyst, a temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst], a Licensed Behavior Analyst[licensed behavior analyst] shall:

(1) Be licensed in good standing in Kentucky;

(2) Be currently certified by the Behavior Analyst Certification Board as a:

(a) [(1)] Board Certified Behavior Analyst[.] (BCBA); or

(b) [(2)] Board Certified Behavior Analyst - Doctoral[.] (BCBA-D); and

(3) Meet and maintain qualifications to supervise under the Behavior Analyst Certification Board's (BACB) supervision requirements.

Section 3. Supervisory Plan and Report of Supervision [Supervisor Responsibilities]. (1) Except as provided in Section 15[46] of this administrative regulation, a supervisory arrangement shall be submitted to the board for approval using a completed Supervisory Plan[the Application for Licensure Form], as incorporated by reference in 201 KAR 43:010, by[with] the supervisor and the licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst petitioning the board in writing].

(2) The supervisor and the licensed supervisee shall jointly complete and the licensed supervisee shall submit to the board

a completed Supervisory Plan upon application for licensure and again annually or biannually as required in this administrative regulation.

(3) The supervisor and the licensed supervisee shall jointly complete and **the licensed supervisee shall submit to the board a Report of Supervision either annually or biannually as required in this administrative regulation. A final Report of Supervision shall also be submitted to the board by the licensed supervisee at the end of the supervisory relationship in accordance with Section 10(2) of this administrative regulation.**

(4) In calculating the amount of time spent in full-time practice while under supervision, 1,500 hours of satisfactory supervised practice shall be equivalent to one (1) year of experience.

(a) A licensed assistant behavior analyst with five (5) or more years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan every two (2) years prior to renewal.

(b) A licensed assistant behavior analyst with fewer than five (5) years of full-time practice, or its equivalent, shall submit a Report of Supervision and an updated Supervisory Plan annually on or before the anniversary of the date of licensure as a licensed assistant behavior analyst and prior to renewal.

(c) A temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst shall submit a Report of Supervision and an updated Supervisory Plan annually on or before the anniversary of the date of licensure as a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst. A final Report of Supervision must be submitted **by the licensed supervisee** upon application for full licensure.

(5) The Supervisory Plan shall include measurable goals for supervision and shall focus on a majority of items from the most current BCBA Task List for Temporary Licensed Behavior Analysts and BCaBA Task List for Temporary Licensed Assistant Behavior Analysts and Assistant Behavior Analysts.

(6) The Report of Supervision shall include:

(a) A description of the frequency, format, and duration of supervision;

(b) An assessment of the functioning of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, including the strengths and weaknesses;

(c) The methods that the supervisor and licensed assistant behavior analyst practicing under the direction of the supervisor shall employ to plan, report, and evaluate the supervisory process; and

(d) Any other information, which the supervisor deems relevant to an adequate assessment of the practice of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst.

(7) ~~The licensed supervisee[supervisor and licensed assistant behavior analyst, temporarily licensed behavior analyst], or temporarily licensed assistant behavior analyst shall submit to the board the description of the supervisory arrangement or a change in the supervisory arrangement by submitting an updated [Annual] Supervisory Plan no later than thirty (30) days after a change in the effective date of the arrangement or change. A final Report of Supervision shall also be submitted by the licensed supervisee at the termination of any supervisory relationship in accordance with Section 10(2) of this administrative regulation.~~

[(8) The board may require additional supervised practice if recommended by the supervisor on a licensee's Supervisory Plan or Report of Supervision.]

Section 4. Supervisory Responsibilities. (1) The supervisor shall assure that the practice of each licensed supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] is in compliance with this administrative regulation. [The supervisor shall include in the Annual Supervisory Plan and keep in the record as required by subsection (6) of this section review, discussions, and recommendations and shall focus on:

(a) Case background information;

- (b) Planned behavioral assessment procedures;
- (c) Assessment outcomes;
- (d) data collection procedures;
- (e) Intervention procedures and materials;
- (f) Intervention outcome data;
- (g) Modifications of intervention procedures;
- (h) Ethical issues associated with behavior change services or employment; and
- (i) Professional development needs and opportunities.]

(2) The supervisor shall report to the board an apparent violation of KRS Chapter 319C on the part of the ~~supervisee[licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~.

(3) The supervisor shall inform the board administrator in writing or electronically[immediately] of a change in the ability to supervise, or in the ability of a licensed ~~supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ to function in the practice as a licensed ~~supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ in a competent manner.

(4) The supervisor shall control, direct, or limit the behavior analytic duties performed by the licensed ~~supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ practicing under the direction of the supervisor to ensure that these duties are competently performed.

(5)(a) The supervisor of record shall be responsible for the behavior analytic duties of the licensed ~~supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ practicing under the direction of the supervisor.

(b) If the board initiates an investigation concerning a licensed ~~supervisee[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ practicing under the direction of the supervisor, the investigation shall include the supervisor of record.

(6)(a) For each person supervised, the supervisor shall maintain a record of each supervisory session that shall include the type, place, and general content of the session.

(b) This record shall be maintained for a period of not fewer than ~~seven (7)~~[six-(6)] years after the last date of supervision.

Section 5. Multiple Supervisors.[(1) In calculating the amount of time spent in full-time practice while under supervision, 1,500 hours of satisfactory supervised practice shall be equivalent to one (1) year of experience.

(2) The board may require additional supervised practice if recommended by the supervisor on a licensee's Annual Supervisory Plan or Annual Report of Supervision.

(3)(a) The supervisor shall provide reports to the board of the supervision of each licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst practicing under the direction of the supervisor as follows:

1. A licensed assistant behavior analyst with five (5) or more years of full-time practice, or its equivalent, shall submit a report every two (2) years on the anniversary of the date of licensure as a licensed assistant behavior analyst.

2. A licensed assistant behavior analyst with fewer than five (5) years of full-time practice, or its equivalent, shall submit a report annually on the anniversary of the date of licensure as a licensed assistant behavior analyst.

3. A temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst shall submit a report annually on the anniversary of the date of licensure as a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst.

(b) The report shall be submitted on the Annual Report of Supervision which shall include:

1. A description of the frequency, format, and duration of supervision;

2. An assessment of the functioning of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, including the strengths and weaknesses; and

3. Any other information which the supervisor deems relevant to an adequate assessment of the practice of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst.

Section 6.] (1) If a licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] has more than one (1) board-approved supervisor, the supervisors shall be in direct contact with each other at least once every six (6) months, and they shall each provide individual Supervisory Plans and Reports of Supervision to the board as well as[and] copies to each other.

(2) A request to have more than two (2) supervisors at one (1) time shall be subject to board approval and shall be submitted by new applicants on the licensure application and the[Annual] Supervisory Plan and by existing licensees on the[Annual] Supervisory Plan, which shall include detailed information as to how the supervisors shall communicate and coordinate with each other in providing the required supervision.

Section 6.[Section 7.] Supervisor Experience. If a licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor is a behavior analyst with less than five (5) years of fulltime, post-certification practice, or its equivalent, or a licensure candidate with temporary permission to practice, the supervisor of record shall:

(1) Read and countersign all assessments and treatment plans to assess the competency of the licensed supervisee to render applied behavior analytic services;

(2) Review[treatment plans,] notes and correspondence on an as-needed basis[to assess the competency of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst to render applied behavior analytic services;];

(3) [Jointly establish a supervisory plan with the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst, which shall be submitted to the board at the beginning of the supervisory relationship using the Annual Supervisory Plan. The plan shall:

(a) Be updated or revised and submitted to the board with the regular report of supervision;

(b) Include intended format, and goals to be accomplished through the supervisory process; and

(c) Include methods that the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst practicing under the direction of the supervisor shall employ to evaluate the supervisory process;

(4) Have general supervision of the work performed by the licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor at least twice per month;

(4)[(5)] Have direct supervision of the work performed by the licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor at least once every three (3) months;

(5)[(6)] Have direct knowledge of the size and complexity of the caseload for each licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor;

(6)[(7)] Limit and control the caseload as appropriate to the level of competence of each licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor;

(7)[(8)] Have knowledge of the techniques being used by the

licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]; and

(8)[(9)] Have knowledge of the physical and emotional well-being of each licensed ~~supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst] practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 7.[Section 8.] Licensed Supervisee Experience. If the licensed assistant behavior analyst[or temporarily licensed behavior analyst] is a behavior analyst with more than five (5) years of fulltime, post-certification practice, or its equivalent, the supervisor of record shall:

(1) Review and countersign assessments as needed or appropriate;

(2) Review treatment plans, notes, and correspondence as needed or appropriate;

(3) ~~Jointly establish a supervisory plan with each licensed assistant behavior analyst, or temporarily licensed behavior analyst practicing under the direction of the supervisor, which shall be submitted to the board at the beginning of the supervisory relationship using the Annual Supervisory Plan. The plan shall:~~

(a) ~~Be updated or revised and submitted to the board with the regular report of supervision;~~

(b) ~~Include intended format, and goals to be accomplished through the supervisory process; and~~

(c) ~~Include methods that the supervisor and licensed assistant behavior analyst, or temporarily licensed behavior analyst practicing under the direction of the supervisor shall employ to evaluate the supervisory process;~~

(3)[(4)] Have general supervision of the work performed by each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor at least once per month;

(4)[(5)] Have direct supervision of the work performed by each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor at least twice a year;

(5)[(6)] Have direct knowledge of the size and complexity of the caseloads for each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor;

(6)[(7)] Limit and control the caseload as appropriate to the level of competence of each licensed assistant behavior analyst[or temporarily licensed behavior analyst];

(7)[(8)] Have knowledge of the techniques being used by each licensed assistant behavior analyst[or temporarily licensed behavior analyst]; and

(8)[(9)] Have knowledge of the physical and emotional well-being of each licensed assistant behavior analyst[or temporarily licensed behavior analyst] practicing under the direction of the supervisor when it has a direct bearing on his or her competence to practice.

Section 8.[Section 9.] Supervision Requirements. (1)[(a)] A licensed assistant behavior analyst shall meet these supervision requirements, even if he or she is not currently providing behavior analytic services, unless having obtained inactive status by the board.

(2)[(b)] If the licensed assistant behavior analyst is not currently providing behavior analytic services, supervision may focus on guiding the development and maintenance of the licensed assistant behavior analyst's professional knowledge and skills and remaining current with the professional literature in the field.[]

(2) Upon resumption of practice, the licensed assistant behavior analyst shall document compliance with continuing education requirements and shall report on his or her activities and employment related to behavior analysis during the period in which the analyst did not practice.]

Section 9.[Section 10.] Supervision for Part-Time Practice.

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Supervision requirements for part-time practice may be modified by the board upon approval of the submitted plan. Additional modifications of the format, frequency, or duration of supervision may be submitted for approval by the board.

Section 10.~~[Section 14.]~~ Supervisory Changes. (1) Upon a change of supervisor, an updated~~[Annual]~~ Supervisory Plan shall be submitted by the ~~[supervisor that is starting supervision and the]~~ licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ to the board for approval.~~[This plan may require additional supervision than was previously approved by the board.]~~

(2) Upon termination of the supervisory relationship, the final~~[Annual]~~ Report of Supervision shall be submitted to the board by the supervisee~~[supervisor that is discontinuing supervision]~~ within thirty (30) days of the termination.

Section 11.~~[Section 12.]~~ Licensed Supervisee Responsibilities.~~[Responsibilities of the licensed assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ The licensed supervisee~~[assistant behavior analyst, temporarily licensed behavior analyst, or temporarily licensed assistant behavior analyst]~~ shall:

- (1) Keep the supervisor adequately informed at all times of his or her activities and ability to function;
- (2) Seek supervision as needed in addition to a regularly scheduled supervisory session;
- (3) Participate with the supervisor in establishing supervisory goals and in completing the regular supervisory reports;
- (4) Be jointly responsible with the supervisor for ensuring that a supervisory report or plan has been sent to the board in accordance with the reporting schedule established in Section 3~~[6]~~ of this administrative regulation; and
- (5) Report to the board any apparent violation of KRS Chapter 319C on the part of the supervisor.

Section 12.~~[Section 13.]~~ Identification of Provider in Billing. The actual deliverer of a service shall be identified to the client. A billing for a rendered service shall identify which service was performed by the assistant behavior analyst, temporarily licensed behavior analyst, trainee, supervisee, technician, or other provider and supervised by the licensed behavior analyst.

Section 13.~~[Section 14.]~~ Disciplinary Procedures and Supervision of a Disciplined License Holder. (1) The board shall appoint an approved supervisor to supervise a disciplined license holder for the period of time defined by the final order or settlement agreement conferring the discipline.

(2) When specified by the final order or settlement agreement, the disciplined license holder shall be responsible for paying the costs of supervision.

(3) The supervisor shall:

- (a) Review the originating complaint, agreed order, or findings of the disciplinary hearing;
- (b) Meet with the disciplined license holder and the board liaison to:
 1. Summarize the actions and concerns of the board;
 2. Review the goals and expected outcomes of supervision submitted by the board liaison;
 3. Develop a specific plan of supervision; and
 4. Review the reporting requirements that shall be met during the period of supervision;

(c) Meet with the disciplined license holder at least weekly, on an individual face-to-face basis for a minimum of one (1) hour unless modified by the board;

(d) Submit a quarterly report to the board which reflects progress, problems, and other information relevant to the need for board-mandated supervision;

(e) Ensure that the disciplined license holder's practice is in compliance with KRS Chapter 319C and 201 KAR Chapter 43;

(f) Report to the board any apparent violation of KRS Chapter

319C on the part of the disciplined license holder;

(g) Immediately report to the board, in writing, a change in the ability to supervise, or in the ability of the disciplined license holder to function in the practice of a licensed behavior analyst in a competent manner;

(h) Review and countersign assessments as needed or appropriate;

(i) Review treatment plans, notes, and correspondence as needed or appropriate;

(j) Have direct observation of the disciplined license holder's work on an as-needed basis;

(k) Have direct knowledge of the size and complexity of the disciplined license holder's caseload;

(l) Have knowledge of the therapeutic modalities and techniques being used by the disciplined license holder; and

(m) Have knowledge of the disciplined license holder's physical and emotional wellbeing when it has direct bearing on the disciplined license holder's competence to practice.

(4) The supervisor shall control, direct, or limit the disciplined license holder's practice to ensure that the disciplined license holder's practice is competent.

(5) The supervisor shall contact the board liaison with any concern or problem with the disciplined license holder, his or her practice, or the supervision process.

(6)(a) A final meeting shall be scheduled within thirty (30) days of the end of the established supervision period to summarize the supervision.

(b) The meeting shall include the supervisor, disciplined license holder, and board liaison.

(c) A written summary of the supervision shall be submitted by the supervisor to the board two (2) weeks following this meeting with a copy to the board liaison.

Section 14.~~[Section 15.]~~ Board Liaison for Disciplined License Holder. The board shall appoint a board member to serve as a liaison between the board and the approved supervisor. The board liaison shall:

(1) Recruit the supervising licensed behavior analyst from a list provided by the board;

(2) Provide the supervising licensed behavior analyst with the originating complaint, agreed order or findings of the hearing and supply other material relating to the disciplinary action;

(3) Ensure that the supervising licensed behavior analyst is provided with the necessary documentation for liability purposes to clarify that he or she is acting as an agent of the board and has immunity commensurate with that of a board member;

(4) Provide the supervising licensed behavior analyst with a written description of the responsibilities of the supervisor and a copy of the responsibilities of the liaison;

(5) Ensure that the board has sent a written notification letter to the disciplined license holder. The notification letter shall:

(a) State the name of the supervising licensed behavior analyst; and

(b) Specify that the disciplined license holder shall meet with the supervising licensed behavior analyst and the liaison within thirty (30) days of the date of the notification letter;

(6) Meet with the supervising licensed behavior analyst and disciplined license holder within thirty (30) days of the date of the notification letter to summarize the actions of the board, review the applicable statutes and administrative regulations regarding supervision requirements for a disciplined license holder, and assist with the development of a plan of supervision. The plan of supervision shall be written at the first meeting;

(7) Submit the Report of Supervision to the board for approval.

(a) The liaison shall place the Report of Supervision on the agenda for review and approval at the next regularly scheduled board meeting.

(b) In the interim, the supervising licensed behavior analyst and disciplined license holder shall continue to meet;

(8) Remain available to the supervising licensed behavior analyst to provide assistance and information as needed;

(9) Report any problem or concern to the board regarding the supervision and communicate a directive of the board to the

supervising licensed behavior analyst;

(10) Review the quarterly Report of Supervision and forward to the supervision committee of the board for approval; and

(11) Meet with the supervising licensed behavior analyst and the disciplined license holder at the end of the term of supervision to summarize the supervision.

Section 15.[Section 16.—Graduate Training.]Unlicensed supervisees shall: (1) Be enrolled in coursework at a Verified Course Sequence (VCS) that meets the most current coursework requirements for eligibility to sit for a Behavior Analyst Certification Board's (BACB) exam;

(2) Be supervised by an individual qualified to supervise under the BACB supervision standards;

(3) Meet the BACB's most current experience requirements for individuals accruing fieldwork hours to fulfill the eligibility requirements for a BCBA or BCaBA certification exam;

(4) Clearly identify his or her status as an unlicensed supervisee to all clients and payors; and

(5) Give to all clients and payors the name of the supervisor responsible for his or her work.[Applied behavior analysis graduate students. Graduate-level applied behavior analysis students who are providing services in mental health care settings including independent practice settings shall:

(1) Be supervised by a behavior analyst licensed by the board in the state in which the training program exists, or by a licensed mental health professional approved by the training program who is affiliated with either the university training program or the practice setting;

(2) Be registered for credit in his or her course of study;

(3) Clearly identify his or her status as unlicensed trainees to all clients and payors;

(4) Give to all clients and payors the name of the licensed behavior analyst responsible for his or her work; and

(5) Not accept employment or placement to perform the same or similar activities following the completion of his or her university-sanctioned placement, regardless of the job title given, unless the student holds a license from the board].

Section 16.[Section 17.] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) [ABA-003, "Annual Report of Supervision", July 2015; and

(b)] ABA-002, "[Annual]Supervisory Plan", October 2021; and

(b) Form ABA-003, "Report of Supervision", October 2021[July 2015].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 500 Mero Street, 2 SC 32[914 Leewood Drive], Frankfort, Kentucky 40602, [(502) 892-4249/564-3296,] Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

DR. ERICK DUBUQUE, Board Chair

APPROVED BY AGENCY: March 15, 2022

FILED WITH LRC: March 15, 2022 at 10:30 a.m.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782-8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060(2)(a) requires the board to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.060(2)(a)-(d).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060(2)(a) requires the board

to promulgate an administrative regulation governing the supervision of a licensed assistant behavior analyst, temporarily licensed behavior analyst, and temporarily licensed assistant behavior analyst. This administrative regulation establishes the requirements for supervision.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish regulations for the practice of behavior analysis.

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

(a) How the amendment will change this existing administrative regulation: The amendment updates the requirements for a person to function as a supervisor in the practice of behavior analysis. The changes in the Amended After Comments version clarify: (1) the definition of "licensed supervisee" by indicating the permitted practice items for each credential; (2) that the Supervisory Plan is to be submitted by the licensed supervisee; (3) that the Report of Supervision is to be submitted by the licensed supervisee, and the final Report of Supervision is to be submitted by the licensed supervisee in accordance with Section 10(2) of the administrative regulation; (4) that the Report of Supervision is due on or before the anniversary of the date of licensure; (5) that the Report of Supervision and updated Supervisory Plan for a temporarily licensed behavior analyst or temporarily licensed assistant behavior analyst is to be submitted on or before the anniversary of the date of licensure, and the final Report of Supervision must be submitted upon application for full licensure.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 17 licensed assistant behavior analysts, 531 licensed behavior analysts, 10 temporary behavior analysts, and 6 temporary registered telehealth healthcare providers.

(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: This regulation will provide updated requirements and qualifications for a person to function as a supervisor, including generation of Reports of Supervision.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: None.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow supervisors and prospective supervisors to have an updated understanding of the requirements and scope of the supervisory role.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Applied Behavior Analysis Licensing Board is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: None.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319C.060(2)(a)-(d).

(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? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

BOARDS AND COMMISSIONS

Kentucky Applied Behavior Analysis Licensing Board (Amended After Comments)

201 KAR 43:080. Renewals.

RELATES TO: KRS 319C.050, 319C.060

STATUTORY AUTHORITY: KRS 319C.050, 319C.060(2), 319C.120

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

Section 1. Renewal. (1) A behavior analyst[or assistant behavior analyst] shall biennially, on or before the last day of the calendar month during which the license was issued:

(a)[(4)] File a completed Renewal and Reinstatement Application, [for Licensure Renewal] Form ABA-004; and

(b)[(2)] Pay to the board the renewal fee established by 201 KAR 43:030.

(2) An assistant behavior analyst shall biennially, on or before the last day of the calendar month during which the license was issued:

(a) File a completed Renewal and Reinstatement Application Form ABA-004;

(b) Have a current, approved Report of Supervision and Supervisory Plan; and

(c) Pay the renewal fee established by 201 KAR 43:030.

[(3) A temporary licensed behavior analyst shall, within the two (2) year period, renew their license one time by:

(a) Filing a completed Renewal and Reinstatement

Application Form ABA-004:

(b) Having a current, approved Report of Supervision and Supervisory Plan; and

(c) Paying the renewal fee established by 201 KAR 43:030.]

Section 2. Late Renewal. A behavior analyst or assistant behavior analyst who fails to renew his or her license on or before the last day of the calendar month during which the license was issued may submit his or her application on or before the last day of the calendar month following the month in which the license was issued if accompanied by the appropriate late fee as required by 201 KAR 43:030.

Section 3. Expiration of License. (1) A license that is not renewed before the last day of the calendar month following the calendar month during which the license was issued shall be expired and lapsed for failure to renew.

(2) Upon expiration of the license for failure to renew, a behavior analyst or assistant behavior analyst shall not practice in the Commonwealth of Kentucky.

Section 4. Reinstatement. After the last day of the calendar month following the month in which the license was issued, a person whose license has expired for failure to renew shall submit, in order to have his or her license reinstatement request considered by the Board:

(1) Payment of the reinstatement fee established by 201 KAR 43:030;

(2) Completion of the Renewal and Reinstatement Application, Form ABA-004[Application for License Renewal]; and

(3) Documentation of employment from the time of expiration of employment until the present.

Section 5. Incorporation by Reference. (1) Form ABA-004, "[Application for Licensure] Renewal and Reinstatement Application", October 2021[July—2015], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Applied Behavior Analysis Licensing Board, 500 Mero Street, 2SC 32[944 Leawood Drive], Frankfort, Kentucky 40601, (502) 892-4249[564-3296], Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at aba.ky.gov.

DR. ERICK DUBUQUE, Board Chair

APPROVED BY AGENCY: March 15, 2022

FILED WITH LRC: March 15, 2022 at 9:00 a.m.

CONTACT PERSON: Kevin Winstead, Commissioner, Department of Professional Licensing, 500 Mero Street, phone (502) 782-8805, fax (502) 564-3969, email KevinR.Winstead@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Kevin Winstead

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 319C.050, 319C.060(2), and 319C.120.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 319C.060 authorizes the board to promulgate administrative regulations required to establish conditions for the renewal and reinstatement of licenses. This administrative regulation establishes procedures for the renewal of licenses.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation assists in the effective administration of KRS Chapter 319C by carrying out the legislative mandate for the board to establish

regulations for the practice of behavior analysis.

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

(a) How the amendment will change this existing administrative regulation: The amendment updates and clarifies the requirements for licensure renewal, and provides an updated application. The change in the Amended After Comments version deletes the proposed new language in Section 1(3) regarding renewal by a temporary licensed behavior analyst.

(b) The necessity of the amendment to this administrative regulation: See (1)(b).

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c).

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect 17 licensed assistant behavior analysts, 531 licensed behavior analysts, 10 temporary behavior analysts, and 6 temporary registered telehealth healthcare providers.

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

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: Licensees will be required to complete an updated renewal form.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No additional cost to affected individuals.

(c) As a result of compliance, what benefits will accrue to the entities: This regulation will allow supervisors and prospective supervisors to have an updated understanding of the requirements for license renewal.

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

(a) Initially: This administrative regulation does not create a cost for the administrative body.

(b) On a continuing basis: This administrative regulation does not create a cost for the administrative body

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Kentucky Applied Behavior Analysis Licensing Board is self-funded through the fees paid by licensees. No additional funding is necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increases in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: None.

(9) TIERING: Is tiering applied? Tiering is not applied because similarly situated licensees are treated similarly under this administrative regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation impacts the Kentucky Applied Behavior Analysis Licensing Board.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 319C.050, 319C.060(2), and 319C.120

(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? There are no additional costs.

(d) How much will it cost to administer this program for subsequent years? See 3(c).

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 Department of Workforce Investment Office of Employer and Apprenticeship Services (Amended After Comments)

787 KAR 3:020. Confidentiality of records of the Office of Employer and Apprenticeship Services.

RELATES TO: KRS 151B.280

STATUTORY AUTHORITY: KRS 151B.280(5)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.280(5)(a) requires the secretary of the Education and Workforce Development Cabinet to promulgate administrative regulations to protect the confidential nature of all records and reports which directly or indirectly identify a client or former client of programs administered by the cabinet's Office of Employer and Apprenticeship Services. This administrative regulation establishes which records of the Office of Employer and Apprenticeship Services shall be considered confidential in order to encourage full disclosure of information on the part of job applicants and employers and to provide guidelines to employment service personnel in responding to requests for information.

Section 1. The employment and service records identified in this section shall be confidential and shall not be subject to disclosure, except as provided in KRS 151B.280(5)(a) and (b) and other applicable law:

(1) Work Opportunity Tax Credit Program:

(a) Form 8850, Pre-Screening Notice and Certification Request for the Work Opportunity Credit;

(b) ETA Form 9061, Individual Characteristics Form Work Opportunity Tax Credit;

(c) ETA Form 9063, Employer Certification Work Opportunity Tax Credit;

(d) ETA Form 9175, Long Term Unemployment Recipient Self-Attestation Form, Work Opportunity Tax Credit Program;

(e) Form 2828, Power of Attorney and Declaration of Representative; and

(f) Documents provided by employers in support of their applications for the Work Opportunity Tax Credit that contain "personal information" as that term is defined in KRS 61.931(6) to include Form W-4 and DD Form 214.

(2) Registered Apprenticeship:

(a) Kentucky Registered Apprenticeship Registration, Standards, and Agreement (ETA Form 671, Section 1);

(b) Program Registration and Apprenticeship Agreement, Office of Apprenticeship, Apprentice Registration (ETA Form 671, Section 2);

(c) ETA Form 671, Voluntary Disability Disclosure;

(d) Registered Apprenticeship Standards Occupation Page;

(e) RAPIDS Program Registration Form;

(f) Apprentice "personal information" as that term is defined in KRS 61.931(6) contained in the Commonwealth's Citizen Connect online portal;

(g) Employer Acceptance Agreement (Registered Apprenticeship Appendix D); and

(h) Additional documents provided by employers relevant to apprenticeship program approval that contain private business information to include Approved Job Description and Related Technical Instruction outlines, Vendor Verifications, Citation Requests, and Occupation Support Letters.

(3) Federal Bonding Program:

(a) Kentucky Federal Bonding Program Requests from employers; and

(b) Kentucky Federal Bonding Program Conditional Pre-Approval Letter.

Section 2. Publicly Available Information. Notwithstanding the provisions of Section 1(2), the following information in possession of the Office of Employer and Apprenticeship Services for Registered Apprenticeship Programs is available to the general public: sponsor program number, sponsor program name, sponsor program address (street, city, state, zip code, county), sponsor contact information, occupation title, program standards type, term length minimum, term length maximum, related technical instruction length, hours when related technical instruction is provided, journeyman employee count, female employee count, minority employee count, youth employee count, and active apprentice count.

KISH C. PRICE, Commissioner

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:12 a.m.

CONTACT PERSON: Michelle DeJohn, Executive Director, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601, phone 502-782-3252, email michelle.dejohn@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Michelle DeJohn

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 151B.280(5)(a) requires the secretary of the Education and Workforce Development Cabinet to promulgate administrative regulations to protect the confidential nature of all records and reports which directly or indirectly identify a client or former client of programs administered by the cabinet's Office of Employer and Apprenticeship Services. This administrative regulation establishes which records of the Office of Employer and Apprenticeship Services shall be considered confidential in order to encourage full disclosure of information on the part of job applicants and employers and to provide guidelines to employment service personnel in responding to requests for information.

(b) The necessity of this administrative regulation: The secretary of the Education and Workforce Development Cabinet is required to promulgate this regulation to protect the confidentiality of certain records of the Office of Employer and Apprenticeship Services pursuant to KRS 151B.280(5)(a).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation provides a detailed list of program related documents in the possession of the Office of Employer and Apprenticeship Services that are deemed confidential pursuant to KRS 151B.280(5)(a).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of agency programs by identifying the Office of Employer and Apprenticeship Services documents deemed confidential pursuant to KRS 151B.280(5)(a), thereby encouraging full disclosure of information on the part of job applicants and employers who participate in the agency's programs as well as providing guidelines to employment service personnel in responding to requests for information.

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

(a) How the amendment will change this existing administrative regulation: N/A

(b) The necessity of the amendment to this administrative

regulation: N/A

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 347 businesses and nearly 4,165 apprentices participating in the Office of Employer and Apprenticeship Services' Registered Apprenticeship program, and 13,783 applications for the Work Opportunity Tax Credit Program were processed in the previous quarter. Documents related to those businesses and apprentices are covered by this regulation.

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

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No additional actions will have to be taken by businesses or apprentices. This regulation ensures the confidentiality of the documents they already submit to the Office of Employer and Apprenticeship Services in order to participate in the agency's programs.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: This regulation will not cost businesses or apprentices any additional funds.

(c) As a result of compliance, what benefits will accrue to the entities: By providing a detailed list of Office of Employer and Apprenticeship documents deemed confidential, this regulation encourages full disclosure of information on the part of job applicants and employers.

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

(a) Initially: There is no cost initially to implement this administrative regulation.

(b) On a continuing basis: There is no cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Office of Employer and Apprenticeship Services is funded both by general state funds 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 no anticipated increase in fees or funding necessary to implement this regulation. Any increase in costs would be negligible and able to be handled by the current administrative staff.

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

(9) TIERING: Is tiering applied? The regulation will be applied uniformly to Office of Employer and Apprenticeship Services documents and 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 Office of Employer and Apprenticeship Services within the Education and Workforce Development Cabinet's Department of Workforce Investment will be impacted by this regulation as it specifically identifies the agency's documents that are deemed confidential.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 151B.280(5)(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. 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? No revenue will be generated for the state for the first year.

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

(c) How much will it cost to administer this program for the first year? The documents identified as confidential in this regulation are part of existing programs and the regulation will not have any increase in costs.

(d) How much will it cost to administer this program for subsequent years? Any additional costs brought on by this regulation will be negligible and can be absorbed through current staffing levels.

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

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: There is no fiscal impact associated with this amendment.

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](#).

EDUCATION AND WORKFORCE DEVELOPMENT CABINET
Education Professional Standards Board
(Amendment)

16 KAR 3:080. Career and technical education school principals.

RELATES TO: KRS 161.020, 161.027, 161.028, 161.030

STATUTORY AUTHORITY: KRS 161.020, 161.027, 161.028

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020(1) requires an educator to hold a certificate of legal qualifications issued by the Education Professional Standards Board (EPSB) prior to being employed in a certified school position. KRS 161.028 authorizes the EPSB [Education Professional Standards Board] to promulgate administrative regulations establishing the standards for obtaining and maintaining a teaching certificate. KRS 161.027 specifically requires the EPSB [Education Professional Standards Board] to promulgate administrative regulations establishing the requirements for the preparation and certification of principals. KRS 161.020(3) requires the EPSB [board] to promulgate administrative regulations establishing renewal requirements. This administrative regulation establishes the certification requirements for career and technical education school principals.

Section 1. Application and Renewal Procedures. (1) A certificate for career and technical education school principal shall be issued to an applicant who meets the requirements of 16 KAR 2:010, Section 3(1), and who has:

(a) At least three (3) years of teaching experience in a career and technical education teaching assignment;

(b) Completed an approved educator preparation program for career and technical education school principal, as established in 16 KAR 5:010; and

(c) Obtained the specified minimum score on any assessment required by 16 KAR 3:090. [16 KAR 6:030.

(2) ~~Application for an initial certificate for career and technical education school principal shall be made on the Application for Kentucky Certification or Change in Salary Rank, Form TC-1, incorporated by reference in 16 KAR 2:010.]~~

~~(2) [(3)(a)]~~ The following shall be executed in accordance with KRS 161.027(7)-(9):

~~(a) [1-]~~ Issuance of the initial certificate for career and technical education school principal;

~~(b) [2-]~~ Completion of the internship program for career and technical education school principal; and

~~(c) [3-]~~ Extension of the certificate for career and technical education school principal.

~~(3) [(b) 1-]~~ A certificate for career and technical education school principal shall be renewed subsequently for five (5) year periods [.] upon application to the EPSB, compliance with 16 KAR 2:010, Section 3(1), and completion of:

~~(a) [2-]~~ Each five (5) year renewal thereafter shall require the completion of:

~~a-]~~ Two (2) years of experience as a career and technical education school principal;

~~(b) [b-]~~ Three (3) semester hours of additional graduate credit related to the position of career and technical education school principal; or

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

~~[3-]~~ Application for renewal of a certificate for career and technical education school principal shall be made on Form TC-2, incorporated by reference in 16 KAR 4:060.]

Section 2. Certifications permissible for position of career and

technical education school principal. The following certificates shall be valid for the position of school principal:

(1) The certificate for career and technical education school principal; or

(2) A certificate for instructional leadership - school principal.

JUSTIN MITCHELL, Board Chair

APPROVED BY AGENCY: March 8, 2022

FILED WITH LRC: March 15, 2022 at 10:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on May 23, 2022, at 10:00 a.m. in the State Board Room, Fifth Floor, 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 through May 31, 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 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 Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the certification requirements for career and technical education school principals.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the certification requirements for career and technical education school principals.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 161.020(1) requires an educator to hold a certificate of legal qualifications issued by the Education Professional Standards Board (EPSB) prior to being employed in a certified school position. KRS 161.028 authorizes the EPSB to promulgate administrative regulations establishing the standards for obtaining and maintaining a teaching certificate. KRS 161.027 specifically requires the EPSB to promulgate administrative regulations establishing the requirements for the preparation and certification of principals. KRS 161.020(3) requires the EPSB to promulgate administrative regulations establishing renewal requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the certification requirements for career and technical education school principals.

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

(a) How the amendment will change this existing administrative regulation: This amendment removes the reference to an outdated application. The amendment also updates a statutory and regulatory citation contained in the regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure that regulation remains in effect, remove the reference to an outdated application, and correct a statutory and regulatory citation contained in the

regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 161.020(1) requires an educator to hold a certificate of legal qualifications issued by the Education Professional Standards Board (EPSB) prior to being employed in a certified school position. KRS 161.028 authorizes the EPSB to promulgate administrative regulations establishing the standards for obtaining and maintaining a teaching certificate. KRS 161.027 specifically requires the EPSB to promulgate administrative regulations establishing the requirements for the preparation and certification of principals. KRS 161.020(3) requires the EPSB to promulgate administrative regulations establishing renewal requirements.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will remove the reference to an outdated application, and correct a statutory and regulatory citation contained in the regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 171 Kentucky school districts, 30 educator preparation program providers, and educators holding or seeking the certificate for career and technical education school principal.

(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 action by the listed entities will be 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 cost associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There will be clarity regarding regulatory and statutory citations contained in the regulation. Additionally, applicants will no longer be directed to an outdated application form.

(5) Provide an estimate of how much it will cost the administrative body 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: State 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 established any fees or directly or indirectly increased any fees: Certification fees are established by 16 KAR 4:040. No additional fees are established by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applicable to the requirements of this regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Education Professional Standards Board, public colleges and universities with educator preparation programs and public-school districts.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 161.020, KRS 161.027, KRS 161.028

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

(a) How much revenue will this administrative regulation

generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? There will be no additional revenues created by 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? There will be no additional revenues created by this amendment.

(c) How much will it cost to administer this program for the first year? There are no costs associated with this amendment.

(d) How much will it cost to administer this program for subsequent years? There are no costs associated with the amendment.

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

Board of Nursing (Amendment)

201 KAR 20:085. Licensure periods and miscellaneous requirements.

RELATES TO: KRS 61.878, 314.041, 314.051, 314.071, 314.073

STATUTORY AUTHORITY: KRS 314.071, 314.131

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.071 requires the board to establish licensure periods for licenses issued by the board. This administrative regulation establishes the licensure periods. It also establishes miscellaneous requirements.

Section 1. (1) A nursing license or credential issued during the first six (6) months of a licensure period shall expire at the end (October 31) of the current licensure period.

(2) A nursing license or credential issued during the last six (6) months of a licensure period shall expire at the end (October 31) of the succeeding licensure period.

Section 2. Licensure Periods. (1) The licensure period for all licenses and credentials, except for provisional, inactive, and retired status licenses, shall be for one (1) year beginning on November 1.

Section 3. For the purposes of the practice of nursing, a nurse shall use the name under which he or she is licensed with the board of nursing.

Section 4. (1) A nurse shall provide the board with an electronic mail (email) address to receive communications from the board.

(2) This requirement shall also apply to dialysis technicians and certified professional midwives.

(3) The email address provided shall be exempt from disclosure pursuant to KRS 61.878(1)(a).

Section 5. (1) A nurse shall provide the board with Workforce Data as part of their licensure renewal application under 201 KAR 20:370.

(2) The Workforce Data is collected for statistical purposes and shall be exempt from disclosure pursuant to KRS 61.878(1)(a).

JESSICA WILSON, Board President

APPROVED BY AGENCY: February 17, 2022.

FILED WITH LRC: March 9, 2022 at 9:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, May 23, 2022, at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300,

Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, May 16, 2022, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m. EDT) Tuesday, May 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: 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: It sets the licensure period and also contains several miscellaneous requirements.

(b) The necessity of this administrative regulation: It is required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: By setting the licensure application requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By setting the licensure application requirements.

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

(a) How the amendment will change this existing administrative regulation: It adds a requirement that all renewing licensees provide the Board with workforce data.

(b) The necessity of the amendment to this administrative regulation: To track workforce information to provide the Board with information regarding nurses in Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: The intent of the statutes is to give the Board the authority to regulate nurses in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: By providing relevant information regarding the workforce in Kentucky and employment trends.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Licensed Practical Nurses, Registered Nurses, and Advanced Practice Registered Nurses, approximately 90,000 licensees.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: They will have to provide workforce data as part of their renewal applications, which will be exempt from open records.

(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 anticipated cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with the regulation and the Board will have relevant information regarding workforce trends in Kentucky.

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

(a) Initially: No cost.

(b) On a continuing basis: No cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General agency funds, to the extent funding is necessary.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is necessary.

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

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

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

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

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

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

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

BOARDS AND COMMISSIONS Board of Nursing (Amendment)

201 KAR 20:110. Licensure by endorsement.

RELATES TO: KRS 194A.540, 314.031, 314.041, 314.051, 314.091, 314.103, 314.109, 314.475, 314.991

STATUTORY AUTHORITY: KRS 314.041(7), 314.051(8), 314.101(4), 314.103, 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations to implement the provisions of KRS 314.011 to 314.991. KRS 314.041(7) and 314.051(8) authorize the board to issue a license to practice nursing as a registered nurse or a licensed practical nurse to an applicant who has passed the required examination or its equivalent and who was licensed to practice nursing in another jurisdiction. KRS 314.103 authorizes the board to require a criminal background check investigation of an applicant or nurse. KRS 314.101(4) authorizes the board to issue a temporary work permit to a person who has completed the requirements for, applied for, and paid the fee for licensure by endorsement. This administrative regulation establishes the requirements for licensure by endorsement and establishes the requirements for a temporary work permit for an applicant to practice nursing while the application for a license is being

processed.

Section 1. Eligibility for Licensure by Endorsement.

(1) To be eligible for licensure by endorsement, an applicant shall:

(a)1. Have completed a state approved program of nursing equivalent to Kentucky requirements; or

2. Have completed that portion of a state-approved program of nursing that is equivalent to a Kentucky program of nursing;

(b) Have taken and passed the State Board Test Pool Examination or National Council Licensure Examination or an examination that is consistent with Section 4 of this administrative regulation;

(c) Complete the application form, as required by 201 KAR 20:370, Section 1(1);

(d) Submit the current fee for a licensure application, as established by 201 KAR 20:240;

(e) Report and submit a certified or attested copy of each disciplinary action taken or pending on a nursing or other professional or business license by another jurisdiction and a letter of explanation;

(f) Submit a certified copy of the court record of each misdemeanor or felony conviction and a letter of explanation that addresses each conviction as required by 201 KAR 20:370, Section 1(3);

(g) Request the U.S. jurisdiction, territory, or foreign country of initial licensure to submit to the board a verification of licensure by examination, which shall include the following information:

1. a. Name of the program of nursing completed and date of graduation; or

b. Name of the program of nursing attended and date of completion of the requirements for eligibility to take the licensure examination in that jurisdiction; and

2. A statement that the applicant's license has not been revoked, suspended, limited, probated, or otherwise disciplined by the licensing authority and is not subject to disciplinary action;

(h) Submit a criminal record check completed within six (6) months of the date of the application by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI) using the FBI Applicant Fingerprint Card, and including payment of any required fee to the KSP and the FBI; and

(i) Submit evidence of completion of the jurisprudence examination required by KRS 314.041(4) for RN applications or KRS 314.051(4) for LPN applications as approved by the board.

(2) An application shall be valid for a period of one (1) year. The applicant shall:

(a) Submit a copy of a marriage certificate, divorce decree, Social Security card, or court order to change the applicant's name, if the applicant's name is changed after the original application is filed; and

(b) Notify the board in writing as soon as a new address is established after submitting the application.

(3) After one (1) year~~[six (6) months]~~ if the requirements for licensure have not been met, the applicant shall:

(a) Submit a new application;

(b) Submit the current licensure application fee; and

(c) Meet the requirements established in this section.

(4)~~(a)~~ The applicant shall meet all of the~~[complete the three (3)-hour]~~ continuing education course ~~[on domestic violence within three (3) years of licensure as required by KRS 194A.540.~~

~~(b) The applicant shall complete the one and one-half (1.5) contact hour continuing education course on pediatric abusive head trauma within three (3) years of licensure as required by learning requirements in 201 KAR 20:215, Section 5(3) that are required for the applicant's licensure.~~

(5) An applicant shall not be licensed until a report is received from the FBI pursuant to the request submitted under subsection (1)(h) of this section and any conviction is addressed by the board.

(6) A graduate of a school of nursing in Puerto Rico after September 1, 2006, in addition to the other requirements of this section, shall provide evidence of evaluation of the graduate's transcript by the Commission on Graduates of Foreign Nursing Schools or a credential evaluation organization that is a member of

the National Association of Credentialing Evaluation Services. The evaluation shall indicate that the school of nursing is substantially equivalent to a school of nursing in this state.

Section 2. Nursing Practice and Continuing Education Requirements.

(1) Except as provided in subsection (2) of this section, an applicant shall complete fourteen (14) contact hours in continuing education for each year since the last year in which the applicant is able to demonstrate at least 100 hours of practice.

(2) The requirement established in subsection (1) of this section shall not apply to an applicant who:

(a) Has been licensed for less than five (5) years from the date of initial licensure;

(b) Has been actively licensed and engaged in nursing practice for at least 500 hours during the preceding five (5) years; or

(c) Has not been engaged in nursing practice during the five (5) years preceding the date of the application. This applicant shall complete at least 120 contact hours of continuing education earned within one (1) year of the date of the application.

(3) At least fourteen (14) contact hours shall have been earned within the twelve (12) months preceding the date of application for active Kentucky licensure status.

(4) Continuing education earned more than five (5) years preceding the date of application shall not be counted toward meeting the requirements established in subsections (1) and (3) of this section.

Section 3. Temporary Work Permit. (1) An applicant for licensure by endorsement who meets all of the requirements of Section 1(1)(a) through (i), except for paragraph (g) of this administrative regulation shall be issued a temporary work permit, but not until the report is received from the FBI and any conviction is addressed by the board.

(2) A temporary work permit shall be valid for a period not to exceed six (6) months.

(3) An individual who practices as a nurse in Kentucky without a current temporary work permit prior to issuance of a current active license shall be considered to be practicing without a license in violation of KRS 314.031 and shall be subject to the penalties listed in KRS 314.091 and 314.991.

Section 4. Licensing Examination Standards. An applicant who has taken an examination other than the State Board Test Pool Examination or the National Council Licensure Examination shall provide evidence to the board that the examination met the following standards of equivalency:

(1) Accepted psychometric procedures shall be used in the development of the examination;

(2) The examination shall be available to the board in the English language;

(3) The examination test plan blueprint shall be available for board review and adequately identifies test content and content weighting;

(4) Test items shall be available for board review and demonstrate the testing of competency necessary for safe practice;

(5) At least one (1) of the reliability estimates for the examination shall be 0.80 or higher;

(6) The examination shall be revised after each administration to ensure currency and security of content; and

(7) The examination shall be given under strict security measures.

Section 5. Applicants for LPN license pursuant to KRS 314.041(13). An applicant for an LPN license pursuant to KRS 314.041(13) shall meet the requirements of this administrative regulation.

Section 6. (1) An applicant not from a party state under the Nurse Licensure Compact who is issued a license and does not have permanent residency in Kentucky shall be issued a license that indicates on the license that it is only valid in Kentucky.

(2) The board may request that an applicant provide evidence

of the applicant's state of residence.

JESSICA WILSON, President

APPROVED BY AGENCY: February 17, 2022

FILED WITH LRC: March 9, 2022 at 9:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, May 23, 2022, at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, May 16, 2022, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m. EDT) Tuesday, May 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: 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets procedures for licensure by endorsement from another state.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because of KRS 314.041 and KRS 314.051.

(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 setting the necessary procedures.

(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 setting procedures.

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

(a) How the amendment will change this existing administrative regulation: It lengthens the time that an application remains in effect from six months to one year, and it removes redundant references to continuing education requirements.

(b) The necessity of the amendment to this administrative regulation: The change will make the length of time the same as the licensure by examination.

(c) How the amendment conforms to the content of the authorizing statutes: The Board is authorized to set these procedures.

(d) How the amendment will assist in the effective administration of the statutes: By giving the applicant more time to meet the requirements, and it removes redundant references to continuing education requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Applicants for licensure by endorsement, number unknown.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative

regulation or amendment: They will have more time to comply.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Their application will remain open longer.

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

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

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

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

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

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

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

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

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

BOARDS AND COMMISSIONS

Board of Nursing (Amendment)

201 KAR 20:370. Applications for licensure.

RELATES TO: KRS 314.041, 314.042, 314.051, 314.071, 314.091, 314.103, 314.475

STATUTORY AUTHORITY: KRS 314.041, 314.042, 314.051, 314.071, 314.131(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations as may be necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.041, 314.042, 314.051, and 314.071 require the board to review an application for licensure and a licensee for conformity with KRS Chapter 314. This administrative regulation establishes requirements and procedures for licensure.

Section 1. To be eligible for licensure by examination, endorsement, renewal, reinstatement, retired licensure status, or for advanced practice registered nurse licensure, renewal, or reinstatement, an applicant shall:

(1) Submit the completed application form to the board office, for:

(a) RN or LPN licensure by examination, endorsement, or reinstatement, Application for Licensure;

(b) For RN or LPN Renewal, Annual Licensure Renewal Application: RN or LPN;

(c) Licensure or reinstatement as an advanced practice registered nurse, Application for Licensure as an Advanced Practice Registered Nurse;

(d) Renewal as an RN and an APRN, Annual Licensure Renewal Application: RN and APRN;

(e) Licensure as an RN and as an APRN, Application for RN and APRN Licensure;

(f) Retired licensure status, Application for Retired Status;

(g) APRN renewal with an RN Compact license, Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky);

(h) APRN renewal with a Kentucky RN License, Annual Licensure Renewal Application, APRN with Kentucky RN License; or

(i) In addition to any other renewal form, for APRN renewal, APRN Practice Data;

(2) Submit the current application fee, as required by 201 KAR 20:240;

(3) Submit a certified or attested copy of the court record of each misdemeanor or felony conviction in this or any other jurisdiction and a letter of explanation that addresses each conviction, except for traffic-related misdemeanors (other than DUI) or misdemeanors older than five (5) years;

(4) Submit a certified copy of a disciplinary action taken in another jurisdiction with a letter of explanation or report a disciplinary action pending on a nurse licensure application or license in another jurisdiction;

(5) Have paid all monies due to the board;

(6) Submit a copy of an official name change document (court order, marriage certificate, divorce decree, Social Security card), if applicable;

(7) Submit additional information as required by the board in 201 KAR Chapter 20;

(8) Meet the additional requirements for:

(a) Licensure by examination established by 201 KAR 20:070;

(b) Licensure by endorsement established by 201 KAR 20:110;

(c) Licensure by reinstatement established by 201 KAR 20:225;

(d) Licensure by renewal established by 201 KAR 20:230;

(e) Retired nurse or inactive licensure status established by 201 KAR 20:095; or

(f) Advanced practice registered nurse licensure, renewal, or reinstatement established by 201 KAR 20:056;

(9) If not a citizen of the United States, maintain proof of legal permanent or temporary residency under the laws and regulations of the United States; and

(10) Notify the board upon establishment of a new mailing address.

Section 2. An application shall lapse and the fee shall be forfeited if the application is not completed:

(1) For an application for licensure by endorsement, within six (6) months from the date the application form is filed with the board office;

(2) For an application for licensure by examination, within one (1) year from the date the application form is filed with the board office or the date the applicant fails the examination, whichever comes first; or

(3) For all other applications except renewal of license applications, within one (1) year from the date the application form is filed with the board office.

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

(a) "Application for Licensure", 1/2016, Kentucky Board of Nursing;

(b) "Annual Licensure Renewal Application: RN or LPN", 02/2022[02/2024], Kentucky Board of Nursing;

(c) "Application for Licensure as an Advanced Practice Registered Nurse", 1/2016, Kentucky Board of Nursing;

(d) "Annual Licensure Renewal Application: RN and APRN", 02/2022[02/2024], Kentucky Board of Nursing;

(e) "Application for RN and APRN Licensure", 1/2016, Kentucky Board of Nursing;

(f) "Application for Retired Status", 8/2004, Kentucky Board of Nursing;

(g) "Annual Licensure Renewal Application: APRN with RN Compact License (not Kentucky)", 02/2022[02/2024], Kentucky Board of Nursing;

(h) "Annual Licensure Renewal Application, APRN with Kentucky RN License", 02/2022[02/2024], Kentucky Board of Nursing; and

(i) "APRN Practice Data", 6/2012, Kentucky Board of Nursing.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://kbn.ky.gov/conpro/Pages/Laws-and-Regulations.aspx>. [<https://kbn.ky.gov/legalopinions/Pages/laws.aspx>]

JESSICA WILSON, President

APPROVED BY AGENCY: February 17, 2022

FILED WITH LRC: March 9, 2022 at 9:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, May 23, 2022, at 10:00 a.m. (EDT) in the office of the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by Monday, May 16, 2022, five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until end of day (11:59 p.m. EDT) Tuesday, May 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: 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jeffrey R. Prather

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates the various application forms and sets some requirements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because of the licensure provisions for KRS Chapter 314.

(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 incorporating the various forms and setting requirements.

(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 providing for the appropriate application forms and data.

(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 changes are to license renewal application forms. These changes provide for licensees to complete a Workforce Data Survey as part of their renewal applications.

(b) The necessity of the amendment to this administrative regulation: Amendment is needed to obtain valid data to track the nursing workforce in Kentucky.

(c) How the amendment conforms to the content of the authorizing statutes: By requiring workforce data.

(d) How the amendment will assist in the effective administration of the statutes: By providing statistically relevant information for tracking the nursing workforce in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All licensed nurses, approximately 90,000.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action is necessary until renewal. During renewal nurses will need to provide workforce data as part of their applications.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Board of Nursing will be able to see where there may be staffing deficiencies in the nursing workforce.

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

(a) Initially: There is no additional cost.

(b) On a continuing basis: There is no additional cost.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase is needed.

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

(9) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 314.131.

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

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

(b) How much revenue will this administrative regulation generate for the state or local government (including cities,

counties, fire departments, or school districts) for subsequent years? None

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

(d) How much will it cost to administer this program for subsequent years? No additional cost.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PUBLIC PROTECTION CABINET Kentucky Horse Racing Commission (Amendment)

810 KAR 3:020. Licensing of racing participants.

RELATES TO: KRS 230.215, 230.260, 230.280, 230.290, 230.300, 230.310, 230.320, 230.330

STATUTORY AUTHORITY: KRS 230.215(2), 230.240(2), 230.260(4), 230.290(2), 230.310(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) grants the Kentucky Horse Racing Commission the authority to regulate conditions under which horse racing shall be conducted in Kentucky. KRS 230.310(1) authorizes the commission to establish licensing requirements for participation in horse racing. This administrative regulation establishes licensing procedures and requirements for participation in horse racing.

Section 1. Definitions.

(1) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, limited liability company, association, club, committee, organization, lessor, lessee, racing stable, farm name, or other group of persons acting in concert.

(2) "Restricted area" means a portion of association grounds to which access is limited to licensees whose occupation or participation requires access, and to those individuals accompanying a licensee as permitted by the association.

Section 2. Persons Required to Be Licensed.

(1) A person shall not participate in pari-mutuel racing under the jurisdiction of the commission without a valid license issued by the commission.

(2) License categories shall include:

- (a) Association employee;
- (b) Assistant trainer;
- (c) Claiming;
- (d) Commission member;
- (e) Commission employee;
- (f) Dental technician;
- (g) Driver;
- 1. Qualifying-fair (QF) license;
- 2. Provisional (P) license; and
- 3. Full (A) license;
- (h) Driver/trainer;
- (i) Equine therapist;
- (j) Exercise rider;
- (k) Farm manager or agent;
- (l) Farrier;
- (m) Farrier apprentice;
- (n) Jockey;
- (o) Jockey agent;
- (p) Jockey apprentice;
- (q) Matinee driver;
- (r) Mutuel employee;
- (s) Owner;
- (t) Owner (Temporary);
- (u) Owner/assistant trainer;

- (v) Owner/trainer;
- (w) Owner/trainer/driver;
- (x) Owner/driver;
- (y) Racing department employee;
- (z) Racing official;
- (aa) Special event employee;
- (bb) Stable agent;
- (cc) Stable employee;
- (dd)[(cc)] Steeplechase jockey;
- (ee)[(dd)] Trainer;
- (ff)[(ee)] Vendor;
- (gg)[(ff)] Vendor employee;
- (hh)[(gg)] Veterinarian;
- (ii)[(hh)] Veterinary assistant; and
- (iii)[(ii)] Veterinary technologist or technician.

(3) A person working at a licensed racing association in the Commonwealth shall obtain a valid license issued by the commission. The executive director, chief racing steward, the presiding judge, or their designee may refuse entry or scratch any horse involving any person who, after being requested to obtain a valid license, fails or is unable to obtain a license.

(4)(a) A person required to be licensed shall submit:

1. A completed written application on the form Licensing Application, 3-020-1, or a multi-jurisdictional license form pursuant to Section 8 of this administrative regulation; and

2. The fee required by Section 6 of this administrative regulation.

(b) A temporary license may be obtained by an authorized representative of an owner in accordance with Section 18 of this administrative regulation.

(c) A conditional license may be issued by the commission or its designee.

Section 3. General License Application Requirements for All Applicants.

(1) Any person required to be licensed by Section 2 of this administrative regulation and desiring to participate in horse racing in the Commonwealth may apply to the commission for a license.

(2)(a) An application may be submitted on or after November 1 of the calendar year preceding the calendar year in which the license is to be in force.

(b) An application shall be submitted no later than twenty-four (24) hours after an applicant has arrived on association grounds, unless a temporary license is obtained in accordance with Section 18 of this administrative regulation.

(c) The license application shall be reviewed and the license issued by commission personnel.

(3) Information provided on or with a license application shall be complete and correct. Material misrepresentation by a license applicant or his or her agent shall result in an immediate license suspension, revocation, refusal, or denial, or imposition of a fine by the commission or the chief racing steward or presiding judge.

(4)(a) An applicant for licensing shall be a minimum of sixteen (16) years of age except as provided by paragraph (b) of this subsection. An applicant may be required to submit a certified copy of his or her birth certificate or work permit.

(b) The commission may grant an owner's license to a person less than sixteen (16) years of age if the person's parent or legal guardian is licensed by the commission. An application under this subsection shall be signed by the applicant's parent or legal guardian in the presence of one (1) or more of the stewards or judges.

(5) An application from a person or other entity consisting of more than one (1) individual person desiring to race horses in the Commonwealth shall, upon request, in addition to designating the person or persons representing the entire ownership of the horses, be accompanied by documents which fully disclose the identity, degree, and type of ownership held by all individual persons who own or control a present or reversionary interest in the horses.

(6) The commission shall notify an applicant that the license has been issued or denied. If all requirements for licensure are met, a license shall be issued to the license applicant.

Section 4. Additional Licensing Requirements for Standardbred Driver's License.

(1) A person desiring to drive a harness horse at a race meeting licensed by the commission shall obtain a license from:

(a) The commission; and

(b) The United States Trotting Association, Standardbred Canada, or appropriate international harness racing governing agency.

(2) Commission licenses. A driver's license from the commission shall be issued in one of the following categories:

(a) A qualifying-fair (QF) license, which shall be valid for fairs, matinees, qualifying races, and if approved by the presiding judge, nonwagering races at extended pari-mutuel meetings;

(b) A provisional (P) license, which shall be valid at fairs, matinees, qualifying races, and extended pari-mutuel meetings; or

(c) A full (A) license, which shall be valid at all race meetings.

(3) License advancement. An applicant shall initially obtain a qualifying-fair license. Advancement to a provisional license and a full license shall be determined by Rule 17, Sections 1 through 10, of the United States Trotting Association, 2009/2010.

(4) General qualifications. An applicant for a driver's license shall:

(a)1. Be at least sixteen (16) years of age for a (QF) license;

2. Be at least eighteen (18) years of age for a (P) or (A) license; and

3. Not be denied a driver's license solely on the basis of age if the applicant has previously held any type of license; and

(b) Submit satisfactory evidence of an eye examination indicating:

1. 20/40 corrected vision in both eyes; or

2. If one (1) eye is blind, at least 20/30 corrected vision in the other eye.

Section 5. Additional Licensing Requirements for Specific Licenses.

(1) Veterinary personnel.

(a) An application from a person desiring to treat, prescribe for, or attend to any horse on association grounds as a practicing veterinarian shall be accompanied by evidence that the person is currently licensed as a veterinarian by the Commonwealth of Kentucky.

(b) An application from a person desiring to work on association grounds as a veterinary technologist or veterinary technician shall be accompanied by:

1. Evidence that the person is currently registered as a veterinary technologist or veterinary technician by the Commonwealth of Kentucky; and

2. A Veterinarian Approval Form, KHRC 3-020-4, signed by a licensed veterinarian certifying that the applicant is working for the veterinarian as required by KRS 321.443.

(c) An application from a veterinary assistant shall be accompanied by a Veterinarian Approval Form, KHRC 3-020-4, signed by a licensed veterinarian certifying that the applicant works for him or her as required by KRS 321.443.

(d) Equine therapist. An application from an equine therapist not defined by KRS Chapter 321 shall be accompanied by a Veterinarian Approval Form, KHRC 3-020-4, signed by a licensed veterinarian and the chief state veterinarian attesting to the skill and integrity of the applicant.

(2) Farriers. An application from a person not previously licensed in the capacity of farrier shall submit a diploma or other document signifying successful completion of a farrier course or examination recognized by the American Farrier's Association, or submit a letter of recommendation from a licensed farrier.

(3) Standardbred Licensees. (a) A standardbred owner, trainer, owner/trainer, driver, driver/trainer, owner/trainer/driver, or owner/driver shall have a valid license issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in order to participate in pari-mutuel racing in Kentucky.

(b) Any standardbred horse under lease shall race in the name of the lessee and a copy of the lease shall be filed with the clerk of

the course. A standardbred horse shall not race under lease without an eligibility certificate issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in the name of the lessee. Both the lessee and lessor shall be licensed by the commission prior to post.

(c) If any licensed standardbred trainer is absent from a racing meet for more than six (6) days, the trainer shall appoint and have properly licensed a new trainer of record.

(4) Special event licenses.

(a) A special event license shall be:

1. Issued to employees who are employed by an association only for the duration of a special event; and

2. Valid for the days of the event only.

(b) The duration of the license shall not exceed three (3) calendar days.

Section 6. Licensing Fees.

(1) The following annual fees shall accompany the application and shall not be refundable:

(a) Association employee:

1. For thoroughbreds: \$25;

2. For standardbreds: \$25; or

3. For other horses: \$10;

(b) Assistant trainer:

1. For thoroughbreds: \$150; or

2. For other horses: \$35;

(c) Claiming: \$150;

(d) Dental technician: \$100;

(e) Driver: \$125;

(f) Driver/trainer: \$125;

(g) Equine therapist:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(h) Exercise rider: \$10;

(i) Farm manager or agent:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(j) Farrier:

1. For thoroughbreds: \$100;

2. For standardbreds: \$100; or

3. For other horses: \$35;

(k) Farrier apprentice:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(l) Jockey:

1. For thoroughbreds: \$150; or

2. For other horses: \$35;

(m) Jockey agent:

1. For thoroughbreds: \$150; or

2. For other horses: \$35;

(n) Jockey apprentice:

1. For thoroughbreds: \$100; or

2. For other horses: \$35;

(o) Matinee driver: \$125;

(p) Mutuel employee:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$20;

(q) Owner:

1. For thoroughbreds: \$150;

2. For standardbreds: \$125; or

3. For other horses: \$35;

(r) Owner (temporary):

1. For thoroughbreds: \$150;

2. For standardbreds: \$125; or

3. For other horses: \$35;

(s) Owner/assistant trainer:

1. For thoroughbreds: \$150; or

2. For other horses: \$35;

(t) Owner/trainer:

1. For thoroughbreds: \$150;

2. For standardbreds: \$125; or

3. For other horses: \$35;

(u) Owner/trainer/driver: \$125;

(v) Owner/driver: \$125;

(w) Racing department employee: \$100;

(x) Racing official:

1. For thoroughbreds: \$100;

2. For standardbreds: \$100; or

3. For other horses: \$35;

(y) Special event employee: \$10;

(z) Stable agent: \$50;

(aa) Stable employee:

1. For thoroughbreds: \$10;

2. For standardbreds: \$5; or

3. For other horses: \$5;

(bb)[(aa)] Steeplechase jockey: \$150;

(cc)[(bb)] Trainer:

1. For thoroughbreds: \$150;

2. For standardbreds: \$125; or

3. For other horses: \$35;

(dd)[(cc)] Vendor:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(ee)[(dd)] Vendor employee: \$25;

(ff)[(ee)] Veterinarian:

1. For thoroughbreds: \$150;

2. For standardbreds: \$125; or

3. For other horses: \$35;

(gg)[(ff)] Veterinary assistant:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25; or

(hh)[(gg)] Veterinary technologist or technician:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25.

(2) A replacement fee for a duplicate license shall be ten (10) dollars, except that this fee shall be waived for the first duplicate license issued during any calendar year.

Section 7. Fingerprinting.

(1) If requested by the commission, a license applicant shall furnish to the commission a set of fingerprints or submit to fingerprinting prior to issuance of a license.

(2) If the license applicant has been fingerprinted in the Commonwealth or another racing jurisdiction within the five (5) years preceding the date of the license application, then the commission may accept the previous fingerprints or require new fingerprints.

(3) The cost of fingerprinting and fingerprint analysis shall be paid by the license applicant.

Section 8. Multi-state/National Licenses.

(1) In lieu of the commission license application form, an applicant may submit an ARCI Multi-Jurisdiction Racing License Owner's Application or the National Racing License Application or Renewal Application.

(2) The commission shall accept a multi-state or national license if it complies with licensing requirements in this administrative regulation and KRS Chapter 230.

Section 9. Consent to Investigate by License Applicants and Licensees. After an applicant files a license application, the commission may:

(1) Investigate the criminal background, employment history, and racing history record of the applicant;

(2) Engage in research and interviews to determine the applicant's character and qualifications; and

(3) Verify information provided by the applicant.

Section 10. Search and Seizure. (1) The commission or designee may search any location described in KRS 230.260(7).

(2) The commission or designee may seize any medication, drug, substance, paraphernalia, object, or device in violation or suspected violation of KRS Chapter 230 or KAR Title 810.

(3) A licensee shall:

(a) Cooperate with the commission or designee during an investigation; and

(b) Respond correctly to the best of the licensee's knowledge if questioned by the commission or designee about a racing matter.

(4) A licensee shall consent to out-of-competition testing in accordance with 810 KAR 8:040.

Section 11. Employer Responsibility.

(1)(a) An employer shall not employ an unlicensed person for a position that requires a license under KRS 230.300 or 230.310 or this administrative regulation.

(b) If an employer violates subsection (a), the employer may be subjected to license suspension, denial, or revocation under KRS Chapter 230 or KAR Title 810.

(2) Every employer shall report in writing to the commission or its designee, within twenty-four (24) hours, the discharge of any licensed employee, including the employee's name, occupation, and reason for the discharge.

(3) Every employer shall be responsible for ensuring compliance with all applicable employment laws.

(4) The license application of an employee shall be signed by the employer.

(5) A licensed employer shall carry workers' compensation insurance covering his or her employees as required by KRS Chapter 342.

Section 12. Financial Responsibility.

(1) A licensee shall maintain financial responsibility during the period for which the license is issued.

(2) A licensee's failure to satisfy a final judgment rendered against him or her by a Kentucky court, or a domesticated judgment from another jurisdiction, for goods, supplies, services, or fees used in the course of any occupation for which a license is required by this administrative regulation shall constitute a failure to meet the financial responsibility requirements of KRS 230.310.

(3) If the licensee fails to show just cause for his or her failure to satisfy the judgment, then his or her license may be suspended or revoked until the licensee provides written documentation of satisfaction of the judgment.

(4) An applicant for a license may be required to submit evidence of financial responsibility to the commission if a judgment has been rendered against him or her.

Section 13. Voluntary Withdrawal of License Application.

(1) A license applicant may with the approval of the license review committee voluntarily withdraw his or her license application from the license review process.

(2) If the applicant chooses to voluntarily withdraw his or her application, then the withdrawal shall not constitute a denial or suspension of a license and shall be without prejudice.

(3) The stewards or judges shall issue a ruling noting a withdrawal, and the ruling shall be communicated to the Association of Racing Commissioners International.

Section 14. License Review Committee.

(1) The executive director, chief racing steward, presiding judge, or director of licensing may refer a license application to the license review committee in lieu of denying the application.

(2) The license review committee shall be composed of the executive director or designee, the director of licensing or designee, the chief state steward or presiding judge or their designee, and at least one (1) other commission member or commission staff member as designated by the executive director. At least three (3) members of the committee shall participate in any license review committee meeting.

(3) If a referral to the committee is made, then a license shall not be issued until the committee makes a favorable ruling on the

license application. The applicant may be required by the committee to appear personally. If the committee is unable to make a favorable ruling on the license application, then the committee may give the license applicant the opportunity to voluntarily withdraw his or her license application in accordance with Section 13 of this administrative regulation. If the license applicant does not wish to voluntarily withdraw his or her application, then the committee shall deny the application.

(4) The denial of the application may be appealed in accordance with KRS Chapter 13B.

(5) In the alternative, the commission, the license review committee, or the executive director may refer the case directly to the commission without denial or approval of the application.

Section 15. License Denial, Revocation, or Suspension.

(1) The commission, executive director, chief racing steward or presiding judge, or director of licensing may deny a license application, and the commission or chief state steward or presiding judge may suspend or revoke a license, or otherwise penalize in accordance with KRS 230.320(1) a licensee, or other person participating in horse racing, for any of the following reasons:

(a) The public interest, for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering, may be adversely affected if the license is issued;

(b) The licensee or applicant has any felony or misdemeanor criminal conviction from any jurisdiction, including having entered into any form of diversionary program, within fifteen (15) years preceding the date of submission of a license application;

(c) The licensee or applicant has pending criminal charges or is criminally charged during the license period in any jurisdiction;

(d) The licensee or applicant has had a license issued by the legally constituted racing or gaming commission of a state, province, or country denied, suspended, or revoked;

(e) The licensee or applicant has had a license issued by the Commonwealth revoked, suspended, or denied;

(f) The licensee or applicant has applied for and received a license at less than sixteen (16) years of age, except as permitted in Section 3 of this administrative regulation;

(g) The licensee or applicant has made a material misrepresentation, falsification, or omission of information in an application for a license;

(h) The licensee or applicant has been ejected, ruled off, or excluded from racing association grounds in the Commonwealth of Kentucky or a racetrack in any jurisdiction;

(i) The licensee or applicant has violated or attempted to violate a statute, administrative regulation, or similar rule respecting horse racing in any jurisdiction;

(j) The licensee or applicant has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of a horse or pari-mutuel wagering;

(k) The licensee or applicant has caused, attempted to cause, or participated in any way in an attempt to cause the pre-arrangement of a race result, or has failed to report knowledge of this kind of activity immediately to the stewards or judges;

(l) The licensee or applicant has demonstrated financial irresponsibility as described by Section 12 of this administrative regulation;

(m) The licensee or applicant has knowingly failed to disclose to the commission complete ownership or beneficial interest in a horse entered to be raced;

(n) The licensee or applicant has misrepresented or attempted to misrepresent facts in connection with the sale of a horse or other matter pertaining to racing or registration of a thoroughbred;

(o) The licensee or applicant has offered, promised, given, accepted, or solicited a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failed to report conduct of this nature immediately to the stewards or judges;

(p) The licensee or applicant has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse;

(q) The licensee or applicant has engaged in conduct that is against the best interest of horse racing, or compromises the integrity of operations at a track, training facility, or satellite facility;

(r) The licensee or applicant has knowingly entered, or aided and abetted the entry, of a horse ineligible or unqualified for the race entered;

(s) The licensee or applicant has possessed on association grounds, without written permission from the commission or the chief state steward or presiding judge, any appliance or device, other than an ordinary whip, which could be used to alter the speed of a horse in a race or workout;

(t) The licensee or applicant has violated any of the alcohol or substance abuse provisions in KRS Chapter 230 or 810 KAR 2:030;

(u) The licensee or applicant has failed to comply with a written order or ruling of the commission, the stewards, or the judges pertaining to a racing matter or investigation;

(v) The licensee or applicant has failed to answer truthfully questions asked by the commission or its representatives pertaining to a racing matter;

(w) The licensee or applicant has failed to return to an association any purse money, trophies, or awards paid in error or ordered redistributed by the commission;

(x) The licensee or applicant has participated in or engaged in any conduct of a disorderly nature on association grounds which includes, but is not limited to:

1. Failure to obey the stewards' or judges' or other official's orders that are expressly authorized by the administrative regulations of the commission;

2. Failure to race when programmed unless excused by the stewards or judges;

3. Fighting;

4. Assaults;

5. Offensive and profane language;

6. Smoking on the track in colors during actual racing hours;

7. Warming up a horse prior to racing without colors; and

8. Disturbing the peace;

(y) The licensee or applicant has used profane, abusive, or insulting language to or interfered with a commission member, employee or agent, or racing official, while these persons are in the course of discharging their duties;

(z) The licensee or applicant is unqualified to perform the duties for which the license is issued;

(aa) The licensee or applicant has discontinued or is ineligible for the activity for which the license is to be issued, or for which a previous or existing license was issued;

(bb) The licensee or applicant has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as Kentucky owned, Kentucky bred, or Kentucky sired;

(cc) The licensee or applicant has failed to pay a required fee or fine, or has otherwise failed to comply with KRS Chapter 230 or KAR Title 810;

(dd) The licensee or applicant has failed to comply with a written directive or ruling of the commission or the chief state racing steward or presiding judge;

(ee) The licensee or applicant has failed to advise the commission of changes in the application information as required by Section 17 of this administrative regulation;

(ff) The licensee or applicant has failed to comply with the temporary license requirements of Section 18 of this administrative regulation;

(gg) The licensee or applicant has violated the photo identification badge requirements of Section 21 of this administrative regulation;

(hh) The licensee or applicant has knowingly aided or abetted any person in violation of any statute or administrative regulation pertaining to horse racing;

(ii) The licensee or applicant has hired an unlicensed person required by KRS 230.300, 230.310, or this administrative regulation to be licensed;

(jj) The licensee or applicant, being a person other than a licensed veterinarian, has possessed on association grounds:

1. A hypodermic needle, hypodermic syringe, or other device which could be used to administer any substance to a horse, except as permitted by 810 KAR 8:010, Section 3(5); or

2. A medication, stimulant, sedative, depressant, local anesthetic, or any other foreign substance prohibited by KRS Chapter 230 or KAR Title 810; or

(kk) The licensee or applicant has manufactured, attempted to manufacture, or possessed a false license photo identification badge.

(2) A license suspension, revocation, or denial shall be reported in writing to the applicant by the chief steward or presiding judge, and to the ARCI by the Division of Licensing, to ensure that other racing jurisdictions shall be advised of the license suspension, revocation, or denial.

(3) A licensee or applicant may appeal the suspension, revocation, or denial in accordance with KRS 230.320 and Chapter 13B.

Section 16. Reciprocity.

(1) If a person's license has been denied, suspended, or revoked in another jurisdiction, the commission may require reinstatement of the license in that jurisdiction before a license is granted by the commission.

(2) If a person has been ruled off, excluded, or ejected from a racetrack in Kentucky or in another jurisdiction, the commission may require reinstatement of the person at that track before a license is granted by the commission.

Section 17. Changes in Application Information.

(1) The licensee or applicant shall report changes in any information required for licensing in writing to the commission.

(2) Any change in information required for licensing shall be submitted in writing upon the "Change in Application Information Form", KHRC 3-020-3, signed by the licensee, and filed at the commission central office, within thirty (30) days of the change, unless it is information listed in subsection (3) of this section.

(3) The licensee shall report changes in information in writing within 72 hours of the occurrence for these items:

(a) Criminal charges;

(b) Criminal convictions;

(c) License denials and license suspensions of ten (10) days or more;

(d) License revocations or fines of \$500 or more in other jurisdictions;

(e) Racing related disciplinary charges pending in other jurisdictions; and

(f) Withdrawal, with or without prejudice, of a license application by the licensee in any jurisdiction.

Section 18. Temporary Licenses.

(1)(a) Only an owner is eligible for a temporary license.

(b) A horse in a trainer's care shall not start in a race unless the owner has a current license or has an application for a temporary license, "Temporary Owner's License Application", KHRC 3-020-2, on file with the commission.

(c) A licensed trainer may apply for a temporary license on behalf of an owner for whom the licensed trainer trains.

(d) The commission may refuse the license if the applicant fails to supply a name, Social Security number, and mailing address for a temporary license.

(e) A temporary license shall be valid for no more than thirty (30) days from the date of issuance and shall automatically lapse after the 30th day pending completion of all licensing procedures.

(f) Upon expiration of the thirty (30) day temporary license, the owner's license shall be suspended or the owner's horses shall be ineligible to race in Kentucky pending completion of all licensing procedures.

(g) Completion of all owner licensing procedures shall extend the owner's license to the end of the calendar year.

(h) If a temporary license expires prior to the completion of all owner licensing procedures, the applicant shall pay an additional licensing fee.

(2) An owner shall not be eligible to be issued more than one (1) temporary license in any calendar year.

(3) A temporary license shall not be valid for claiming.

Section 19. Eligibility for Multiple Licenses. More than one (1) license to participate in horse racing may be granted to a person except if prohibited by this administrative regulation due to a potential conflict of interest.

Section 20. Conflict of Interest.

(1) The license review committee and the chief state steward or presiding judge or their designees shall deny or refuse to process the license of a person, and the commission or the chief state steward or presiding judge shall revoke or suspend the license of a licensee, who is determined to have a conflict of interest. A conflict of interest may exist if a spouse, immediate family member, or other person in a similar relationship to the licensee or applicant holds a license which the license review committee or chief state steward or presiding judge finds to be a conflict of interest with the licensee's or applicant's license. A finding of a conflict of interest may be appealed to the commission pursuant to KRS 230.320 and KRS Chapter 13B.

(2) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official during that race.

(3) A person who is licensed as an owner or trainer, or who has any financial interest in a horse entered in a race, shall not participate in that race as any of the following:

- (a) Racing official;
- (b) Assistant starter;
- (c) Practicing veterinarian for any horse other than the owner's;
- (d) Veterinary technician, veterinary technologist, veterinary assistant, or equine therapist for any horse other than the owner's;
- (e) Officer or managing employee;
- (f) Track maintenance supervisor or employee;
- (g) Outrider;
- (h) Race track security employee;
- (i) Farrier;
- (j) Photo finish operator;
- (k) Horsemen's bookkeeper;
- (l) Racing chemist;
- (m) Testing laboratory employee;
- (n) Jockey;
- (o) Apprentice jockey; or
- (p) Jockey agent.

Section 21. License Photo Identification Badges.

(1)(a) If a licensee desires access to restricted areas of a racing association grounds, then the licensee shall carry on his or her person at all times within the restricted area his or her assigned commission license (photo identification badge).

(b) A photo identification badge is available to a licensee upon presentation of appropriate, valid photo identification by the licensee to commission personnel at commission licensing offices.

(2) A person shall present an appropriate license to enter a restricted area.

(3) The stewards or judges or racing association may require visible display of a license in a restricted area.

(4) A license may only be used by the person to whom it is issued, and a licensee shall not allow another person to use his or her badge for any purpose.

(5) Licensee credentials (photo identification badges) are the property of the commission and shall be surrendered to the executive director, the stewards or judges, the commission director of enforcement, or director of licensing, or designee, upon request.

Section 22. Duties of Licensees.

(1) A licensee shall be knowledgeable of this administrative regulation and, by acceptance of the license, agrees to abide by this administrative regulation.

(2) A licensee shall report to track security or the stewards or judges any knowledge the licensee has that a violation of this administrative regulation has occurred or may occur.

(3) A licensee shall abide by all rulings and decisions of the stewards or judges or the commission, and all decisions by the stewards or judges and the commission shall remain in force unless reversed or modified by the commission or a court of

competent jurisdiction upon proper appeal pursuant to KRS 230.330.

(4) Rulings and decisions of the stewards or judges may be appealed to the commission, except those made by the stewards or judges as to:

(a) Findings of fact as occurred during and incident to the running of a race; and

(b) A determination of the extent of disqualification of horses in a race for fouls committed during the race.

(5) A licensee shall cooperate fully with all investigations and inquiries made by commission representatives or association security, or both.

(6) A licensee shall obey instructions from commission representatives or association security, or both.

(7) All licensees shall immediately report to the commission any known or suspected irregularities, any violation of KRS Chapter 230 or KAR Title 810, or any wrongdoings by any person, and shall cooperate in any subsequent investigation.

Section 23. Common Law Rights of Associations. The validity of a license does not preclude or infringe on the common law rights of associations to eject or exclude persons, licensed or unlicensed, from association grounds.

Section 24. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensing Application", KHRC 3-020-1, 02/2022[4/2019];

(b) "Temporary Owner's License Application", KHRC 3-020-2, 11/2018;

(c) "Change in Application Information Form", KHRC 3-020-3, 4/2019;

(d) "Veterinarian Approval Form", KHRC 3-020-4, 4/2019; and

(e) "Rule 17, Sections 1 through 10", United States Trotting Association, 2009/2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at <http://khrc.ky.gov>.

JONATHAN RABINOWITZ, Chairman

RAY PERRY, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on May 24, 2022 at 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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 below.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jennifer Wolsing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures by which individuals participating in horse racing are licensed by the commission, and by

which licenses are denied, suspended, or revoked.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure the integrity of horse racing in Kentucky by requiring the licensing of all individuals participating in horse racing at locations under the jurisdiction of the commission.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. KRS 230.310 requires all individual participants to be licensed by the commission. This administrative regulation establishes licensing procedures to implement the statutory mandate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation enables the commission to properly regulate the licensing of individual participants in racing in Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This amendment clarifies and provides additional license types and updates the application form to reflect the changes, including an option for a Military Spouse.

(b) The necessity of the amendment to this administrative regulation: This amendment provides additions and clarifications to the types of licenses issued by the commission.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.310 requires all individual participants to be licensed by the commission. This administrative regulation establishes and clarifies licensing procedures to implement the statutory mandate, including providing an option for a Military Spouse.

(d) How the amendment will assist in the effective administration of the statutes: This amendment allows for better classification of licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The commission is affected by this administrative regulation, and any licensed participant in horse racing is potentially affected by this administrative regulation. In the year 2017, the commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(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: Individual participants in horse racing will be required to obtain a license and pay a license fee to participate in racing in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: License fees vary according to the category of the license and the breed of horse. The maximum fee is \$150.00, and the license is issued on an annual basis.

(c) As a result of compliance, what benefits will accrue to the entities: Participants in horse racing will benefit from the enhanced integrity to racing which is ensured by proper licensing of individuals who engage in racing at locations under the jurisdiction of the commission.

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

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

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

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No additional funding will be necessary for the implementation and enforcement of this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional funding

will be necessary for the implementation and enforcement of this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment provides a "Stable Agent" license, which costs \$50.00 annually. This amendment provides an option for a Military Spouse to be licensed without incurring a license fee.

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

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 Horse Racing Commission 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 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

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

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

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

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

Revenues (+/-): Neutral
Expenditures (+/-): Neutral
Other Explanation: None

PUBLIC PROTECTION CABINET Kentucky Horse Racing Commission (Amendment)

810 KAR 4:010. Horses.

RELATES TO: KRS 230.215

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the Kentucky Horse Racing Commission (the "commission") to promulgate administrative regulations regulating horse racing in Kentucky. This administrative regulation establishes requirements for the participation of horses in horse race meetings, protects the safety and welfare of the horse, and creates a level playing field for participants thereby protecting the integrity of pari-mutuel wagering.

Section 1. Definition. "Electronic registration system" means a software application available online and approved by the commission that allows an association's racing secretary or the secretary's designee, or horse identifier or the identifier's designee,

full access to horse and trainer records from all tracks in North America, including current owner information.

Section 2. Registration and Identification Required.

(1) A horse shall not be entered or raced in Kentucky unless:

(a) The horse is duly registered, as applicable, in The Jockey Club breed registry, the American Quarter Horse Association, the Appaloosa Horse Club, the Arabian Horse Association Registry, or the American Paint Horse Association, or their respective successors; and

(b) 1. The registration certificate, virtual or digital certificate, or racing permit issued by the applicable breed registry for the horse is on file with the racing secretary; or

2. The information contained on the registration certificate, virtual or digital certificate, or racing permit is available to the racing secretary through the electronic registration system.

(2) The stewards may at any time require presentation of a horse's registration certificate, virtual or digital certificate, or racing permit or other proof of ownership.

(3) Upon claim, sale, or any other transfer of ownership, the horse's registration certificate or racing permit shall be given to the new owner, and any virtual or digital certificate shall be transferred to the new owner electronically. The new owner shall report the change in ownership to the stewards.

(4) If the electronic registration system fails for any reason, the stewards may require presentation of a horse's registration certificate, virtual or digital certificate, or racing permit prior to a horse being entered or raced in Kentucky.

Section 3. Ringers Prohibited.

(1) A horse shall not be entered or raced in Kentucky designated by a name other than the name under which the horse is currently registered with the applicable breed registry. If a horse's name is changed with the applicable breed registry, and the horse has raced under its previous name, the horse's former name shall be shown parenthetically in the daily race program the first three (3) times the horse races after the name change.

(2) A person shall not cause or permit the correct identity of a horse to be concealed or altered. A person shall not refuse to reveal the correct identity of a horse that he or she owns or is in his or her care to a racing official or member of the regular news media.

(3) A horse shall not race in Kentucky unless identified by:

(a) A legible lip tattoo number applied by agents of the Thoroughbred Racing and Protective Bureau, or by the comparable authorized organization applicable to the breed of the horse;

(b) An electronic horse identification microchip that accurately identifies the horse, is compliant with the international standards ISO 11784, is verified by agents of the Thoroughbred Racing Protective Bureau, or its successor, and is documented in The Jockey Club database or by the comparable authorized organization applicable to the breed of the horse; or

(c) With regards to a horse from a foreign jurisdiction participating in a graded stakes race, has otherwise been correctly identified to the stewards' satisfaction.

(4) A horse shall not be entered or raced in Kentucky if previously involved in a "ringer" case to the extent that:

(a) A person having control of the horse knowingly entered or raced the horse while designated by a name other than the name under which the horse was registered with The Jockey Club; or

(b) The person having control of the horse participated in or assisted in the entry or racing of some other horse under the name registered as belonging to the horse in question.

Section 4. Denervng.

(1) A horse that has had a chemical, surgical, or thermal neurectomy at or above the fetlock shall not be permitted to race.

(2) A horse that has had a palmar or plantar digital neurectomy may be permitted to race if:

(a) The neurectomy has been reported by the trainer to the stewards; and

(b) The horse has been approved for racing by the commission

veterinarian prior to being entered to race.

(3) A horse on which a neurectomy has been performed shall have that fact designated on its registration certificate, virtual or digital certificate, racing permit, and entry in the electronic registration system. Responsibility for ensuring that the neurectomy is correctly noted on the horse's registration certificate, virtual or digital certificate, racing permit, and entry in the electronic registration system shall fall:

(a) Jointly on the practicing veterinarian who performed the operation and the trainer of the denerved horse if the neurectomy was performed at a location under the commission's jurisdiction; and

(b) Solely on the owner of the denerved horse if the neurectomy was performed at a location not under the commission's jurisdiction.

(4) If a horse races in violation of this administrative regulation and participates in the purse distribution, then a protest shall not be considered unless submitted in writing to the stewards within forty-eight (48) hours after the race.

(5) If a horse races in violation of this administrative regulation and is claimed, then a protest shall not be considered unless the successful claimant submits a protest in writing within forty-eight (48) hours after the race requesting the claim be voided. If the claim is voided, the horse shall be returned to the owner who started the horse in the race, and the claim price shall be returned to the claimant.

(6) A list of all denerved horses shall be posted in the racing secretary's office.

Section 5. Health Certificate Required.

(1) A horse shall not be stabled on the grounds of a licensed association or any training center under the jurisdiction of the commission unless a Certificate of Veterinary Inspection is issued by an accredited veterinarian:

(a) Not more than ten (10) days prior to the horse's arrival on the grounds; or

(b) Within a lesser interval as prescribed by the racing association in consultation with the Kentucky Department of Agriculture.

(2) Notice of this requirement shall be included in the stall application of all licensed associations and training centers under the jurisdiction of the commission and all condition books of licensed associations.

Section 6. Workouts. A horse shall not be schooled in the paddock or taken onto a track on association grounds for training or workout, other than during normal training hours posted by the association, without special permission of the stewards.

Section 7. Thoroughbred Age Restrictions.

(1) A maiden six (6) years of age or older that has made five (5) life time starts on the flat shall not be entered or start.

(2) A first time starter five (5) years of age or older shall be approved by a commission veterinarian prior to entry.

Section 8. Other Age Restrictions. A quarter horse, paint horse, Arabian, or Appaloosa horse six (6) years of age or older shall not be entered or raced in a race restricted to maidens. A horse thirteen (13) years of age or older shall not be entered or raced.

Section 9. Fillies and Mares Bred.

(1) A filly or mare that has been covered by a stallion shall:

(a) Be so reported to the racing secretary prior to being entered in a race; and

(b) Not be entered in a claiming race, unless a written release from the stallion owner is attached to the filly's or mare's registration certificate, or otherwise provided to the stewards, indicating that the stallion service fee has been paid or satisfied.

(2) A list of all fillies and mares so reported, showing the names of stallions to which they have been bred, shall be posted in the racing secretary's office.

(3) A filly or mare in-foal shall not be entered in a race 120

days or more after the date of last cover.

Section 10. Serviceable for Racing. A horse shall not be entered or raced that:

(1) Is not in serviceable, sound racing condition. The stewards may at any time require a horse on association grounds to be examined by a qualified person;

(2) Is posted on a veterinarian's list, stewards' list, or starter's list in any racing jurisdiction, unless the horse on a veterinarian's list, stewards' list, or starter's list has a posted off date on or before the date of the race for which it is being entered;

(3) Has previously raced, but has made no starts in the last 365 days or more, unless approved by a commission veterinarian prior to entry;

(4) Is suspended in any jurisdiction;

(5) Has been administered any drug in violation of 810 KAR 8:010;

(6) Is blind or has seriously impaired vision in both eyes;

(7) Is not correctly identified to the satisfaction of the stewards; or

(8) Is owned wholly or in part by or is trained by an ineligible person.

Section 11. Equipment.

(1) Riding crops and blinkers shall be used consistently on a horse while racing.

(2) Permission to change use of any equipment used on a horse from its previous start shall be obtained from the stewards.

(3) A horse's tongue may be tied down during a race with a clean bandage or gauze.

(4) A horse's bridle shall not weigh more than two (2) pounds.

(5) Bits shall be of a metallic alloy base of stainless steel or aluminum and may be encased in rubber, plastic, or leather.

(6) War bridles and bitless bridles shall not be used.

(7) Bar shoes may be used for racing only with permission of the stewards.

(8) Any goading device, chain, spurs, electrical or mechanical device, or appliance, except for a riding crop, that can be used to alter the speed of a horse shall not be used on a horse in a race or workout.

(9)(a) Any riding crop shall be subject to inspection and approval by the stewards or the clerk of the scales to ensure conformity with the specifications of paragraphs (c) through (e) of this subsection.

(b) Only riding crops meeting the specifications of this subsection, including the mandatory shock absorbing characteristics, may be used in thoroughbred racing and training.

(c) A riding crop shall have a:

1. Maximum weight of eight (8) ounces;

2. Maximum length, including flap, of thirty (30) inches; and

3. Minimum diameter of the shaft of three-eighths (3/8) inch.

(d)1. The only additional feature that may be attached to the riding crop is a flap that shall have a:

a. Maximum length from the end of the shaft of one-half (1/2) inch; and

b. Maximum width of one and six-tenths (1.6) inches, with a minimum width of eight-tenths (0.8) inch;

2. The flap from the end of the shaft shall not contain any reinforcements or additions;

3. There shall not be binding within seven (7) inches of the end of the flap;

4. The contact area of the shaft shall be smooth, with no protrusion or raised surface, and covered by shock absorbing material throughout its circumference; and

5. The flap shall have similar shock absorbing characteristics to that of the contact area.

(e) A riding crop shall not have:

1. Stingers or projections extending through the hole of a popper; and

2. Any metal parts.

(10)(a) The following shall not be used on the front shoes of horses while racing or training on any racing surface:

1. Horse shoes that have toe grabs;

2. Bends;

3. Jar calks;

4. Stickers; and

5. Any other traction device worn on the front shoes of horses.

(b) Wear plates with a height no greater than two (2) millimeters may be used on the front shoes of horses while racing or training.

(11) Indiscriminate or brutal use on a horse of a riding crop or any other equipment, as determined by the stewards, at any time on the grounds of a licensed racing association or training center under the jurisdiction of the commission shall be prohibited.

Section 12. Sex Alteration. Any alteration in the sex of a horse shall be reported by the horse's trainer to the racing secretary and to the appropriate breed registry applicable to the horse. The alteration shall be noted on the horse's registration certificate, racing permit, virtual or digital certificate, or entry in the electronic system.

Section 13. Reporting Death of Horse. A licensed racing association or training center under the jurisdiction of the commission shall report the death or euthanization of any horse on its grounds immediately to the chief commission veterinarian.

Section 14. Postmortem Examination. A horse that dies or is euthanized on the grounds of a licensed association or training center under the jurisdiction of the commission shall undergo a postmortem examination at the discretion of the commission. If a postmortem examination is conducted:

(1) All shoes and equipment on the horse's legs shall be left on the horse;

(2) The commission, through its designee:

(a) Shall take possession of the horse upon death;

(b) Shall, if commission personnel are present, collect and submit for analysis blood, urine, bodily fluids, or other biologic specimens immediately, if possible before euthanization occurs; and

(c) Shall coordinate with the owner or owner's licensed authorized agent to determine and address any insurance requirements.

(3) The remains of the horse shall not be returned after completion of the postmortem examination.

(4) The presence of a prohibited substance in a specimen collected during the postmortem examination may constitute a violation of 810 KAR 8:010.

Section 15. Incorporation by Reference.

(1) "ISO 11784", 2004 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

JONATHAN RABINOWITZ, Chairman

RAY PERRY, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on May 24, 2022 at 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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 below.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4063

Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jennifer Wolsing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the rules concerning horses in thoroughbred and other flat racing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide specific rules concerning the health and safety of horses in thoroughbred and other flat racing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the Commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation prescribes the conditions relating to the health and safety of horses in thoroughbred and other flat racing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth requirements and rules concerning the health and safety of horses in thoroughbred and other flat racing that enhance the integrity of racing.

(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 amends the conditions of when a horse may be entered or raced.

(b) The necessity of the amendment to this administrative regulation: This amendment provides additional conditions for when a horse may be entered or raced.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations regulating horse racing in Kentucky and this amendment involves when a horse may be entered or raced in Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides additional conditions in which a horse may be entered or raced in Kentucky, thereby continuing with the commission's legislative purpose of providing specific rules concerning the health and safety of horses in thoroughbred and other flat racing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's licensed thoroughbred race tracks, and all individual participants in horse racing, are potentially affected by this administrative regulation's establishment of fundamental rules pertaining to the conduct of racing. In the year 2017, the Commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(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: Participants in horse racing, and especially owners, trainers, veterinarians, and jockeys, will be required to adhere to the requirements and rules set forth in this administrative regulation pertaining to the health and safety of horses in thoroughbred and other flat racing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No significant costs are associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Participants in racing will benefit from clearly defined rules concerning the health and safety of horses that enhance the integrity of racing.

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

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

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

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No significant funding will be necessary to implement and enforce this administrative regulation. Any minimal costs will be funded from the budget of the Commission.

(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 are funding are necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

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 Horse Racing Commission 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 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

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

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

(c) How much will it cost to administer this program for the first year? There will be no cost to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this regulation for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

PUBLIC PROTECTION CABINET Kentucky Horse Racing Commission (Amendment)

810 KAR 4:030. Entries, subscriptions, and declarations.

RELATES TO: KRS 230.215, 230.240, 230.260, 230.290, 230.310, 230.320

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing Commission

(the "commission") to promulgate administrative regulations prescribing the conditions under which all horse racing is conducted in Kentucky. KRS 230.260(8) grants the commission the authority to regulate conditions under which horse racing shall be conducted in Kentucky. This administrative regulation establishes requirements for entry, subscription, and declaration of horses in order to race.

Section 1. Definition. "Subscriber" means an owner who enters a horse into a stakes race and pays the requisite entry fee.

Section 2. Entering Required. A horse shall not be qualified to start in any race unless it has been, and continues to be, entered in the race. Entries or subscriptions for any horse, or the transfer of entries or subscriptions for any horse, may be refused or cancelled by the association without notice or reason given.

Section 3. Procedure for Making Entries.

(1) An entry, subscription, declaration, or scratch shall be filed with the racing secretary and shall not be effective until received by the racing secretary. The racing secretary shall maintain a record of the time of receipt of an entry, subscription, declaration, or scratch for a period of at least one (1) year.

(2) An entry shall be made by the owner, the trainer, or an authorized agent of the owner or trainer. An entry shall be in the name of a horse's licensed owner, as completely disclosed and registered with the racing secretary pursuant to subsection (3) of this section.

(3) An entry shall be submitted in writing or by telephone to the racing secretary. A telephone entry shall be confirmed promptly in writing if requested by the stewards, the racing secretary, or an assistant to the racing secretary.

(4) An entry shall clearly designate the horse entered as reflected by its registration certificate, racing permit, or virtual certificate.

(a) A horse shall not race unless registered pursuant to 810 KAR 4:010 or otherwise correctly identified to the satisfaction of the stewards.

(b) Establishing the identity of a horse shall be the responsibility of its owner and of any other person required to certify the identity of the horse. A person shall be subject to appropriate disciplinary action under 810 KAR 8:030 for incorrect identification.

(5) The entry shall indicate usage of furosemide pursuant to 810 KAR 8:010.

(6) An entry shall not be altered after the closing of entries, except to correct an error with permission of the stewards.

(7) A horse shall not be entered in two (2) races to be run on the same day.

(8)(a) A horse that has not started in the past forty-five (45) days shall not be permitted to start unless it has at least one (1) published workout within twenty (20) days of entry at a distance satisfactory to the stewards. If a horse has performed the requisite workout, but the workout does not appear in the past performances, the horse shall be permitted to start if the stewards determine that the workout failed to be published through no fault of the trainer.

(b) A horse that has not started in the past ninety (90) days shall not be permitted to start unless it has at least two (2) published workouts during the past ninety (90) day period, one of which occurs within twenty (20) days of entry at a distance satisfactory to the stewards. If a horse has performed the requisite workouts, but the workouts do not appear in the past performances, the horse shall be permitted to start if the stewards determine that the workout failed to be published through no fault of the trainer.

(c) A horse that has not started in the past 180 days shall not be permitted to start unless it has at least three (3) published workouts during the past 180-day period, one (1) of which occurs within twenty (20) days of entry, at a distance satisfactory to the stewards. If a horse has performed the requisite workouts, but the workouts do not appear in the past performances, the horse shall be permitted to start if the stewards determine that the workouts

failed to be published through no fault of the trainer.

~~(d)[(b)]~~ A horse starting for the first time shall not be permitted to start unless it has three (3) workouts, one (1) of which is from the starting gate, one (1) of which is within twenty (20) days of entry, and at least one (1) of which is published.

~~(e)[(c)]~~ A workout not appearing in the official program shall be publicly displayed on television monitors, the tote board, and, if available, the bulletin boards where photo finishes are shown at the time when mutuel windows are opened and shall be displayed until the conclusion of the race in which the horse is entered.

~~(f)[(d)]~~ A horse that has never started shall not be entered until the trainer has produced a document or card issued by the starter indicating that the horse has been adequately trained to race from the starting gate.

(9) If the published conditions of the race permit, an association may accept in a turf race an entry designated "main track only." Preference shall apply to all horses drawn into a race, except that horses entered as "main track only" shall be listed as also eligible and be considered only if the race is taken off the turf.

(10) A horse shall only be permitted to enter if at the time of entry, the owner, trainer, or an authorized agent of the owner or trainer submits a complete medical record for the horse for the fourteen (14) day period prior to the entry date.

Section 4. Limitation as to Spouses.

(1) An entry in a race shall not be accepted for a horse owned wholly or in part or trained by a person whose spouse is under license suspension, revocation, or is otherwise ineligible to be licensed, at the time of the entry except as established in subsection (2) of this section.

(2) If the license of a jockey has been suspended for a routine riding offense, depending on the severity of the offense, the stewards may waive the application of this section as to the licensed spouse of the suspended jockey.

Section 5. Mutuel Entries.

(1) More than two (2) horses having common ties through training shall not be entered in a purse race.

(2) Horses entered in the same race and owned wholly or in part by the same owner or spouse, may[shall] be joined as a mutuel entry and single betting interest[~~, except as established in subsection (5) of this section.~~].

(3) More than two (2) horses having common ties through ownership or training shall not be joined as a mutuel entry in a purse race. If making a double entry of horses owned wholly or in part by the same owner or spouse, or having common ties through training, a preference for one (1) of the horses shall be made.

(4)(a) Two (2) horses having common ties through ownership or training shall not start in a purse race to the exclusion of a single entry[~~, unless the horses have been uncoupled pursuant to subsection (5) of this section.~~].

(b) In any[a-purse] race, the racing secretary may uncouple entries having common ties through training or ownership to make two (2) separate betting interests.

~~[(5) In any stakes race with added money of \$50,000 or more, the racing secretary may uncouple mutuel entries of horses sharing common ties through training or ownership or both.]~~

Section 6. Subscriptions.

(1) A subscriber to a stakes race may transfer or declare a subscription prior to the closing of entries for the race.

(2) Joint subscriptions and entries may be made by any one (1) of the joint owners of a horse. Each owner shall be jointly and severally liable for all payments due.

(3) Death of a horse or a mistake in its entry if the horse is eligible shall not release the subscriber or transferee from liability for all stakes fees due. Fees paid in connection with a subscription to a stakes race that is run shall not be refunded, except as otherwise stated in the conditions of the stakes race.

(4) Death of a nominator or original subscriber to a stakes race shall not render void any subscription, entry, or right of entry. All rights, privileges, and obligations shall attach to the successor owner, including the legal representatives of the decedent.

(5) If a horse is sold privately, sold at public auction, or claimed, stakes engagements for it shall be transferred automatically with the horse to its new owner. If the horse is transferred to a person whose license is suspended, revoked, or is otherwise ineligible to be licensed, the subscription shall be void as of the date of the transfer.

(6) All stakes fees paid toward a stakes race shall be allocated to the winner unless otherwise provided by the condition for the stakes race. If a stakes race is cancelled for any reason, all subscription fees paid shall be refunded.

Section 7. Closings.

(1) Entries for purse races and subscriptions to stakes races shall close at the time designated by the association in previously published conditions for the races.

(a) If a race is not split, an entry, subscription, or declaration shall not be accepted after closing time.

(b) If a purse race fails to fill, or in an emergency, the racing secretary may extend the closing time, if the approval of a steward has been obtained.

(2) Entries that have closed shall be compiled without delay by the racing secretary and shall be posted along with declarations.

Section 8. Number of Starters in a Race.

(1) The maximum number of starters in any race shall be limited to the number of starting positions afforded by the association starting gate and any extensions approved by the commission as can be positioned across the width of the track at the starting point for the race. The maximum number of starters further shall be limited by the number of horses that, in the opinion of the stewards after considering the safety of the horses and riders and the distance from the start to the first turn, may be afforded a fair and equal start.

(2)(a) A maiden, starter, or claiming race shall be run if:

1. Eight (8) or more horses are entered;
2. The horses entered represent different betting interests; and
3. The race is listed in the printed condition book.

(b) Except as established in paragraph (c) of this subsection, any other purse race shall be run if:

1. Six (6) or more horses are entered;
2. The horses entered represent different betting interests; and
3. The race is listed in the printed condition book.

(c) If a purse race under paragraph (b) of this subsection includes two (2) horses having common ties through training or ownership, the race shall be run if eight (8) or more horses are entered.

(3) If a purse race in the printed condition book fails to fill with the minimum number of entries required by subsection (2) of this section, the association may cancel or declare the race off. The names of all horses entered in the race shall be publicly posted in the office of the racing secretary on the date of entry.

Section 9. Split or Divided Races.

(1) If a race is cancelled or declared off, the association may split any race programmed for the same day that may previously have been closed. Races printed in the condition book shall have preference over substitute and extra races.

(2) If a purse race is split, forming two (2) or more separate races, the racing secretary shall give notice of the split not less than fifteen (15) minutes before the races are closed in order to grant time for the making of additional entries to the split races.

(3) Division of entries upon the splitting of any race shall be made in accordance with the conditions under which entries and subscriptions were made and the conditions established in paragraphs (a) through (c) of this subsection.

(a) Horses originally joined as a mutual entry may be placed in different divisions of a split race unless the person making the multiple entry, at the time of the entry, indicates the coupling of horses is not to be uncoupled if the race is split.

(b) Division of entries in any split stakes race may be made according to age, sex, or both.

(c) Entries for any split race not divided by any method provided for in this administrative regulation shall be divided by lot

so as to provide a number of betting interests as nearly equal as possible for each division of the split race.

Section 10. Post Positions.

(1) Post positions for all races shall be determined by lot, except as established in Section 11(5) of this administrative regulation. Owners, trainers, and their representatives shall have the opportunity to be present at the drawing.

(2) The racing secretary shall assign program numbers for each starter to conform with the post position drawn, except if a race includes two (2) or more horses joined as a single betting interest.

Section 11. Also-Eligible List.

(1) If the number of entries for a race exceeds the number of horses permitted to start, as established by Section 8 of this administrative regulation, the names of no more than eight (8) horses entered but not drawn into the race as starters shall be posted on the entry sheet as "also-eligible" to start.

(2) After a horse has been excused from a race at scratch time, also-eligible horses shall be drawn into the body of the race based on preference. If preference is equal, horses shall be drawn by lot, unless otherwise stipulated in the conditions of the race.

(3)(a) An owner or trainer of a horse on the also-eligible list not wishing to start the horse in a race shall notify the racing secretary prior to scratch time for the race. The horse shall forfeit any preference to which it may have been entitled.

(b) If there are no scratches in the body of a race, a horse on the also-eligible list not drawn into the race shall retain its previously established preference.

(4) A horse on the also-eligible list for a race on the present day that has been drawn into the body of a race on a future race day, shall not be permitted to run in the race on the present day for which it had been listed as also-eligible. This shall not include stakes, handicaps, races at subsequent meets, or races in other jurisdictions.

(5) A horse on the also-eligible list shall be assigned a post position by preference. If preference is equal, post positions shall be drawn by lot, unless otherwise stipulated in the published conditions of the race.

Section 12. Preferred List.

(1) The racing secretary shall maintain a list of horses that were entered but denied an opportunity to race because they were eliminated from a race included in the printed condition book either by overfilling or failure to fill.

(2) The racing secretary shall submit, for approval of the commission at least thirty (30) days prior to the opening date of a race meeting, a detailed description of the manner in which preference will be allocated.

(3) Preferences shall not be given to a horse otherwise eligible for a race if it is also entered for a race on a future race day. This shall not include stakes and handicaps.

Section 13. Arrears. Unless approved by the racing secretary, a horse shall not be entered or raced unless its owner has paid all stakes fees owed.

Section 14. Declarations.

(1) Declarations shall be made in the same form, time, and procedure as required for the making of entries.

(2) Declarations shall be irrevocable.

(3) A declaration fee shall not be required by any licensed association.

Section 15. Scratches.

(1) Scratches shall be irrevocable and shall be permitted under the conditions established in this section.

(a) Except as established in paragraph (b) of this subsection, a horse may be scratched from a stakes race for any reason at any time until four (4) hours prior to post time for the race by obtaining approval from the stewards. Upon receiving a scratch from a stakes race, the racing secretary shall promptly notify the stewards

and pari-mutuel manager, and shall cause public announcement of the scratch to be made.

(b) If a list of also-eligible horses has been drawn, scratches shall be filed at the regular scratch time as posted by the racing secretary. Scratch time may be extended by the stewards at their discretion if warranted. Thereafter, a horse shall not be scratched unless:

1. A valid physical reason exists; or
2. The scratch is related to adverse track conditions or change of racing surface.

(c) A horse shall not be scratched from a purse race unless:

1. The approval of the stewards has been obtained; and
2. Intention to scratch has been filed in writing with the racing secretary or the secretary's assistant at or before scratch time.

(2) A scratch of one (1) horse coupled in a mutuel entry in a purse race shall be made at or before scratch time, unless permission is granted by the stewards to allow both horses to remain in the race until a later appointed scratch time.

(3) In a purse race, a horse that is physically disabled or sick shall be permitted to be scratched first. If horses representing more than eight (8) betting interests remain in after horses with physical excuses have been scratched, an owner or trainer may scratch horses without physical excuses at scratch time, down to a minimum of eight (8) betting interests. This privilege shall be determined by lot if an excessive number of owners or trainers wish to scratch their horses.

(4) A horse that has been scratched or excused from starting by the stewards because of a physical disability or sickness shall be placed on the commission's veterinarian list for six (6) calendar days beginning the day after the horse was scratched or excused.

(5) Each association shall keep records and statistics documenting the effect upon field sizes of the six (6) day veterinarian list requirement in subsection (4) of this section. Records and statistics kept pursuant to this section shall be retained by the licensed racing association for at least one (1) year.

Section 16. Official Publication Statistics. In determining eligibility, allowances and penalties, the reports, records, and statistics as published in the Daily Racing Form or similar publication as the commission considers appropriate to advise the public and the monthly chart books, or corresponding official publications of any foreign country, shall be considered official, but may be corrected until forty-five (45) minutes prior to post time of the race.

Section 17. Examination by Attending Veterinarian.

(1) Subject to the exception in subsection (4), a horse shall only be entered if:

(a) The horse has been examined by an attending veterinarian licensed by the veterinary regulatory body in the jurisdiction where the examination occurs no more than three (3) days prior to entry;

(b) The attending veterinarian certifies in writing that the horse is in serviceable, sound racing condition; and

(c) The written certification is provided to the Equine Medical Director or designee no later than the time of entry.

(2) The examination required by paragraph (a) of subsection (1) of this section shall include watching the horse jog in hand.

(3) If the attending veterinarian who examines the horse prescribes a diagnostic test as part of the evaluation of the horse's soundness, the results of the test shall be provided to the commission's veterinarian no later than one (1) day before the horse is set to start.

(4) If a racing secretary contacts a trainer to fill a race, the trainer may enter a horse prior to obtaining the examination and written certification required in this section, if the certification required in this section is provided to the Equine Medical Director or designee on the day that the horse is entered.

JONATHAN RABINOWITZ, Chairman

RAY PERRY, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A

public hearing on this administrative regulation shall be held at 10:00 a.m. on May 24, 2022 at 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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 below.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jennifer Wolsing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for entries, subscriptions and declarations in thoroughbred and other flat racing. These rules provide an orderly means of determining which horses will be considered eligible to enter a race.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide specific requirements and methods for entries, subscriptions and declarations in thoroughbred and other flat racing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation prescribes the conditions relating to entries, subscriptions and declarations in thoroughbred and other flat racing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth requirements and rules concerning entries, subscriptions and declarations in thoroughbred and other flat racing that enhance the integrity of racing.

(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 sets forth additional procedures for making entries, particularly when a horse has not started in the previous ninety (90) or one-hundred eighty (180) days, and when horses have common ties through training or ownership.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to assist the commission in evaluating horses for soundness prior to a race and to add provide procedures on entries when horses have common ties through ownership or training.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This amendment prescribes additional conditions relating to entries, subscriptions and declarations in thoroughbred and other flat racing.

(d) How the amendment will assist in the effective administration of the statutes: This amendment sets forth requirements and rules concerning entries, subscriptions and declarations in thoroughbred and other flat racing that enhance the integrity and safety of racing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's licensed race tracks, and all

individual participants in horse racing, are potentially affected by this administrative regulation's establishment of fundamental rules pertaining to the conduct of racing. In the year 2017, the commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(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: Participants in horse racing, and especially owners, trainers, and veterinarians, will be required to adhere to the requirements and rules set forth in this administrative regulation pertaining to entries, subscriptions and declarations in thoroughbred and other flat racing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No significant costs are associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Participants in racing will benefit from clearly defined rules that enhance the integrity and safety of racing.

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

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

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

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No significant funding will be necessary to implement and enforce this administrative regulation. Any minimal costs will be funded from the budget of the commission.

(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 are funding are necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

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 Horse Racing Commission 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 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

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

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

state or local government for subsequent years.

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

PUBLIC PROTECTION CABINET Kentucky Horse Racing Commission (Amendment)

810 KAR 4:060. Objections and complaints.

RELATES TO: KRS 230.215, 230.260

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260(8) authorize the Kentucky Horse Racing Commission to promulgate administrative regulations prescribing conditions under which racing is conducted in Kentucky. This administrative regulation establishes the requirements and procedures for lodging objections and complaints.

Section 1. Persons Eligible to Lodge Objections or Complaints.

(1) Except as established by subsection (2) of this section, an objection or complaint against a horse or jockey entered in a race shall be received only if lodged:

(a) In accordance with Sections 2 and 3 of this administrative regulation; and

(b) By the owner or authorized agent of the owner, the trainer, or the jockey of another horse engaged in the same race and whose horse suffered or could suffer by the alleged violation of KAR ~~Title~~[Titles] 810[~~or~~ 844].

(2) An inquiry may also be made by a racing official.

Section 2. Procedures for Objections and Complaints.

(1) An objection as to interference or a foul occurring during the running of the race shall be lodged with the stewards orally or by telephone. All other objections or complaints shall be made in writing and be signed by the complainant.

(2) An objection or complaint lodged during a race meeting shall be addressed to the stewards. An objection or complaint lodged after the termination of a race meeting shall be addressed to the commission at the commission's general office.

(3) An objection or complaint once lodged shall not be withdrawn without permission of the stewards.

Section 3. Time for Lodging Objections or Complaints.

(1) Except as established by subsection (2) of this section, an objection or complaint based on one (1) of the following violations of KAR Title 810 shall be lodged by an aggrieved person within the time prescribed:

(a) At least one (1) hour before post time of the race, if the objection or complaint is based on incorrect weight allowance claimed for a horse entered to race;

(b) Before the race has been posted as official on the infield results board, if the objection or complaint is based on interference by a horse, improper course run by a horse, foul riding by a jockey, or any other matter occurring during and incident to the running of the race;

(c) Not later than one (1) year from the date the race was run, if the objection or complaint is based on fraudulent or willful misstatement in an entry under which a horse has run;

(d) Not later than forty-eight (48) hours after post time of the race, if the objection or complaint involves the claim of a horse or a violation of 810 KAR 4:010, Section 4; and

(e) Within one (1) week after post time of the race, if the objection or complaint is based on any other violation of KAR Title [Titles] 810[–or 814].

(2) A steward may declare a horse ineligible or disqualified at any time.

Section 4. Final Determination of Objections to Acts in Race.

(1) The stewards shall:

(a) Make all findings of fact as to all matters occurring during and incident to the running of a race;

(b) Determine all objections and inquiries based on interference by a horse, improper course run by a horse, foul riding by a jockey, and all other matters occurring during and incident to the running of a race; and

(c) Determine the extent of disqualification, if any, of horses in a race for a foul committed during the race.

(2) Findings of fact and determination shall be final and shall not be subject to appeal.

(3) In determining the extent of disqualification, the stewards shall consider the seriousness and circumstances of the incident and may:

(a) Disqualify and place the offending horse[~~–and any horses coupled with it as an entry~~], behind any horse that may have suffered by reason of the foul;

(b) Disqualify and declare the offending horse[~~–and any horses coupled with it as an entry~~], unplaced;

(c) Disqualify the offending horse[~~–and any horses coupled with it as an entry~~], from participation in all or any part of the purse;

(d) Declare void a track record set or equaled by a disqualified horse[~~–or any horses coupled with it as an entry~~];

(e) Affirm the placing judges' order of finish and suspend the jockey if, in the stewards' opinion, the foul riding had no effect on the order of finish; or

(f) Disqualify the offending horse and not suspend the jockey if, in the stewards' opinion, the interference to another horse in a race was not the result of an intentional foul or careless riding on the part of the jockey.

(g) If, in the opinion of the stewards, the order of finish of the race was affected by deliberate interference that was for the benefit of another horse with common ties through ownership or training, both horses may be subject to the penalties in (3)(a), (b), (c), and (d).

Section 5. Dispute of a Race after Declared Official for Pari-mutuel Payoff. If the result of a race is placed in dispute by the lodging of an objection or complaint or by discovery of an alleged violation of KAR Title [Titles] 810[–or 814] after the race has been declared official for pari-mutuel payoff, the procedures established in this section shall apply pending final determination of the disputed race.

(1) The purse money and trophy to which the horse objected to may have been entitled shall be withheld and placed in escrow by the association until final adjudication of the dispute, except the stewards may order any portion of the purse money to be distributed if the distribution would not be affected by the determination of the dispute.

(2) If purse money or trophy has been awarded to an owner prior to the lodging of an objection or discovery of an alleged violation of KAR Title [Titles] 810[–or 814] that places the outcome of a race in dispute, the money or trophy shall be returned immediately to the association on order of the stewards. Upon final adjudication of the dispute, the person deemed to be entitled to the purse money or trophy shall be entitled to an order of recovery from any person or association holding the same.

(3) The horse that crossed the finish line first and any other horse that may become the winner of a disputed race shall be considered winners of that race until the matter is finally adjudicated.

Section 6. Determination of a Disputed Race. The stewards shall determine an objection, complaint, or alleged violation of KAR Title [Titles] 810[–or 814] lodged or discovered after a race has been declared official for pari-mutuel payoff and shall issue a ruling. If

the stewards find that a requirement of KAR Title [Titles] 810[–or 814] was violated, the stewards may penalize the persons responsible, disqualify any horses in the disputed race, and award the purse money and trophy in accordance with any resulting revised order of finish in the disputed race.

Section 7. Revised Order of Finish after Race Declared Official for Pari-mutuel Payoff. If a horse is disqualified after a race has been declared official for pari-mutuel payoff and causes revision of the order of finish in the race:

(1) The pari-mutuel payoff shall not be affected in any way; and

(2) The stewards shall ensure that appropriate corrections are made in official records for the race and in racing statistics as might pertain to the respective horses, jockeys, trainers, owners, breeders, sires, dams, and broodmare sires, by reporting the corrections to the racing secretary and to the Daily Racing Form.

Section 8. Complaints Against Officials. A complaint or protest by a licensee based on a decision or act of a racing official other than the stewards, or concerning any matter that may occur on association grounds not provided for by Sections 4 and 5 of this administrative regulation, shall be made in writing, signed by the complainant, and submitted to the stewards. A complaint or protest by a person based on a decision, act, or conduct of the stewards shall be submitted to the commission as established by 810 KAR 9:010.

JONATHAN RABINOWITZ, Chairman

RAY PERRY, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 10:00 a.m. on May 24, 2022 at 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on May 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 below.

CONTACT PERSON: Jennifer Wolsing, General Counsel, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone +1 (859) 246-2040, fax +1 (859) 246-2039, email jennifer.wolsing@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jennifer Wolsing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation involves rules concerning objections and complaints in thoroughbred and other flat racing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide rules concerning objections and complaints in thoroughbred and other flat racing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation prescribes conditions relating to objections and complaints in thoroughbred and other flat racing.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth requirements and rules concerning objections and complaints in thoroughbred and other flat

racing that enhance the integrity of racing.

(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 corrects a reference to KAR Chapter 811 and provides conditions in which the stewards may subject horses to penalties for interference.

(b) The necessity of the amendment to this administrative regulation: This amendment enhances the safety and integrity of racing by setting forth requirements and rules concerning objections and complaints in thoroughbred and other flat racing.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 230.215(2) and 230.260(8) authorize the commission to promulgate administrative regulations prescribing the conditions under which racing shall be conducted in Kentucky. This administrative regulation prescribes the conditions relating to objections and complaints in thoroughbred and other flat racing.

(d) How the amendment will assist in the effective administration of the statutes: This amendment sets forth requirements and rules concerning objections and complaints in thoroughbred and other flat racing that enhance the integrity and safety of racing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's licensed race tracks, and all individual participants in horse racing, are potentially affected by this administrative regulation's establishment of fundamental rules pertaining to the conduct of racing. In the year 2017, the commission licensed over 22,000 individuals to participate in horse racing. This number is consistent from year to year.

(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: Participants in horse racing, and especially owners, trainers, and jockeys, will be affected by the rules set forth in this administrative regulation pertaining to objections and complaints in thoroughbred and other flat racing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: No significant costs are associated with complying with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities: Participants in racing will benefit from clearly defined rules that enhance the integrity and safety of racing.

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

(a) Initially: There is no initial administrative cost to implement this administrative regulation.

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

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No significant funding will be necessary to implement and enforce this administrative regulation. Any minimal costs will be funded from the budget of the commission.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No additional fees or funding are necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities in an equal manner.

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 Horse

Racing Commission 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 230.215, 230.225, 230.240, 230.260, 230.290, 230.310, 230.320, 230.370.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

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

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

(c) How much will it cost to administer this program for the first year? No funds will be required to administer this regulation for the first year.

(d) How much will it cost to administer this program for subsequent years? No funds will be required to administer this regulation for subsequent years.

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

Revenues (+/-): Neutral

Expenditures (+/-): Neutral

Other Explanation: None

CABINET FOR HEALTH AND FAMILY SERVICES Department for Public Health Division of Maternal and Child Health (Amendment)

902 KAR 30:120. Evaluation and eligibility.

RELATES TO: KRS 200.654, 200.668, 211.647, 216.2970, 34 C.F.R. [303.11, 303.321,]303.322, 303.421[-20 U.S.C. 1434]

STATUTORY AUTHORITY: KRS 194A.050, 200.660(7), 34 C.F.R. 303.300, 303.321, 20 U.S.C. 1434

NECESSITY, FUNCTION, AND CONFORMITY: KRS 200.660 requires the Cabinet for Health and Family Services to administer funds [appropriated]to implement the provisions of KRS 200.650 to 200.676, to enter into contracts with service providers, and to promulgate administrative regulations. This administrative regulation establishes the evaluation, eligibility, and redetermination of eligibility requirements for the Kentucky Early Intervention System (KEIS)[First Steps, Kentucky's Early Intervention program].

Section 1. Initial Eligibility. (1) Initial eligibility shall be determined by the review [and synthesis]of:

(a) The results of at least one (1) multi-domain evaluation instrument designed to confirm the presence of a significant developmental delay;

(b) Information about the infant or toddler's[child's] developmental history through parent interview;

(c) Identification of the infant or toddler's[child's] level of functioning in each developmental area;

(d) Information from other sources, such as childcare workers; and

(e) All available relevant medical and educational records.

(2) An infant or toddler[A—child] shall be eligible for services[First Steps service] if the infant or toddler[child]:

(a) Is between[age] birth and[up to] three (3) years of age;

(b) Is a resident of Kentucky or homeless within the boundaries

of the state at the time of referral and resides in Kentucky while receiving early intervention services; and

(c) 1. Has a documented established risk condition that has a high probability of resulting in developmental delay; or

2. Is determined to have a significant developmental delay based on the evaluation and assessment process.

(3) Eligibility by established risk conditions:

(a) In accordance with KRS 200.654(10)(b), an infant or toddler[a child] meeting the criteria established in subsection (1)(a) and (b) of this section with a suspected established risk condition shall be eligible once the diagnosis is confirmed by a physician. The established risk condition shall be documented in the infant or toddler's[child's] record through the KEIS online[First Steps on-line] data management system.

(b) The [First Steps] established risk condition list shall be maintained by KEIS[the First Steps Program].

1. An infant or toddler[A child] with an established risk shall have a five (5) area assessment, assessing the five (5) areas listed in subsection (4)(a) of this section, completed by a primary level[developmental] evaluator using a cabinet-approved, criterion-referenced assessment instrument in lieu of a norm-referenced evaluation, in accordance with 902 KAR 30:130.

2. If the established risk condition relates to hearing loss, the five (5) area assessment shall be performed by a speech therapist or a teacher of the deaf and hard of hearing.

(4) Eligibility by developmental delay:

(a) An infant or toddler[A child] meeting the criteria established in subsection (2)(a) and (b) of this section shall be eligible for [First Steps] services if the infant or toddler[child] is determined to have a developmental delay[fallen significantly behind in development], based on the evaluation and assessment process, in one (1) or more of the following domains of development:

1. Total cognitive development;
2. Total communication area through speech and language development, that[which] shall include expressive and receptive language;
3. Total physical development including motor development, vision, hearing, and general health status;
4. Total social and emotional development; or
5. Total adaptive skills development.

(b) Evidence of a developmental delay[falling significantly behind in developmental norms] shall be determined on a norm-referenced test by the infant or toddler's[child's] score that is:

1. Two (2) standard deviations below the mean in one (1) skill area; or
2. At least one and one-half (1 1/2) standard deviations below the mean in two (2) skill areas.

(c) 1. If a norm-referenced test reveals a delay in one (1) of the five (5) skill areas but does not meet the eligibility criteria required by paragraph (b) of this subsection, a more in-depth standardized test in that area of development may be administered if the following is evident:

- a. The [initial evaluator and a]parent has[or guardian have] a concern or suspects the infant or toddler's[suspect that the child's] delay is greater than the testing revealed; and
- b. A different norm-referenced test tool reveals a standardized score that[which] would meet eligibility criteria; and
- c. There is one (1) area of development that is of concern.

2. The results of the alternate testing required by subparagraph 1. of this paragraph shall be considered as part of the infant or toddler's[child's] eligibility if the standardized scores indicate a delay of at least two (2) standard deviations below the mean.

(5) Eligibility by professional judgment. An infant or toddler[A child] may be determined eligible by informed clinical opinion by the following multidisciplinary evaluation teams of professionals:

- (a) An approved neonatal follow-up program team, as described in 902 KAR 30:150 Section 2(3)(f)(e);
- (b) An approved intensive level evaluation team, as described in 902 KAR 30:150 Section 2(3)(e)(d); or
- (c) The designated record review team, if reviewing for eligibility.

Section 2. Initial [Child] Evaluation. (1) Prior to the

administration of an evaluation instrument, the infant or toddler's[child's] vision and hearing status shall be determined through screening or evaluation.

(2) An infant or toddler referred to KEIS[A child referred to the First Steps Program] who meets the criteria established in Section 1(2)(a) and (b) of this administrative regulation shall receive an initial evaluation if:

(a) There is a suspected developmental delay [as] confirmed by the cabinet-approved screening protocol;

(b) The infant or toddler[child] does not have an established risk diagnosis; and

(c) The parent requests and consents to an evaluation that includes norm-referenced and criterion-referenced instruments.

(3) For an infant or toddler[a child] without an established risk diagnosis, an initial evaluation shall be used to:

- (a) Determine developmental status; and
- (b) Establish the baselines for progress monitoring.

(4) For an infant or toddler[a child] with an established risk diagnosis, a cabinet-approved criterion-referenced assessment shall be completed to:

- (a) Determine developmental status for program planning; and
- (b) Establish the baseline for progress monitoring.

(5)(a) Initial evaluations shall include the five (5) developmental areas identified in Section 1(4)(a) of this administrative regulation using norm-referenced standardized instruments that provide a standard deviation score in the total domain for the five (5) areas and shall include a cabinet-approved criterion-referenced assessment instrument, in accordance with 902 KAR 30:130.

(b) The initial evaluation shall include:

1. A medical component completed by a qualified medical professional[physician or nurse practitioner] that includes:

- a. A complete history; and
- b. Physical examination; and
- c. Other medical information; and

2. A developmental component completed by a cabinet-approved initial evaluator, in accordance with 902 KAR 30:150, that includes:

a. A statement of the infant or toddler's[child's] health status during the evaluation, including notation of health issues that affect the results of the evaluation; and

b. Completion of each appropriate instrument needed to determine the infant or toddler's[child's] unique strengths and needs.

(c) An evaluation report shall be entered into the KEIS[First Steps online] data management system:

1. Within five (5) business[working] days of the completion of the evaluation; and
2. In clear, concise language that is easily understood by the family.

(6) Infant or toddler[Child] records of evaluations transferred from a developmental evaluator outside the program[Kentucky Early Intervention System] shall be reviewed by the POE[Point of Entry] staff and shall be used for eligibility determination if:

- (a) The records meet evaluation timelines established in subsection (7) of this section; and
- (b) The records contain the developmental evaluation information required by subsection (5)(b) of this section.

(7) If there is a developmental evaluation available, as required by subsection (5)(b) of this section, it shall be considered as part of the infant or toddler's[child's] eligibility if the evaluation was performed within:

(a) Three (3) months prior to referral to KEIS for an infant[First Steps, for a child] under twelve (12) months of age; or

(b) Six (6) months prior to referral to KEIS for a toddler who is at least[First Steps, for a child between] twelve (12) months up to[of age and] three (3) years of age.

(8)(a) An infant or toddler[A child] referred to KEIS[the First Steps program] who was born premature[at less than thirty-seven (37) weeks gestational age] shall be evaluated and assessed using an adjusted gestational age to account[correct] for prematurity, unless the toddler[child] is twenty-four (24) months of age or older at the time of the referral.

(b) For an infant[a child] who is less than six (6) months

corrected age, the initial evaluation shall be done by an approved intensive level evaluation team, an approved neonatal follow-up program team, or an approved district child evaluation specialist in accordance with Section 1(5) of this administrative regulation.

(9) If the infant or toddler[child] does not have an established risk diagnosis and is determined not eligible, the POE staff shall:

(a) Provide a [First Steps] Notice of Action (FS-9) in accordance with 34 C.F.R. 303.421; and

(b) Discuss available community resources[, such as Medicaid, EPSDT, the Department for Public Health's and the Commission for Children with Special Health Care Need's (CCSHCN's) Title V programs, and other community programs].

(10) Eligibility for cases that are complex or have contradictory information from the initial evaluation shall be determined by record review. Upon receiving a referral, the record review team shall conduct a review of all available evidence and issue an eligibility determination within ten (10) calendar days.[A review of the child's First Steps record by the record review team shall be the second level in the First Steps evaluation system that shall be utilized to determine eligibility for cases which are complex or have contradictory information from testing.]

(a) ~~Upon obtaining a written consent by the parent or guardian, a service coordinator shall submit a child's record to the Department for Public Health or the designee for a record review if:~~

1. ~~The child does not meet eligibility guidelines at the initial evaluation;~~

2. ~~The initial evaluator and a parent or guardian have concerns that the child is developing atypically; and~~

3. ~~A determination of eligibility based on professional judgment is needed.~~

(b) ~~Upon receiving a referral, a record review team shall conduct a record review and issue findings within ten (10) calendar days of receipt of the request.]~~

Section 3. Annual Redetermination of Eligibility. (1) A redetermination of eligibility shall occur at least annually[not be used to address concerns that are medical in nature].

(2) An infant or toddler[A child] shall have continuing program eligibility for [First Steps] services if:

(a) The infant or toddler is eligible by age and residency[child is:

1. Under three (3) years old; and

2. A resident of Kentucky or homeless within the boundaries of the state]; and

(b) The result of the most recent progress review, including the annual five (5) area assessment, demonstrates:

1. A significant delay in at least one (1) or more developmental areas; and

2. Continued [First Steps] services are required in order to support continuing developmental progress.

(3) Based on the results of the redetermination of eligibility, the IFSP team shall:

(a) Continue with the same or modified outcomes and services; or

(b) ~~[Continue with modified outcomes and services; or~~

(c) ~~Transition the infant or toddler from~~[child from First Steps] services.

(4) Redetermination of eligibility shall not be used to address concerns that are medical in nature[occur at least annually].

(a) The annual redetermination shall be part of the infant or toddler's[child's] ongoing assessment and shall include an assessment in all five (5) areas using a cabinet-approved criterion-referenced instrument, in accordance with 902 KAR 30:130, and shall be completed between thirty (30) and sixty (60) calendar days prior to the annual IFSP date.

(b) If a person directly involved in conducting the evaluation and assessments is unable to attend an IFSP meeting, arrangements shall be made for that person's involvement by other means including participating in an audio-only or audio-visual[a telephone] conference call, designating[having] a representative to attend the meeting, or making records and reports available at the meeting.

Section 4. Determination of [Child's]Hearing Status. (1) If the referral is for an infant or toddler[a child] who has a diagnosis of a[significant] hearing loss, in accordance with[as specified by] KRS 200.654(10)(b), the infant or toddler[child] shall be considered to have an established risk diagnosis and be eligible for [First Steps] services and the referral process shall continue.

(2) If the referral is for an infant or toddler[a child] who is suspected of having a hearing loss, with no verification of degree of loss or diagnosis, and who is suspected of having developmental delays, the POE staff shall initiate the evaluation that[for First Steps, which] shall include an audiological evaluation at a cabinet[-an-]approved Infant Audiological Assessment and Diagnostic Center as specified by KRS 211.647 and 216.2970.

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

(a) "[First Steps] Notice of Action (FS-9)", October 2021[October 2012] edition; and

(b) "Kentucky Early Intervention System[First Steps] Established Risk Conditions[Condition list]", January 2022[January 2014].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. and available by contacting the Kentucky Early Intervention System office at <https://chfs.ky.gov/agencies/dph/dmch/ecdb/fs/SLAcontacts.pdf>.

STEVEN J. STACK, MD, MBA

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 28, 2022

FILED WITH LRC: March 1, 2022 at 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 23, 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 May 16, 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 May 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: Julie Brooks

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation outlines the processes necessary to determine a child's eligibility for early intervention services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure all infants and toddlers who are potentially eligible for early intervention services are referred and evaluated in a timely manner.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 194A.050 authorizes the secretary to promulgate, administer, and enforce those administrative

regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs, and 34 C.F.R. 303.321 requires the state lead agency to ensure each child under the age of three who is suspected of having a disability is referred for evaluation or early intervention services, and receives a timely, comprehensive, multidisciplinary evaluation. KRS 200.660(7) requires the cabinet to develop procedures to ensure that early intervention services identified on the individualized family service plan are provided to eligible infants and toddlers with disabilities and their families in a timely manner.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures all infants and toddlers who are potentially eligible for early intervention services are properly evaluated and assessed. The evaluation and assessment procedures help ensure appropriate early intervention services are provided to the eligible infant or toddler and their family.

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

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation clarifies the evaluation and assessment procedures for infants and toddlers referred for early intervention services, expands the eligibility for infants and toddlers experience hearing loss, and revises the material incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to ensure consistent evaluation and assessment procedures of potentially eligible infants and toddlers are followed, and to ensure infants and toddlers with a diagnosed hearing loss are evaluated and enrolled in early intervention services in a timely manner.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 194A.050 authorizes the secretary to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs, 34 C.F.R. 303.321 requires the state lead agency to ensure each child under the age of three who is suspected of having a disability is referred for evaluation or early intervention services, and receives a timely, comprehensive, multidisciplinary evaluation, and KRS 200.660(7) requires the cabinet to develop procedures to ensure that early intervention services identified on the individualized family service plan are provided to eligible infants and toddlers with disabilities and their families in a timely manner.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will ensure the requirements of 34 C.F.R. 303.321, KRS 194A.050, and KRS 200.660(7) are met.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The amendment to this administrative regulation will impact approximately 200 children and parents. In addition, fifteen (15) initial evaluators, 160 service coordinators, and twenty-five (25) early intervention providers will be impacted by the amendment to this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in questions (3) will have to take to comply with this administrative regulation or amendment: Parents of infants and toddlers who may be eligible for early intervention services will need to provide consent for and avail themselves and their child for the required assessment and evaluation. Service coordinators and initial evaluators will need to review available records and ensure the child and family are referred to the correct provider type to complete the assessment and evaluation. Early intervention

providers will need to ensure the annual assessment is completed in a timely manner so continued eligibility can be determined.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Children and their families will receive appropriate early intervention services that can reduce the ongoing, long-term costs associated with special education services.

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

(a) Initially: It is estimated that the change in eligibility for hearing loss will result in an initial increase of \$600,000 in the first year.

(b) On a continuing basis: It is estimated that the change in eligibility for hearing loss will result in an additional \$600,000 per year.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Early intervention services are funding through a mix of federal dollars, state general fund dollars, and nominal family fees.

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

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

(9) TIERING: Is tiering applied? Tiering is not applied. While this administrative regulation does distinguish between eligibility due to developmental delay and eligibility due to an established risk condition, all infants and toddlers referred for early intervention services must have an assessment and evaluation completed.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation impacts the Division of Maternal and Child Health, as well as any local health department that operates a point of entry.

2. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050, 200.660(7), 34 C.F.R. 303.300, 303.321, and 20 U.S.C. 1434.

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

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

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

(c) How much will it cost to administer this program for the first year? The change in eligibility for hearing loss is anticipated to cost an additional \$600,000 the first year.

(d) How much will it cost to administer this program for subsequent years? The change in eligibility for hearing loss is anticipated to cost an additional \$600,000 on an annual basis.

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. 34 C.F.R. 303.300, 303.321, and 20 U.S.C. 1434

(2) State compliance standards. KRS 194A.050 authorizes the secretary to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law, or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs.

(3) Minimum or uniform standards contained in the federal mandate. In order to receive federal funds, 20 U.S.C 1434 requires states to have a policy that appropriate early intervention services are available to all infants and toddlers with disabilities in the state and their families, including Indian infants and toddlers with disabilities and their families residing on a reservation geographically located in the state, infants and toddlers with disabilities who are homeless children and their families, and infants and toddlers with disabilities who are wards of the state. This administrative regulation ensures all potentially eligible infants and toddlers are evaluated for early intervention services.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements.

(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 Behavioral Health, Developmental and
Intellectual Disabilities
Division of Program Integrity
(Amendment)

908 KAR 3:010. Patient's rights.

RELATES TO: KRS Chapters 202A, 202B

STATUTORY AUTHORITY: KRS 194.050, 202A.191, 202A.196, 202B.060, EO 2004-726, SB 100 2022 Regular Session

NECESSITY, FUNCTION, AND CONFORMITY: EO 2004-726, effective July 9, 2004, created the Cabinet for Health and Family Services and placed the Department for Behavioral Health, Developmental and Intellectual Disabilities within the cabinet. KRS Chapters 202A and 202B, relating to the hospitalization of an individual with mental illness, developmental or intellectual disabilities, direct that the Secretary for the Cabinet for Health and Family Services shall adopt rules and administrative regulations which insure proper administration and enforcement of these chapters. The function of this administrative regulation is to describe the rights of an individual with mental illness, developmental or intellectual disabilities patients and to establish rules for the use of seclusion, restraint, and treatment under emergency situations, in the treatment of these patients.

Section 1. Definitions. For purposes of this administrative regulation, the following definitions shall apply:

(1) "Individual treatment plan" means a written document which is a part of each patient's medical record and which must contain, but is not limited to:

- (a) A statement of the diagnosis of the patient;
- (b) The short and long-range objectives of care and treatment;
- (c) The methods of treatment to be employed;
- (d) The names of persons responsible for preparing and implementing the plan.

(2) "Substantive changes" means those changes which reflect distinct changes in goals of treatment, methods to be employed and the names of persons primarily responsible for overall review or implementation of the individual treatment plan:

- (a) Changes in the amount, frequency of administration, or

specific type of medication shall not be considered substantive changes unless the changes involve introduction of new classes of medication including antipsychotic or anticonvulsant drugs;

(b) Changes in the frequency, duration, place or supervision of daily activities shall not be considered substantive changes unless the changes exclude participation in the activities previously identified in the treatment plan or initiation of new activities which could not be reasonably anticipated on the basis of short and long-term treatment goals.

(3) "Emergency situation" means the presence of a situation in which a patient's behavior in the present environment is such that it presents an immediate and substantial danger or threat of immediate or substantial danger to that person or to others.

(a) Behavior included in this definition extends to verbal threats or abuse toward other patients which creates a substantial risk that other patients may react in a manner which poses an immediate substantial danger or threat of immediate substantial danger to themselves or others, or which will interfere in a substantial manner with the realistic opportunity of other patients to improve their own level of functioning through care and treatments in a hospital or residential treatment center;

(b) Substantial deviation from an individual treatment plan which is formulated with the mutual consent of the staff and the patient or which is approved pursuant to a court hearing, or the overt or repetitious violation of rules and procedures of the hospital or residential treatment center by the patient which presents an immediate and substantial danger to that person or to others may also be considered as an emergency situation, provided the patient has previously been fully informed as to the content of the patient's individual treatment plan and as to the rules and procedures which may be applicable to the patient's behavior.

(4) "Restraint" means the application of any physical device, the application of physical body pressure by another in such a way as to control or limit physical activity, or the intravenous, intramuscular, or subcutaneous administration of any pharmacologic or chemical agent to an individual with mental illness, developmental or intellectual disabilities resident with the sole or primary purpose of controlling or limiting the physical activities of the patient or resident.

(5) "Seclusion" means the confinement of [a]-an individual with mental illness, developmental or intellectual disabilities patient alone in a locked room.

(6) "Authorized representative" means the patient's attorney, guardian of a disabled adult, parent or guardian of a juvenile, or an individual authorized in writing by the patient to act in the patient's behalf.

Section 2. Right to be Adequately Informed. Each patient shall be adequately informed as to the patient's individual treatment plan.

(1) A written individual treatment plan shall be prepared and entered into the medical record of each patient. The treatment plan shall be subject to periodic review and shall be modified in the event of substantive changes;

(2) Each patient and the patient's authorized representative shall have access to a written copy of the patient's individual treatment plan;

(3) Upon written request, each patient and the patient's authorized representative shall also be provided access to the patient's entire medical record. In the event that full access to the medical record is refused, the patient shall be given a response in writing documenting the reasons for such refusal;

(4) In the case of minors or other persons who appear incapable of reading or understanding a written treatment plan, a summary of pertinent features of the treatment plan may be presented orally, and the responses of parents, guardians or other members of the immediate family shall be entered into the medical record if these persons can be located.

Section 3. Right to Assist in Treatment Plan. Each patient shall have the right to assist in the planning of the treatment program.

(1) Each patient shall be informed of the contents of the patient's individual treatment plan and the verbal, written or

behavioral responses to this information shall be entered in the medical records. If possible, the responses of a patient to the patient's treatment plan shall be used to review and modify its contents including, but not limited to, the objectives and methods of treatment to be employed;

(2) In the cases of minors and other patients who appear incapable of reading or understanding their treatment plans, the responses of parents, guardians, or other members of the immediate family shall be entered into the medical records if these persons can be located.

Section 4. Right to Refuse Treatment. (1) Patients may, under certain conditions, refuse treatment offered to them by the hospital. The refusal shall be clearly documented in the medical records.

(a) All patients, whether admitted voluntarily, or committed on an involuntary basis as the result of a hearing held pursuant to KRS Chapter 202A or 202B, have the right to refuse treatment. A patient who refuses treatment may be forcibly treated only pursuant to a court order after a de novo review as set forth in KRS 202A.196.

(b) If no court findings exist to support the implementation of a specific treatment plan which is unacceptable to the patient, the treatment may be implemented or continued only in an emergency situation documented in the medical records of the patient. The hospital or residential treatment center shall seek to develop an alternative plan of treatment acceptable to both the hospital or residential treatment center and the patient or secure a court order sanctioning forced treatment. If the hospital or residential treatment center and a voluntarily admitted patient cannot agree on an acceptable alternative plan of treatment, the hospital or residential treatment center may discharge the patient or pursue other remedies under law as may be necessary. If the hospital or residential treatment center prior to obtaining a judicial order for forced treatment determines that an emergency exists and that the patient presents an immediate and substantial danger or threat of immediate and substantial danger to self or others, the hospital or residential treatment center may intervene in the least intrusive manner possible while simultaneously seeking a de novo review.

(2) Refusal to participate in the treatment plan shall be clearly documented in the medical record and shall be honored unless an emergency situation exists or the activity has been reviewed and approved in a court hearing.

(3) In the absence of an emergency situation, the patient shall not be subjected to loss of any other privileges which the patient has at the time of refusal unless such privileges are clearly documented in the individual treatment plan as being contingent upon participation in that area where participation has been refused.

(4) If the emergency situation persists for a period of more than seventy-two (72) hours, the treatment team shall evaluate the treatment plan and make changes necessary to meet the needs of the patient. If the patient refuses the revised treatment program, emergency treatment may continue as long as the emergency continues to be documented in the patient's record and the treatment review committee shall be informed and shall proceed according to law.

Section 5. Right to Personal Effects. (1) Each patient shall have the right to maintain, keep, and use personal effects, items or money except in the following instances:

(a) Retention of the item would be contrary to the patient's individual treatment plan;

(b) Retention of the item poses a threat of subjecting the patient or others to substantial physical harm;

(c) Retention of the item would subject it to a substantial risk of loss, theft or destruction by the patient or other persons;

(d) Retention of the item would substantially impair the opportunity of the patient or other patients to benefit from care and treatment in the hospital; or

(e) Retention of the item is contrary to rules and administrative regulations of the hospital which are reasonably related to the health and safety of the patient or other patients, except that the rules and administrative regulations shall be waived when possession of the item is a part of the patient's individual written

treatment plan.

(2) After written notice to a discharged patient, hospitals and residential treatment centers may dispose of all unclaimed personal items 180 days after discharge. Any proceeds from the sale of the items shall be used for the benefit of persons residing at the hospital or residential treatment center.

Section 6. Right to Receive Visitors. (1) All patients shall have the right to meet with friends and relatives. This right shall not be waived except in the following instances:

(a) Exercise of the right would be inconsistent with the written provisions of the individual treatment plan, or

(b) An emergency situation exists.

(2) Each hospital or residential treatment center shall establish and post conspicuously rules governing visitors and visiting hours.

(3) All patients shall also have the right to refuse to meet with friends or relatives except that the right may be waived if the meetings are prescribed in the patient's individual treatment plan.

(4) Patients shall have the right to meet their authorized representative during nonvisitation hours, if suitable arrangements are made in advance with the hospital or residential treatment centers.

(5) All patients shall have the right to name an essential personal care visitor as defined and established in 900 KAR 14:010.

Section 7. Right to Receive Compensation for Work Done. Each patient shall have the right to receive payment for work performed on behalf of the hospital.

(1) All patients shall be provided compensation as designated by appropriate federal and state statutes and regulations for work performed at a hospital or residential treatment center where the work is of consequential economic benefit to the hospital or residential treatment center, any person, agency, or organization outside the hospital or the Commonwealth of Kentucky.

(2) The patient shall have the absolute right to refuse to perform any work except activities of immediate and direct benefit to the patient and the patient's personal comfort.

Section 8. Right to De Novo Review. Involuntarily committed patients may be provided electroshock therapy or psychosurgery only pursuant to a court order after a de novo review as set forth in KRS 202A.196.

Section 9. Use of Seclusion and Restraint. The use of seclusion and other mechanical restraints in hospitals or residential treatment facilities shall be limited and shall be carried out only with appropriate precautions.

(1) Seclusion and other mechanical restraints used for the sole or principal purpose of controlling behavior which is the result of mental illness shall be instituted only when part of an individual treatment plan or in an emergency situation.

(2) If use of seclusion or restraints is warranted under this section, the following rules shall apply:

(a) The medical records shall document the conditions which prevail at the time of the use of these treatments and shall include the order of a licensed physician prescribing or justifying the treatment;

(b) Mentally ill persons placed in seclusion or subjected to the use of mechanical restraints other than to prevent or treat self-inflicted injury or to treat a concomitant medical or surgical disorder shall be individually observed and the need for continuing restraints or seclusion determined by a hospital or residential treatment facility employee at least every fifteen (15) minutes. In addition, the patient shall be seen daily by a physician and the reasons for continued use of this treatment procedure shall be documented in the medical records;

(c) The patients shall be permitted access to toilet facilities at least every two (2) hours and to bathing facilities every forty-eight (48) hours;

(3) No order by a licensed physician for seclusion or use of mechanical restraints shall be effective longer than twenty-four (24) hours after the treatment is implemented, and must be renewed if

the treatment continues to be necessary, except where the treatment is prescribed to prevent or treat self-inflicted injury or a concomitant medical or surgical disorder; provided that any renewal order shall state the necessity for the continued treatment.

(4) In no circumstances shall restraints or seclusion be used principally or solely for the treatment of mental illness except as part of the documented individual treatment plan or in response to a documented emergency unless the treatment has received a review and approval by the court.

WENDY T. MORRIS, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 16, 2022

FILED WITH LRC: February 21, 2022 at 12:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 23, 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 hearing shall notify this agency in writing by May 16, 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 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 May 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. In the event of an emergency, the public hearing will be held using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor in advance of the scheduled hearing. 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 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rachael Ratliff or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This amended administrative regulation establishes guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(b) The necessity of this administrative regulation: This amended administrative regulation is necessary to comply with Senate Bill 100 (2022 Regular Session).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This amended administrative regulation conforms to the content of Senate Bill 100 (2022 Regular Session) by establishing guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amended administrative regulation assists in the effective administration of the statutes by establishing guidelines for implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

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

(a) How the amendment will change this existing administrative

regulation: This amended administrative regulation will incorporate the provisions of SB 100 for essential personal care visitor programs.

(b) The necessity of the amendment to this administrative regulation: This amended administrative regulation incorporates the provisions of SB 100 for essential personal care visitors to residents in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals

(c) How the amendment conforms to the content of the authorizing statutes: This amended administrative regulation incorporates the provisions of SB 100.

(d) How the amendment will assist in the effective administration of the statutes: This amended administrative regulation will incorporate the provisions of SB 100 and the essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amended administrative regulation affects assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals. There are 10 state-owned or operated assisted-living communities and long-term care facilities; and 3 state-owned or operated psychiatric hospitals.

(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: In accordance with the requirements of Senate Bill 100 and this administrative regulation, individuals designated as essential personal care visitors shall be exempt from any prohibitions on visiting a resident of an assisted-living community, long-term care facility, or state-owned or operated mental or psychiatric hospital.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be significant costs to facilities to implement essential personal care visitor programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Essential personal care visitor programs are intended to help enhance the well-being and quality of life of Kentuckians in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

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

(a) Initially: There are no additional costs to the Cabinet for Health and Family Services for implementation of this amended administrative regulation.

(b) On a continuing basis: There are no additional costs to the Cabinet for Health and Family Services for implementation of this amended administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general funds and agency monies are used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: 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 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 amended administrative regulation impacts assisted-living communities, long-term care facilities, state-owned or operated psychiatric

hospitals, and the Cabinet for Health and Family Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. Senate Bill 100 (2022 Regular Session)

(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 amended administrative regulation will not generate revenue for state or local government.

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

(c) How much will it cost to administer this program for the first year? This amended administrative regulation imposes no additional costs on the administrative body.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred to implement this amended administrative regulation on a continuing basis.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:310. Standards for child-placing agencies.

RELATES TO: KRS 2.015, 17.165, 17.500(8), 158.135(1)(c), 189.125, 194A.060, 199.011, 199.430(3), [199.470, 199.492, 199.493, 199.510, 199.520, 199.570, 199.572, 199.590, 199.640, 199.645, 199.650-199.670, 258.015, 258.035, 273.161(8), 311.720(12)](9), 311.840(3), 314.011(5), (7), [503.110(1), 527.100, 527.110, 600.020, Chapter 605 [605.090(4)], 610.110(6), 610.125, 615.010-615.990, 620.030, 620.090(2), 620.140(1)(d), 620.230(3), Chapter 625, 16 C.F.R. 1219-1220, Parts 1632 and 1633, 45 C.F.R. Parts 160, 164, [4355.34,] 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. [672, 677(a), 14901-14954

STATUTORY AUTHORITY: KRS 194A.050(1), 199.640(5)(a), 605.150(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary[Secretary] of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.640(5)(a) requires the secretary[Secretary] of the Cabinet for Health and Family Services to promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This administrative regulation establishes basic standards for child-placing agencies.

Section 1. Definitions. (1) "Adequate supervision" means adult oversight of a child's activities with consideration of the child's past and current:

(a) Incidents;

(b) High risk behaviors; and

(c) Needs.

(2) "Adoption" means the legal process by which a child becomes the child of a person or persons other than biological parents.

(3) "Adoptive home" means a home in which the family has been approved by the child-placing agency to adopt a child.

(4) "Aftercare" means services provided to the child after discharge from a child-placing agency.

(5) "Applicant" means an individual or a family subject to approval by the child-placing agency as a:

(a) Foster home; or

(b) Adoptive home.

(6) "Board of directors" is defined by KRS 273.161(8).

(7) "Cabinet" is defined by KRS 199.011(3).

(8) "Case management" means a process whereby a state agency or child-placing agency assesses the individualized needs of a child or family, arranges for the provision of services, and maintains documentation of actions and outcomes.

(9)[(8)] "Child" means:

(a) A child as defined by KRS 199.011(4) and 600.020(9);

(b) A person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(d); or

(c) A person under age twenty-one (21) who meets the exceptions to the age of majority in accordance with KRS 2.015.

(10)[(9)] "Child with medical complexity" means a child who is determined to have a medical condition pursuant to 922 KAR 1:350, Section 4(1)(b).

(11)[(10)] "Child-placing agency" is defined by KRS 199.011(6).

(12)[(11)] "College or university" means:

(a) An institution accredited by one (1) of the eleven (11) regional accrediting organizations recognized by the U.S. Department of Education, Office of Postsecondary Education;

(b) For a Kentucky institution, one (1) that is licensed by the Kentucky Council on Postsecondary Education or the Kentucky Board for Proprietary Education; and

(c) For an out-of-state institution, one (1) that is licensed in its home state if licensure is required in that state.

(13)[(12)] "Executive director" means the person employed by the board of directors to be responsible for the overall administration and management of a child-placing agency.

(14)[(13)] "Foster home" means:

(a) A "foster family home" as defined by KRS 199.011(10) and 600.020(30), if referring to a physical structure; or

(b) Any individual approved as a foster parent by the child-placing agency, if referring to an individual.

(15)[(14)] "Health professional" means a person actively licensed as a:

(a) Physician as defined by KRS 311.720(12);

(b) Physician assistant as defined by KRS 311.840(3);

(c) Advanced practice registered nurse as defined by KRS 314.011(7); or

(d) Registered nurse as defined by KRS 314.011(5) under the supervision of a physician.

(16)[(15)] "Home study" means an assessment done on a prospective foster or adoptive home by a social services worker that meets the requirements specified in Section 4(3) of this administrative regulation.

(17)[(16)] "Independent living program" means a planned program that:

(a) Is licensed by the cabinet and designed to teach a child age eighteen (18)[sixteen-(16)] or older life skills that enable a child to become self-sufficient; and

(b) Meets the requirements established[specified] in 922 KAR 1:340.

(18)[(17)] "Independent living services" means services provided to an eligible child, as described in Section 15[16] of this administrative regulation, to assist the child in the natural progression from adolescence to adulthood[transition—from dependency of childhood to living independently].

(19)[(18)] "Individual treatment plan" or "ITP" means a plan of action developed and implemented to address the needs of a child.

(20)[(19)] "Mental health treatment" means services provided to an individual determined to have emotional, mental, or behavioral problems.

(21)[(20)] "Placement" means:

(a) The physical relocation of a child removed from the child's home of origin with a provider of out-of-home services; or

(b) A foster or adoptive home that has been approved by completing an application process, home study, and required preparation.

(22)[(21)] "Program director" means the person responsible for supervising the day-to-day operation of the program.

(23)[(22)] "Respite care" means temporary care provided by another individual or family that meets requirements specified in Section 13 of this administrative regulation to meet the needs of the child or provide relief to a foster care parent, therapeutic foster care parent, or medically complex foster parent with the expectation that the child shall return to the foster home.

(24)[(23)] "Sex crime" is defined by KRS 17.500(8).

(25)[(24)] "~~Social services~~" means ~~a planned program of assistance to help an individual move toward a mutual adjustment of the individual and the individual's environment.~~

(25) "Social services worker" means a person retained by a child-placing agency who meets the qualifications established[as specified] in Section 2(4)(c) of this administrative regulation.

(26) "Supervision plan" means a written supplement to a child's ITP, developed pursuant to Section 6(7)(b)2 of this administrative regulation, that details a child-placing agency's roles and responsibilities to assure adequate supervision of a child in the agency's care, including those roles and responsibilities delegated to a foster home parent.

(27) "Therapeutic foster care" is defined by KRS 158.135(1)(c).

(28) "Therapeutic services" means clinical or supportive services provided to a child with severe emotional or behavioral needs.

(29) "Treatment director" means an individual who meets the qualifications established[as specified] in Section 2(4)(d) of this administrative regulation.

Section 2. Administration and Operation. (1) Licensing procedures.

(a) Licensing procedures for a child-placing agency shall be administered pursuant to 922 KAR 1:305.

(b) An independent living program shall be an optional component of the child-placing agency's license in accordance with 922 KAR 1:340.

(c) A child-placing agency shall obtain accreditation within two (2) years of initial licensure or within two (2) years of acquiring an agreement with the cabinet to provide private child care services, whichever is later. Accreditation shall be from a nationally-recognized accreditation organization, such as:

1. The Council on Accreditation;
2. The Joint Commission on Accreditation for Healthcare Organizations; or
3. The Commission on Accreditation of Rehabilitation Facilities.

(d) The cabinet shall revoke a license if a child-placing agency fails to:

1. Become accredited in accordance with paragraph (c) of this subsection; or
2. Maintain accreditation.

(e) The child-placing agency shall provide proof of accreditation to the Office of Inspector General, Division of Regulated Child Care:

1. Upon receiving initial accreditation; and
2. At the time of annual inspection for re-licensure.

(2) Board of directors. The child-placing agency shall have a board of directors, or an advisory board if the child-placing agency is a privately-held for-profit organization, that shall:

- (a) Consist of a minimum of seven (7) members;
- (b) Meet at least quarterly;

(c) Cause minutes of the meeting to be taken and kept in written form;

(d) Be responsible for and have the authority to ensure the continuing compliance with the requirements established by this

administrative regulation;

(e) Approve a mission statement;

(f) Establish and revise, when necessary, the child-placing agency's:

1. Purpose;
2. Objective;
3. Scope of services to be provided; and
4. Intake policy specifying the type of child to be accepted for care;

(g) Hire, supervise, and annually evaluate the executive director of the child-placing agency; and

(h) Delineate in writing the duties of the executive director.

(3) Executive director.

(a) The executive director shall:

1. Be responsible for the child-placing agency and its affiliates, pursuant to the child-placing agency's written policies and procedures;

2. Oversee all aspects of the child-placing agency; and

3. Report to the board, on a quarterly basis, the following:

- a. Evaluation of program services;
- b. Measurement of attainment of the objective established pursuant to subsection (2)(f)2 of this section;

c. Staff training; and

d. Incident reports.

(b) The criteria and process of the evaluation required in paragraph (a)3a of this subsection shall be approved by the board annually.

(c) If the executive director is not available on the premises or accessible by telephone, a designated staff person shall be responsible for the day-to-day operation of the child-placing agency.

(4) Staff qualifications.

(a) An executive director shall possess the following qualifications:

1.a. A master's degree from a college or university in any of the following human services fields:

- (i) Social work;
- (ii) Sociology;
- (iii) Psychology;
- (iv) Guidance and counseling;
- (v) Education;
- (vi) Religious education;
- (vii) Business administration;
- (viii) Criminal justice;
- (ix) Public administration;
- (x) Child-care administration;
- (xi) Nursing;
- (xii) Family studies; or
- (xiii) Another human service field related to working with families and children; and

b. Two (2) years of work experience in a human services program; or

2.a. A bachelor's degree with a major in a discipline designated in subparagraph 1 of this paragraph; and

b. Four (4) years of work experience in a human services program.

(b) A licensed child-placing agency shall have one (1) member of the social work staff designated as program director who shall hold:

1. A master's degree from a college or university in social work or in a discipline designated in paragraph (a)1 of this subsection; or

2.a. A bachelor's degree from a college or university in social work or in a discipline designated in paragraph (a)1 of this subsection; and

b. At least two (2) years of professional experience in working with a child or family.

(c) A social services worker shall:

1. Be responsible for planning and coordinating services to a child; and

2. Hold at least a bachelor's degree from a college or university in social work or a human services field.

(d) A treatment director shall:

1. Oversee the day-to-day operation of the treatment program,

including:

- a. Reviewing all client treatment plans;
 - b. Meeting a minimum of once monthly with each therapist providing treatment to a child placed in the care of the private child-placing agency to discuss the child's progress and individualized treatment plan;
 - c. Remaining accessible to therapists to provide consultation; and
 - d. Reviewing any critical incidents, including debriefs with involved staff;
 2. Hold at least a master's degree from a college or university in a human services discipline; and
 3. Have at least five (5) years of total experience in mental health treatment, with a minimum of three (3) years of experience in mental health treatment of children with emotional or behavioral disabilities and their families.
- (e)1. A child-placing agency contracting for the service of a social services worker not an employee of the child-placing agency shall obtain documentation that the social services worker meets the qualifications in paragraph (c) of this subsection.
2. An agreement for this provision of service shall be on file at the child-placing agency and shall specify the qualifications of the social services worker.
- (f) The program director shall supervise social services workers.
- (g) A treatment director shall carry out approval and evaluation of services.
- (h)1. Social services workers shall not carry a caseload of more than twenty (20) children.
2. If a social services worker carries a caseload of children in some combination of foster care, therapeutic foster care, medically complex foster care, or an independent living program, the allowable caseload for the social services worker shall be determined by:
- a. Dividing the number of children in each placement type on the worker's caseload by the maximum caseload for the placement type to derive a percentage;
 - b. Adding each percentage calculated in clause a. of this subparagraph to derive a sum; and
 - c. Maintaining the sum derived in clause b. of this subparagraph at or below 100 percent.
- (5) Personnel policy.
- (a) A child-placing agency shall have and comply with written personnel policies and procedures.
- (b) An employee shall:
1. Be at least eighteen (18) years of age;
 2. Submit to a criminal background check in accordance with KRS 17.165 and a central registry check in accordance with 922 KAR 1:470; and
 3. Submit to a new criminal background check in accordance with KRS 17.165 and central registry check in accordance with 922 KAR 1:470 once every two (2) years.
- (c)1. An employee shall not be alone with a child if a central registry check has not yet been completed as required by 922 KAR 1:470.
2. If a substantiated finding of abuse, neglect, or exploitation of a child has been made against a person, a child-placing agency shall not employ the person or allow the person to volunteer in a position involving direct contact with a child.
3. The cabinet shall respond to allegations of abuse, neglect, or exploitation of a child in accordance with 922 KAR 1:330 and 922 KAR 1:480.
- (d) A current personnel record shall be maintained for an employee that includes the following:
1. Name, address, Social Security number, date of employment, and date of birth;
 2. Evidence of qualifications, including degree from a college or university, current registration, certification, or licensure;
 3. Record of participation in staff development;
 4. Record of performance evaluation;
 5. Criminal records and central registry checks pursuant to paragraph (b)2 and 3 of this subsection;
 6. Record of a physical exam related to employment, as

specified in the child-placing agency's policies and procedures;

7. Personnel action;
 8. Application for employment, resume, or contract; and
 9. Evidence of personnel orientation.
- (e) A child-placing agency shall have an ongoing staff development program under the supervision of a designated staff member.
- (f) An employee under indictment, legally charged with felonious conduct, or subject to a cabinet investigation in accordance with 922 KAR 1:330 shall:
1. Be immediately removed from further contact with the alleged victim[a child]; and
 2. Not be allowed to work with a child through their employment with the agency until:
 - a. ~~[A prevention plan has been written and approved by a designated regional cabinet staff;~~
 - b.] The person is cleared of the charge; or
 - b.[c.] A cabinet investigation results in[reveals] an unsubstantiated finding, if the charge resulted from an allegation of child:
 - (i) Abuse;
 - (ii) Neglect; or
 - (iii) Exploitation.
- (g) Unless the volunteer is a practicum student, a volunteer who performs a similar function as paid staff described in subsection (4) of this section shall meet the same requirements and qualifications.
- (h) Practicum students and volunteers shall submit to a background check and any other mandatory requirements listed in subsection (5)(b) and (c) of this section.
- (i) A current personnel record shall be maintained for a practicum student or volunteer that includes the following:
1. Name, address, Social Security number, starting date, and date of birth;
 2. Evidence of qualifications if the volunteer performs a similar function as paid staff; and
 3. Criminal records and central registry checks pursuant to paragraph (h) of this subsection.
- (6) Physical management. If a child-placing agency uses physical management, the agency shall have established guidelines and policies governing the use of physical management that shall be:
- (a) Consistent with accreditation standards; and
 - (b) In accordance with 922 KAR 1:300.
- (7) Notifications. A licensed child-placing agency shall provide written notification within one (1) week to the Office of Inspector General, Division of Regulated Child Care when there is a change in the following leadership staff:
- (a) Executive director;
 - (b) Program director; or
 - (c) Treatment director.
- Section 3. Interstate Placement. (1) Prior to accepting a child from another state or prior to placing a child outside Kentucky, a child-placing agency shall comply with:
- (a) KRS 615.030 to 615.040[~~Interstate Compact on Placement of Children~~];
 - (b) KRS 615.010[~~Interstate Compact for Juveniles~~]; and
 - (c) 42 U.S.C. 671(a)(23).
- (2) A child-placing agency shall comply with subsection (1) of this section if a child placed with the child-placing agency visits or receives respite care in another state for a period to exceed:
- (a) Thirty (30) days; or
 - (b) The child's school vacation period as ascertained from the academic calendar of the school.
- (3) If an emergency placement of a child into a licensed child-placing agency is made, the placement source shall be responsible for compliance with KRS 615.030 to 615.040.
- Section 4. Evaluation of an Applicant. (1) A child-placing agency's staff shall recruit a prospective foster or adoptive home.
- (2) A child-placing agency shall:
- (a) Complete a home study; and

(b) Approve the home prior to the placement of a child.
(3) Documentation of the home study shall include the following:

(a) A minimum of two (2) home visits for the purpose of conducting:

1. One (1) interview with each of the household members individually to assess each member's attitude toward the placement or adoption of a child; and

2. One (1) family consultation with all household members present to observe the functioning of the applicant's household, including interpersonal relationships and patterns of interaction;

(b) Proof of the applicant's:

1. Identity, such as a federally or state-issued photo identification card;

2. Age of twenty-one (21) years or older, unless an exception is granted pursuant to subsection (4) of this section; and

3. United States citizenship or legal immigrant status as described in 8 U.S.C. 1151;

(c) A statement for each member of the applicant's household that shall:

1. Be signed by a health professional who is not a member of the applicant's household; and

2. Verify that the individual has no illness or condition that would present a health or safety risk to a child placed in the applicant's home, which may include a communicable disease;

(d) A signed statement by a health professional who is not a member of the applicant's household regarding the applicant's physical ability to provide necessary care for a child.

(e) 1. All household members shall disclose mental health and substance abuse issues, including any history of drug or alcohol abuse treatment; and

2. The private child-placing agency shall require further documentation or evaluation to determine the suitability of the home if there is an indicator of current or past mental health or substance abuse issues;

(f) All adult household members demonstrate functional literacy;

(g) Verification that the applicant has a source of income separate from:

1. Foster care reimbursement; or

2. Adoption assistance;

(h) Documentation of references to include:

1.a. The name of three (3) personal references including:

(i) One (1) relative; and

(ii) Two (2) non-relatives.

b. The references required by clause a. of this subparagraph

shall:

(i) Be interviewed by the child-placing agency staff in person or by telephone; or

(ii) Provide letters of reference for the applicant; and

2. Two (2) credit references or a credit report;

(i) Verification that the applicant's financial stability has been assessed and approved in accordance with a child-placing agency's written policies and procedures;

(j) Documentation of an in-person or telephone interview with each adult child of the applicant, who does not live in the applicant's home, regarding the applicant's parenting history unless a documented exception exists and is approved by the program director due to inaccessibility;

(k) If applicable, verification from the applicant regarding a:

1. Previous divorce;

2. Death of a spouse; or

3. Present marriage;

(l) If the applicant does not have custody of the applicant's own child:

1. A copy of a visitation order, if applicable;

2. A copy of a child support order, if applicable; and

3. Proof of current payment of child support, if applicable;

(m) Proof that the child-placing agency performed background checks on the applicant and any member of the applicant's household as required by 922 KAR 1:490;

(n) Documentation that the applicant has access to:

1. Transportation that meets the child's needs, including

restraint requirements pursuant to KRS 189.125;

2. School;

3. Recreation;

4. Medical care; and

5. Community facilities;

(o) If an applicant or household member shall be transporting a foster child:

1. Proof that the individual possesses a valid driver's license and has automobile or driver's insurance coverage; and

2. Documentation that the applicant or household member shall abide by passenger restraint laws;

(p) Documentation that the applicant's home:

1. Does not present a hazard to the health and safety of a child;

2. Is well heated and ventilated;

3. Complies with state and local health requirements regarding water and sanitation; and

4. Provides access to indoor and outdoor recreation space appropriate to the developmental needs of a child placed in the applicant's home;

5. Provides functioning kitchen facilities; and

6. Provides a functioning bathroom, including a:

a. Toilet;

b. Sink; and

c. Bathtub or shower.

(q) Verification that the requirements established by this paragraph are being followed.

1. More than four (4) children, including the applicant's own children, shall not share a bedroom;

2. Thorough consideration shall be given to age, gender, and background if children share a bedroom;

3. Children of different genders over the age of five (5) shall not share a bedroom unless an exception has been granted to facilitate the placement of a sibling group or children who are related and share a sibling-like relationship, such as cousins, and no high-risk behaviors are present that would require separation;

4. A bedroom used by a child in the custody of a state agency shall be comparable to other bedrooms in the house; and

5. A foster parent shall not share a bedroom with a child in the custody of a state agency, unless prior approval is obtained from the state agency based on the needs of the child;

(r) Verification that an individual bed:

1. Is provided for each child in the home;

2. If the child is under age one (1), is a crib that meets the Consumer Products Safety Commission Standards pursuant to 16 C.F.R. 1219-1220;

3. Is age and size appropriate for the child; and

4. Has a mattress that:

a. Meets current Consumer Products Safety Commission Standards in 16 C.F.R. Parts 1632 and 1633;

b. Is in good repair; and

c. Has a clean, fitted sheet that shall be changed:

(i) Weekly; or

(ii) Immediately if it is soiled or wet;

(s) Verification that the following are inaccessible to a child:

1. Alcoholic beverages;

2. Poisonous or hazardous materials;

3. Ammunition and firearms in accordance with KRS 527.100 and 527.110;

4. An animal that presents a danger to a child; and

5. Medication unless an exception is granted pursuant to subsection (11)[(10)] of this section;

(t) Proof that the applicant has:

1. First aid supplies available and stored in a place easily accessible by the foster parent;

2. An accessible working telephone;

3. A working smoke alarm within ten (10) feet of each bedroom and on each floor of the home;

4. A working carbon monoxide detector in a home with gas heating or appliances; and

5. Any household animal vaccinated in accordance with KRS 258.015 and 258.035;

(u) If a business open to the public adjoins the applicant's

household, consideration of potential negative impacts on the child and family, including:

1. Hours of operation;
2. Type of business; and
3. Clientele;

(v) Safety precautions related to an accessible swimming pool or body of water, if applicable; ~~and~~

(w) If an applicant was approved to foster or adopt a child by another child-placing agency or the cabinet and the applicant's home was closed:

1. Verification of the closure; ~~and~~

2. A statement to indicate whether the closure was at the request of the applicant or the agency; and

3. If applicable, verification that the requirement established in subsection (6)(a) of this section has been met; and

(x) If an applicant previously approved to foster or adopt by a child-placing agency or the cabinet was under a corrective action plan issued by another agency or the cabinet prior to closure:

1. The issue or issues that caused the issuance of a corrective action plan;

2. The applicant's response to the corrective action plan;

3. Agency rationale for the recommendation that the cabinet approve the applicant's home study; and

4. The cabinet's written denial or approval of the home study.

(4) Exception to subsection (3)(b)2 of this section shall be granted if the applicant is:

(a) Between eighteen (18) and twenty-one (21) years of age;

(b) A relative of the child to be placed in the applicant's home; and

(c) Able to meet the needs of the child to be placed in the applicant's home.

(5) For each potential applicant evaluated, a child-placing agency shall keep a written record of the findings of the home study and the evidence on which the findings are based.

(6) If an applicant previously approved to foster or adopt by a child-placing agency or the cabinet was:

(a) Closed pursuant to Section 18 of this administrative regulation by another agency or the cabinet, the home shall not be reopened by an agency unless it has been reopened and operated as a cabinet foster home for a period of no less than one (1) year; or

(b) Under a corrective action plan issued by another agency or the cabinet prior to closure, the department shall review and approve the home study prior to the home being reopened by another agency.

(7)(a) A child-placing agency shall request written approval from the state agency with custody of the child, for the foster home to provide services as a:

1. Certified provider of Supports for Community Living in accordance with 907 KAR 12:010;

2. Therapeutic foster care provider for adults in accordance with 907 KAR 12:010;

3. Certified family child-care home in accordance with 922 KAR 2:100; or

4. Licensed child-care center in accordance with 922 KAR 2:090.

(b) An approved foster home shall not simultaneously be used as a licensed or certified health care or social service provider for a child in the foster home's care.

(8)(7)(a) An employee of the department who provides protection and permanency services shall be considered for approval as a foster parent or respite care provider for a child in the custody of the cabinet if prior approval by the commissioner or designee is granted in writing through the service region administrator in the region of the employment.

(b) If approval is granted, the private child-placing agency shall not place children from within the region of employment unless:

1. The employee is related to the child; or

2. The employee is determined to be fictive kin as the result of a relationship developed outside of employment prior to the child being placed in the custody of the cabinet.

(9)(8) An employee of the department who provides protection and permanency services may apply to adopt a child in

the custody of the cabinet if the commissioner approves, in writing, the employee to adopt.

(10)(9)(a) A child-placing agency shall develop written policies and procedures regarding employees of the child-placing agency serving as:

1. A foster parent;
2. An adoptive parent; or
3. A respite care provider.

(b) Policies and procedures developed in accordance with paragraph (a) of this subsection shall address the prevention or appearance of:

1. A conflict of interest; or
2. Misuse of influence.

(11)(10) A child-placing agency may make an exception to subsection (3)(s)5 of this section if:

(a) The exception is documented in the ITP of a child placed in the foster or prospective adoptive home;

(b)1. The child is approved by a health professional to self-administer medicine under the supervision of the foster or prospective adoptive parent or other caretaker; or

2. Emergency access to the medication may be necessary to save the child's life, such as in the case of severe allergic reaction or asthma attack; and

(c) Measures are taken to prevent unauthorized access by another child in the same home.

(12)(11) If an applicant is approved as a foster home, adoptive home, or respite care provider by a state agency or another child-placing agency, a child-placing agency shall:

(a) Conduct a home study in accordance with subsections (2), (3), and (5) of this section; and

(b) Document that the applicant meets training requirements in accordance with Section 5, 7, 10, or 13 ~~or 14~~ of this administrative regulation. If an applicant lacks training in accordance with this paragraph, the child-placing agency shall, prior to placement of a child in the home:

1. Provide training in accordance with Section 5, 7, 10, or 13 ~~or 14~~ of this administrative regulation; or

2.a. Develop an individualized curriculum to fulfill unmet training needs; and

b. Document the applicant's compliance with the individualized curriculum.

Section 5. Orientation and Preparation of a Foster Home.

(4) With the exception of training requirements established ~~specified~~ in 922 KAR 1:495 for a foster home that cares for a child in the custody of the cabinet, a child-placing agency shall:

(1)(a) Develop and maintain an orientation and preparation curriculum to be kept on file;

(2)(b) Provide a minimum of twenty-four (24) hours of orientation and preparation to a prospective foster parent, to include the following:

(a) 1- Child-placing agency program description with mission statement;

(b) 2- Information about the rights and responsibilities of the home and the rights of the foster child;

(c) 3- Background information about the foster child and the child's family, including information in accordance with KRS 605.090(1)(b);

(d) 4- An example of an actual experience from a foster parent that has fostered a child;

(e) 5- Information regarding:

1. a- The stages of grief;

2. b- Identification of the behavior linked to each stage;

3. c- The long-term effect of separation and loss on a child;

4. d- Permanency planning for a child, including independent living services;

5. e- The importance of attachment on a child's growth and development and how a child may maintain or develop a healthy attachment;

6. f- Family functioning, values, and expectations of a foster home;

7. g- Cultural competency;

8.[h.-] How a child enters and experiences foster care, and the importance of achieving permanency; and

9.[i.-] The importance of birth family and culture and helping children leave foster care;

(f)[6.-] Identification of changes that may occur in the home if a placement occurs, to include:

1.[a.-] Family adjustment and disruption;

2.[b.-] Identity issues; and

3.[c.-] Discipline issues and child behavior management; and

(g)[7.-] Specific requirements and responsibilities of a foster parent; and

(3)[(e)] Maintain an ongoing foster home preparation and training program that:

(a)[4.-] Provides a minimum of six (6) hours of foster home training annually; and

(b)[2.-] Maintains a record of preparation and training completed.

~~[(2) Training provided in accordance with 922 KAR 1:495 may be utilized for a foster home that does not care for a child in the custody of the cabinet if the governmental agency or individual with oversight of the child approves the training.]~~

Section 6. Placement, Case Management, and Supervision of a Child in a Foster Home, Medically Complex Foster Home, or Therapeutic Foster Care Home. (1) A child-placing agency shall:

(a) Place a child only in an approved foster home; and

(b) Keep a child who has been committed to the Department of Juvenile Justice for the commission of a sex crime in a separate foster home or prospective adoptive home from a child committed to the cabinet in accordance with KRS 605.090(1), 620.090(2), and 620.230(3).

(2) A child-placing agency shall select a foster home for a child based upon the individual needs of the child, including:

(a) The child's assessment and ITP, if available;

(b) Any information concerning the child's needs in placement; and

(c) Measures to support the safety of the child, such as a placement restriction in accordance with subsection (1)(b) of this section or another child in the foster home.

(3) A child shall participate in the intake process to the extent that the child's age, maturity, adjustment, family relationships, and the circumstance necessitating placement justify the child's participation.

(4) Unless an exception is granted pursuant to subsection (6) of this section, the number of children residing in a foster home shall not exceed six (6), including the foster parent's own children living in the home.

(5) Unless an exception is granted pursuant to subsection (6) of this section, a child-placing agency shall have a maximum of two (2) children under two (2) years of age placed in the same foster home at the same time, including children placed in the custody of the cabinet and the foster parent's own children.

(6)(a) Justification for an exception to subsection (4) or (5) of this section shall be:

1. Documented in the foster parent file; and

2. Authorized by the program director because a plan is in place with the foster parent to ensure that the needs of all children in the home are met.

(b) For a foster home that cares for a child in the custody of the cabinet, the child-placing agency shall submit a DPP-112B, Private Child-Placing Agency Placement Exception Request, for an exception to subsection (4) or (5) of this section to designated cabinet staff prior to the placement documenting:

1. The reason the placement is in the best interest of the child; and

2. Specific support services to be provided.

(c) The number of foster children residing in a foster family home may exceed the limitation established in subsection (4) or (5) of this section with documentation on the DPP-112B in order to allow:

1. A parenting youth in foster care to remain with the child of the parenting youth;

2. Siblings to remain together;

3. A child with an established meaningful relationship with the family to remain with the family;

4. A family with special training or skills to provide care to a child who has a severe disability; or

5. Other circumstances noted in the DPP-112B and approved by the service region administrator or designee.

(d) If an exception to subsection (4) or (5) of this section is necessary for a placement to occur outside of normal business hours:

1. The child-placing agency shall verbally provide all information contained within the DPP-112B to designated cabinet staff prior to the placement;

2. A verbal approval from designated cabinet staff shall be required prior to the placement occurring; and

3. The completed DPP-112B shall be submitted on the first business day following placement.

(7) A child-placing agency shall:

(a) Assess a child to be placed in foster care;

(b) Within thirty (30) days of a child's placement, develop:

1. An ITP:

a. Based upon the individual strengths and needs of the child and, if appropriate, the child's family, ~~that~~^{that[which]} addresses the:

(i) Visitation, health, and educational needs of the child;

(ii) Child's permanency goals and related objectives;

(iii) Methods for accomplishing each goal and objective; and

(iv) Designation of an individual or individuals responsible for completion of each goal and objective; and

b. With the child and the child's parent:

(i) That includes offering the child the opportunity to sign the ITP signifying the child's understanding; and

(ii) Unless a circumstance exists ~~that~~^{that[which]} precludes engagement of the child or the child's parent from occurring and is documented in the child's case record; and

2. A supervision plan for the child ~~that~~^{that[which]}:

a. Is attached to the child's ITP;

b. Identifies the current supervision needs of and expectations for the child based upon the child's recent and past:

(i) Incidents;

(ii) High-risk behaviors; and

(iii) Needs identified in the assessment conducted pursuant to paragraph (a) of this subsection;

c. Includes goals and objectives for the child's improvement with tasks assigned to the child-placing agency and foster home parent;

d. Is signed and dated by the social ~~services~~^[service] worker and foster home parent; and

e. Remains a part of the child's record;

(c) Review a child's ITP and supervision plan on a quarterly basis or more frequently as the child's needs or circumstances dictate;

(d) Have a written agreement with the foster home stating the:

1. Responsibilities of the:

a. Child-placing agency; and

b. Foster home; and

2. Terms of each placement;

(e) Require a foster home to certify, in writing, that supervision from the child-placing agency or the state agency, which has custody of the child, shall be allowed;

(f) Document a placement in the foster home file;

(g) Report immediately to the state agency ~~that~~^{that[which]} has custody of the child if there is:

1. A hospitalization or life-threatening accident or illness;

2. An absence without official leave;

3. A suicide attempt;

4. Criminal activity by the child;

5. Death;

6. Possession of a deadly weapon by a child;

7. Change in address;

8. Change in the number of people living in the home; or

9. Significant change in the foster home, such as changes in health or income status of an individual living in the foster home;

(h) Establish policies and procedures for supervision of a foster home by a worker other than the social services worker assigned

to the foster home, who meets qualifications specified in Section 2(4)(c) of this administrative regulation to:

1. Include:
 - a. Frequency of an in-home visit with the foster parent;
 - b. Means of supervision;
 - c. Methods of supervision; and
 - d. Personnel conducting the supervision;
2. Ensure a foster child's placement stability and safety; and
3. Be individualized, as needed, for the:
 - a. Child; or
 - b. Foster home;
- (i) Identify and make available necessary supports to a foster home, including:
 1. A plan for respite care in accordance with Section 13 of this administrative regulation;
 2. Twenty-four (24) hour crisis intervention; and
 3. A foster home support group;
- (j) Assure that a child receives care and services, including independent living services:
 1. In accordance with Section 15[46] of this administrative regulation; and
 2. As prescribed by the child's needs as assessed in the child's ITP;
- (k) Provide information to a foster parent regarding the behavior and development of the child placed by the child-placing agency;
- (l) Inform the foster parent, in accordance with KRS 605.090(1)(b), of:
 1. Inappropriate sexual acts or sexual behavior of the child as specifically known to the child-placing agency; and
 2. Any behaviors of the child that indicate a safety risk for the placement;
- (m) Document each effort to:
 1. Protect the legal rights of the family and the child; and
 2. Maintain the bond between the child and the child's family, in accordance with the child's permanency plan;
- (n) Assure that a child shall have, for the child's exclusive use, clothing comparable in quality and variety to that worn by other children with whom the child may associate;
- (o) Be responsible for monitoring the child's school progress and attendance;
- (p) Secure psychological and psychiatric services, vocational counseling, or other services if indicated by the child's needs;
- (q) Reassess and document quarterly, in the child's ITP, placement and permanency goals, including independent living services, in accordance with Section 15[46] of this administrative regulation;
- (r) Conduct and document a face-to-face visit with the child at least once per month; and
- (s) Maintain foster care records in accordance with Section 16[47] of this administrative regulation.
- (8) Without prior notification to and written authorization from the Kentucky Interstate Compact Administrator, a child shall not be:
 - (a) Placed with a family that normally resides in another state; or
 - (b) Permitted to go with a person to take up residence in another state.
- (9)(a) An approved foster home in use shall be evaluated at least every three (3) years for compliance with responsibilities listed in the written agreement described in subsection (7)(d) of this section.
- (b) Results shall be recorded in the foster parent file.
- (10) Factors that shall result in a review of a foster home shall include:
 - (a) Death or disability of a family member;
 - (b) Sudden onset of a health condition that impairs a foster parent's ability to care for a child placed in the home;
 - (c) Change in marital status or home address;
 - (d) Sudden, substantial decrease in, or loss of, income;
 - (e) Child birth;
 - (f) Use of a form of punishment that includes:
 1. Cruel, severe, or humiliating actions;

2. Corporal punishment inflicted in any manner;
3. Denial of food, clothing, or shelter;
4. Withholding implementation of the child's ITP;
5. Denial of visits, telephone, or mail contacts with family members, unless authorized by a court of competent jurisdiction; and
6. Assignment of extremely strenuous exercise or work;
- (g) A report of abuse, neglect, or dependency that results in a finding that is:
 1. Substantiated; or
 2. Reveals concern regarding the care of the child;
- (h) If the foster parent is cited with, charged with, or arrested due to a violation of law other than a minor traffic offense;
- (i) An incident required to be reported in accordance with subsection (7)(g) of this section and Section 12(6) of this administrative regulation;
- (j) Other factors identified by a child-placing agency that jeopardize the physical, mental, or emotional well-being of the child; or
- (k) Failure to meet annual training requirements.
- (11) The documentation of a review, specified in subsection (10) of this section, shall contain:
 - (a) Identifying information;
 - (b) Current composition of the household;
 - (c) Description of the situation that initiated the review;
 - (d) An assessment of the family functioning to determine if the child's needs are met; and
 - (e) Corrective action that may include a recommendation for closure of the foster home.

Section 7. Orientation and Preparation of a Therapeutic Foster Care Home. (1) A child-placing agency shall maintain the orientation and preparation curriculum on file.

(2) Unless a therapeutic foster care home cares for a child in the custody of the cabinet and is subject to training requirements specified in 922 KAR 1:495, a child-placing agency shall provide a minimum of thirty-six (36) hours of orientation and preparation for a prospective therapeutic foster care parent that shall incorporate the following topic areas:

- (a) Child-placing agency program description with mission statement;
- (b) Information about the rights and responsibilities of the therapeutic foster care home;
- (c) Background information about a foster child and the child's family;
- (d) An example of an actual experience of a therapeutic foster care parent that has fostered a child;
- (e) Stages of grief;
- (f) Behaviors linked to each stage of grief;
- (g) Long-term effects on a child from separation and loss;
- (h) Permanency planning for a child, including independent living services;
- (i) Importance of attachment on a child's growth and development and the way a child maintains and develops a healthy attachment, including attachment disorder and associated behaviors;
- (j) Family functioning, values, and expectations of a therapeutic foster care home;
- (k) Changes that may occur in the home with placement of a child regarding:
 1. Family functioning;
 2. Family adjustment;
 3. Identity issues;
 4. Discipline issues and child behavior management; and
 5. Family disruption;
- (l) Specific requirements and responsibilities of a therapeutic foster care home;
- (m) Behavior management;
- (n) Communication skills;
- (o) Skill teaching;
- (p) Cultural competency;
- (q) Behavior management de-escalation techniques;
- (r) The dynamics of a child who has experienced sexual abuse

or human trafficking; and

(s) The effect of chemical abuse or dependence by the child or the child's biological parent.

(3) A therapeutic foster care home shall receive:

(a) A minimum of twenty-two (22)~~twenty-four (24)~~ hours of annual training; or

(b) Training in accordance with 922 KAR 1:495 if the home provides care to a child in the custody of the cabinet.

(4) A child-placing agency that provides therapeutic foster care shall maintain an ongoing therapeutic foster care preparation and training program that:

(a) Provides training to meet requirements of subsection (2) of this section; and

(b) Maintains a record of preparation and training completed.

Section 8. Additional Requirements for Therapeutic Foster Care. (1) A therapeutic foster care home shall accommodate the needs of a child who is unable to live with the child's own family and who:

(a) May benefit from care in a family setting; and

(b) 1. Has clinical or behavioral needs that exceed supports available in a foster home; or

2. Is transitioning from group care as part of the process of returning to family and community.

(2) Unless an exception is granted pursuant to subsection (3) of this section, the number of children residing in a therapeutic foster care home that does not care for a child in the custody of the cabinet shall be limited to a total of six (6) children, including no more than two (2) therapeutic foster care children.

(3) Justification for an exception to subsection (2) of this section shall be:

(a) Documented in the therapeutic foster care parent's file; and

(b) Authorized by the treatment director because a plan is in place with the foster care parent to ensure that the needs of all children in the home are met.

(4) Unless an exception is granted pursuant to subsection (5) of this section, the number of children residing in a therapeutic foster care home that cares for a child in the custody of the cabinet shall be limited to a total of four (4) children, including no more than two (2) therapeutic foster care children.

(5) To make a request for an exception to subsection (4) of this section, a child-placing agency shall follow the procedure set forth in Section 6(6)(b) of this administrative regulation.

(6) A treatment director shall supervise a treatment team and shall participate in the development of the ITP and the quarterly case consultation.

(7) A child-placing agency shall provide or contract, as specified in KRS 199.640(5)(a)2, for therapeutic services individualized for the child, as needed, at least two (2) times per month.

(8) A therapeutic foster care parent shall be responsible for:

(a) Participation in the development of an assessment, ITP, and supervision plan as specified in Section 6(7) of this administrative regulation;

(b) Facilitation of in-home services provided by a social services worker at least two (2) times per month;

(c) Adequate supervision of the child and implementation of components of the ITP, including daily log documentation as specified in the ITP;

(d) Working with the child-placing agency to promote stability and avoid disruption for the child; and

(e) Working with the child-placing agency in the development of a plan for the smooth transition of the child to a new placement, if there is a disruption.

(9) Except for a child who is the legal responsibility or in the custody of the cabinet or the Department of Juvenile Justice, a child-placing agency shall be responsible for:

(a) A preplacement conference, in a nonemergency placement, for the purpose of:

1. Developing permanency goals and a discharge plan for the child, including independent living services;

2. Developing a plan for the implementation of services;

3. Identifying the treatment goals; and

4. Developing a behavior management plan if applicable; and
(b) Inviting and encouraging attendance to the preplacement conference by:

1. The prospective therapeutic foster care home;

2. A respite care provider approved in accordance with Section 13(4) of this administrative regulation;

3. The child, if appropriate; and

4. The child's family.

(10) The social services worker shall:

(a) Have a face-to-face visit with a child and therapeutic foster care parent on the day of the child's placement;

(b) Have another face-to-face visit with the therapeutic foster care parent or child within ten (10) calendar days of the child's placement;

(c) Telephone or visit, on a weekly basis, at least one (1) of the therapeutic foster care parents of each child on the therapeutic foster care worker's caseload;

(d) Visit a therapeutic foster care parent a minimum of two (2) times a month with at least one (1) visit being in the foster home;

(e) Visit the foster child face-to-face a minimum of two (2) times a month with at least one (1) visit in the therapeutic foster care home and one (1) visit outside the foster home;

(f) Carry a caseload of not more than twelve (12) therapeutic foster care children, taking into account:

1. Required responsibilities other than the case management of a child in foster care;

2. Additional support, contact, and preparation needed by a therapeutic foster care home, due to the extent of the needs of the child served;

3. The intensity of services provided to the child and the child's family; and

4. Caseload expectations established in Section 2(4)(h) of this administrative regulation;

(g) Conduct a quarterly case consultation, including the:

1. Foster home;

2. Child's public agency worker;

3. Child-placing agency treatment director and social services worker; and

4. Child and the child's family of origin, to the extent possible;

(h) Identify the support needed by the foster family, including a:

1. Plan for respite care as provided in Section 13 of this administrative regulation;

2. Plan for twenty-four (24) hour on-call crisis intervention; and

3. Foster home support group;

(i) Recommend and prepare an aftercare plan for a child, prior to discharge from therapeutic foster care, to ensure a successful transition; and

(j) Document a quarterly case consultation and revision to a child's ITP as determined by the case consultations.

(11) A child-placing agency shall:

(a) Meet requirements specified in Section 6(1) through (3) and (7) through (11) of this administrative regulation; and

(b) ~~Reevaluate~~Annually reevaluate a therapeutic foster care home in accordance with Section ~~14~~15 of this administrative regulation.

Section 9. Child With Medical Complexity. (1) A child with medical complexity shall be:

(a) A child in the custody of the cabinet; and

(b) Determined by the cabinet to meet the child with medical complexity requirements established in~~of~~ 922 KAR 1:350.

(2) The decision to accept a child with medical complexity shall be optional to a child-placing agency.

(3) If a child placed with a child-placing agency in a non-medically complex foster home becomes medically complex in accordance with subsection (1) of this section, the Division of Protection and Permanency director or designee and child-placing agency shall reevaluate the placement and ensure the child's needs can be met.

Section 10. Preparation of a Medically Complex Foster Home.

(1) A child-placing agency shall create a medically complex foster home only if the child-placing agency has:

(a) Staff meeting qualifications established in Section 2(4) of this administrative regulation supervising the home, who have received medically complex training in accordance with subsection (2)(b) and (c) of this section; and

(b) A liaison established with the cabinet.

(2) A foster home shall be approved to care for a child with medical complexity by a child-placing agency if the foster home:

(a) Includes a primary caregiver who is not employed outside the home, unless approved in writing by designated cabinet staff;

(b) Completes training as specified in 922 KAR 1:495, Section 4;

(c) Maintains certification in:

1. Infant, child, and adult CPR; and

2. First aid;

(d) Is located within a:

1. One (1) hour drive of a medical hospital with an emergency room; and

2. Thirty (30) minute drive of a local medical facility; and

(e) Is evaluated in accordance with Section 4 of this administrative regulation.

(3) If the cabinet determines that a child currently in the care of a foster parent approved by the child-placing agency is a child with medical complexity in accordance with Section 9(1) of this administrative regulation, then the cabinet shall prioritize the foster home's enrollment in training as specified in subsection (2)(b) and (c) of this section.

(4) An approved medically complex foster home shall receive reapproval, if the foster home:

(a) Annually completes ongoing training as specified by subsection (2)(b) and (c) of this section; and

(b) Continues to meet the requirements in Section 14 [45] of this administrative regulation.

(5) Except for a sibling group or unless approved by designated cabinet staff in accordance with the DPP-112B, more than four (4) children, including the medically complex foster parent's own children, shall not reside in a medically complex foster home, with no more than two (2) children being medically complex or requiring therapeutic foster care.

(6) Unless an exception is approved by designated cabinet staff in accordance with the DPP-112B, a:

(a) One (1) parent medically complex foster home shall not care for more than one (1) child with medical complexity; and

(b) Two (2) parent medically complex foster home shall not care for more than two (2) children with medical complexity.

(7) If a placement would exceed a limit established by subsection (5) or (6) of this section, a child-placing agency shall request an exception in accordance with Section 6(6)(b) of this administrative regulation.

Section 11. Placement of a Child With Medical Complexity.

(1)(a) In addition to training required in Section 10(2)(b) and (c) of this administrative regulation, an approved medically complex foster parent shall receive training on how to care for the specific needs of a child with medical complexity placed in the home.

(b) The training shall be conducted by a health professional or a previous caregiver that was trained by a health professional.

(2) Unless an exception is granted by the director of the Division of Protection and Permanency or designee pursuant to subsection (3)(a) of this section, a child with medical complexity shall be placed in an approved medically complex foster home.

(3) A child-placing agency shall:

(a) Request an exception to subsection (2) of this section in accordance with Section 6(6)(b) of this administrative regulation;

(b) Provide case management services:

1. As described in Section 6(1) through (3), and (7) through (11) of this administrative regulation; and

2. In accordance with the child's:

a. Health plan developed by designated cabinet staff;

b. ITP; and

c. Supervision plan;

(c) Support the child's health plan developed by designated cabinet staff; and

(d) Conduct a face-to-face visit with the child at least two (2)

times per month.

Section 12. Expectations for a Foster Home, Therapeutic Foster Care Home, or Medically Complex Foster Home. An approved foster parent, medically complex foster parent, or therapeutic foster care parent shall:

(1) Provide a child placed by the child-placing agency with a family life, including:

(a) Nutritious food;

(b) Clothing comparable in quality and variety to that worn by other children with whom the child may associate;

(c) Affection;

(d) Life skills development;

(e) Recreational opportunities;

(f) Education opportunities;

(g) Nonmedical transportation;

(h) Opportunities for development consistent with the child's religious, ethnic, and cultural heritage;

(i) Adequate supervision;

(j) Independent living services for a child age fourteen ~~(14) [twelve (12) years of age]~~ or older; and

(k) Refraining from smoking in the direct presence of a child for whom their physician recommends, in writing, a smoke-free environment.

(2) Permit a child-placing agency and staff of a state agency to visit the home;

(3) Share with the child-placing agency and, if applicable, staff of the state agency that[which] has custody of the child, information about the child placed by the child-placing agency;

(4) Notify the child-placing agency fourteen (14) calendar days prior if the home is approved to provide foster or adoptive services through another private child-placing agency or the cabinet;

(5) Notify the child-placing agency prior to:

(a) Leaving the state with a child placed by the child-placing agency for more than twenty-four (24) hours; or

(b) Allowing a child placed by the child-placing agency to be absent from the foster home for more than twenty-four (24) hours;

(6) Report immediately to the child-placing agency through which the child is placed if there is:

(a) A hospitalization or life-threatening accident or illness;

(b) An absence without official leave;

(c) A suicide attempt;

(d) Criminal activity by the child;

(e) Death of any member in the household;

(f) A child's possession of a deadly weapon;

(g) Change in address;

(h) Change in the number of people living in the home;

(i) Significant change in circumstance in the foster home; or

(j) Failure of the foster child or foster parent to comply with the supervision plan;

(7) Cooperate with the child-placing agency if child-placing agency staff arranges for a child, placed in the foster home by the child-placing agency, and the child's birth family regarding:

(a) Visits;

(b) Telephone calls; or

(c) Mail;

(8) Surrender a child or children to the authorized representative of the child-placing agency or the state agency, which has custody of the child, upon request;

(9) Keep confidential all personal or protected health information as shared by the cabinet or child-placing agency, in accordance with KRS 194A.060 and 45 C.F.R. Parts 160 and 164, concerning a child placed in a home or the child's birth family;

(10) Support an assessment of the service needs, including respite care, and the development of an ITP, including the supervision plan, of a child placed by the child-placing agency;

(11) Participate in a case planning conference concerning a child placed by the child-placing agency;

(12) Cooperate with the implementation of the permanency goal established for a child placed by the child-placing agency;

(13) Ensure that a child in the custody of the cabinet receives the child's designated per diem allowance;

(14) Facilitate the delivery of medical care to a child placed by

the child-placing agency as needed, including:

- (a) Administration of medication to the child and daily documentation of the administration; and
- (b) Physicals and examinations for the child;
- (15) Treat a child placed by the child-placing agency with dignity;
- (16) Report suspected incidents of child abuse, neglect, and exploitation in accordance with KRS 620.030; and
- (17) Comply with general supervision and direction of the child-placing agency or, if applicable, the state agency that has custody of the child, concerning the care of the child placed by the child-placing agency.

Section 13. Respite for Foster Care, Medically Complex Foster Care, or Therapeutic Foster Care. (1) The child-placing agency shall develop written policies and procedures to address the respite care needs of a child or a foster parent.

(2) Respite care shall not be used as a means of placement for a child.

(3) Respite care shall be in accordance with Section 3(2) of this administrative regulation.

(4) The child-placing agency shall not approve a respite care provider unless the provider meets requirements specified by Section 4(3)(b), (d), and (m) through (u) of this administrative regulation.

(5) A respite care provider shall:

(a) Receive, from the agency or foster parent, preparation for placement of a child, including:

- 1. Information in accordance with KRS 605.090(1)(b); and
- 2. Information regarding the supervision plan of the child;

(b) Provide adequate supervision in accordance with the child's supervision plan;

- (c) 1. Give relief to a foster parent caring for a child; or
- 2. Provide for an adjustment period for a child;

(d) Meet the requirements of Section 6(4) through (6) of this administrative regulation; and

(e) Meet the requirements of Section 8(4) of this administrative regulation if the provider cares for a child requiring therapeutic foster care.

(6) A respite care provider for a child with medical complexity shall:

(a) Meet the requirements of Section 10(4)(b), (5), and (6) of this administrative regulation;

(b) Receive training on how to meet the specific needs of the child with medical complexity from:

- 1. A health professional; or
- 2. The foster parent trained by a health professional; and

(c) Maintain certification in:

- 1. Infant, child, and adult CPR; and
- 2. First Aid.

Section 14. ~~[Private Placement Process. Except for a child in the custody of or otherwise made the legal responsibility of the cabinet or the Department of Juvenile Justice, a child-placing agency shall follow the procedures established by this section if a private placement is conducted.~~

~~(1) For a child being placed with a child-placing agency, the child-placing agency shall obtain an:~~

~~(a) Agreement for voluntary care signed by the custodian; or~~

~~(b) Order from a court of competent jurisdiction placing the child into the custody of the child-placing agency.~~

~~(2) The child-placing agency shall:~~

~~(a) Complete an intake assessment of the strengths and needs of the child and the child's family of origin; and~~

~~(b) Ascertain the appropriateness of the referral for the child.~~

~~(3)(a) The child-placing agency shall develop an ITP individualized for a child and the child's family based on an individualized assessment of the child's and family's needs:~~

- ~~1. Within thirty (30) days of the child's placement with the child-placing agency; or~~
- ~~2. Prior to the child being placed out of state.~~

~~(b) An exception to the requirement specified in paragraph (a) of this subsection may be made for a child:~~

~~1. Under the age of twelve (12) months; and~~

~~2. With no extraordinary needs.~~

~~(c) The assessment shall be revised as needed.~~

~~(d) The assessment and ITP shall include the type and extent of services to be provided to the child and the child's family.~~

~~(e) Assessment of the child shall include consideration of the following history:~~

~~1. Behavioral health treatment;~~

~~2. Trauma;~~

~~3. Risk for harm to self or others; and~~

~~4. Past behaviors or safety issues that could increase the likelihood of placement disruption.~~

~~(4) Unless not in the best interest of the child, the child, parent, and foster parent shall be included in developing the assessment and ITP.~~

~~(5)(a) The foster home selected for placement shall be the most appropriate home based on the child's needs and the strengths of the foster family.~~

~~(b) The foster home shall be located as close as possible to the home of the family of origin, in order to facilitate visiting and reunification.~~

~~(6)(a) The social services worker and the foster parent shall work collaboratively to prepare the child prior to the placement.~~

~~(b) Unless a circumstance precludes preparation and the circumstance is documented in the case record, a child shall have a period of preparation prior to the placement in the foster home.~~

~~(7) The child-placing agency shall:~~

~~(a) Provide or arrange for services to support reunification for a child for whom family reunification is the goal;~~

~~(b) Assess and document the parent's capacity for reunification quarterly;~~

~~(c) Provide for review of the child in order to evaluate the progress toward achieving the child's permanency goal every six (6) months; and~~

~~(d) Assure that foster care continues to be the best placement for the child.~~

~~(8)(a) Services to the family of origin and to the child shall be adapted to their individual capacities, needs, and problems.~~

~~(b) A reasonable effort shall be made to return the child to the family of origin.~~

~~(9) Planning for the child regarding treatment program matters, including visitation, health, education, and permanency goals, shall be developed in collaboration with the:~~

~~(a) Family of origin;~~

~~(b) Treatment director;~~

~~(c) Social services worker; and~~

~~(d) Foster home.~~

~~(10)(a) The child-placing agency shall work with a foster home to promote stability and avoid disruption for a child, to include:~~

- ~~1. Services specified in Section 6(1) through (3), and (7) through (11) of this administrative regulation; and~~
- ~~2. Reevaluation of the foster home in accordance with Section 15 of this administrative regulation.~~

~~(b) A request for the removal of a child from a foster home shall be explored immediately and shall be documented by the social services worker.~~

~~(c) If disruption is unavoidable, the child-placing agency and foster home shall develop a plan for the smooth transition of the child to a new placement.~~

~~(11)(a) Preparation for the return of a child to the family of origin shall be supervised by a social services worker.~~

~~(b) The family shall participate in planning for the child's return.~~

~~(c) If regular contact with the child's family does not occur, a plan for the child's return shall include at least one (1):~~

~~1. Prior visit between the child and the family; and~~

~~2. Preliminary visit of the child to the child's family home.~~

~~(12) The child-placing agency shall recommend a plan for aftercare services for a child and the child's family.~~

Section 15.] Reevaluation of an Approved Adoptive Home Awaiting Placement or an Approved Foster Home.

(1) Every third year during the initial approval month, a child-placing agency shall:

(a) Conduct a personal interview in the home with an approved:

1. Adoptive home awaiting placement; or
2. Foster home; and

(b) Assess:

1. Any change in the home;
2. The ability of the home to meet the needs of a child placed in the home; and

3. The home's continued compliance with the requirements of this administrative regulation in:

a. Section 4(3)(g), (i), and (k) through (u), and Section 4(5) through ~~(12)~~~~(14)~~ of this administrative regulation, with regard to evaluation, if the home is approved as a foster or adoptive home;

b. Sections 6(9)(a) and 12 of this administrative regulation, with regard to case management and expectations, if the home is approved as a foster home; and

c. (i) Sections 5(1)(c) or 7(3)(a) of this administrative regulation, with regard to annual training, if the home is approved as a foster home; and

(ii) 922 KAR 1:495 with regard to annual training if the home is approved to receive a child in the custody of the cabinet; and

~~d. Section 18(3) of this administrative regulation, with regard to annual training, if the home is approved as an adoptive home.]~~

(2) After initial approval, a foster parent, an adoptive parent awaiting placement, a respite care provider, or a member of a foster or adoptive parent's household shall comply with a child-placing agency's request for a statement regarding the parent, provider, or household member's general health and medical ability to care for a child.

~~[(3) If a prospective adoptive home is awaiting an international adoption, the child-placing agency shall conduct a reevaluation of the home once every eighteen (18) months.]~~

Section 15.~~[Section 16.]~~ Independent Living Services. A child-placing agency shall:

(1) Provide independent living services:

(a) To a child:

1. In the custody of a state agency; and

2. Who is fourteen (14)~~twelve (12)]~~ to twenty-one (21) years of age;

(b) Directly or indirectly through a foster parent with whom the child is placed;

(c) As prescribed in the child's ITP; and

(d) In accordance with 42 U.S.C. 677(a); and

(2) Teach independent living:

(a) To a child:

1. In the custody of a state agency; and

2. Eighteen (18)~~Sixteen (16)]~~ years of age and older; and

3(1)(a). (b) Developed in accordance with 922 KAR 1:340, Section 3(1)(a).

Section 16.~~[Section 17.]~~ Maintenance of a Foster Care, Medically Complex Foster Care, or Therapeutic Foster Care Record.

(1)(a) The child-placing agency shall maintain a record on each child and foster home, including medically complex foster homes and therapeutic foster care homes.

(b) The child's record and the foster home record shall show the reason for placement change and steps taken to ensure success.

(c) A case record shall be maintained in conformity with existing laws and administrative regulations pertaining to confidentiality, pursuant to KRS 199.430(3), 199.640, and 45 C.F.R. Parts 160 and 164.

(2) The record of the child, including information of the child's family, shall include:

(a) Identifying information for child, parent, and foster home;

(b) Commitment order or custodian's consent for admission;

(c) Birth and immunization certificate;

(d) Educational record;

(e) Medical and dental record since placement;

(f) Social history and assessment;

(g) ITP and review;

(h) Supervision plan and updates to the plan;

(i) Permanency goals, including independent living services;

(j) Incident reports, including details of the child's behavior and supervision at the time of the incident;

(k) Monthly progress notes based on the ITP and supervision plan;

(l) Quarterly revisions to the child's ITP;

(m) Correspondence with the:

1. Court;

2. Family;

3. Department for Community Based Services; or

4. Department of Juvenile Justice;

(n) Discharge report; and

(o) Aftercare plan.

(3) The foster home's record shall include documentation relating to the:

(a) Orientation and preparation of the home, including all adult caregivers in the household;

(b) Required preparation hours and the topics covered;

(c) Placement of the child;

(d) Narrative summary of the initial and subsequent foster home's home study evaluation;

(e) Supervision of the foster home, including critical incidents;

(f) 1. Annual training requirements that are met in accordance with Section 5(3)~~[5(1)(c)]~~ of this administrative regulation by the foster parent and all adult caregivers in the household; or

2. If applicable, annual training requirements in accordance with Section 7(3) or 10 of this administrative regulation;

(g) Background checks in accordance with Sections 4(3)(m) and 14(1)(b)3.a~~[15(1)(b)3.a]~~ of this administrative regulation;

(h) Copy of any placement exceptions granted; and

(i) If applicable, copy of the written statement of the foster home's closure completed pursuant to Section 18(5)~~[22(5)]~~ of this administrative regulation.

(4) A child-placing agency shall:

(a) Maintain a child or foster home's record for at least three (3) years;

(b) After three (3) years of inactivity:

~~[1.] Archive the record and maintain~~~~[have it transferred to one (1) of the cabinet's designated record centers; or~~

~~2. Maintain] the record in accordance with 725 KAR 1:061 within the child-placing agency;~~

(c) Transfer the record to the cabinet, if:

1. The agency ceases operations; and

2. No other operational governing entity exists; and

(d) Make available all records maintained by the agency to the cabinet or its designee upon request.

Section 17.~~[Section 18.]~~ Orientation and Preparation of an Adoptive Home for a Child Not in the Custody of the Cabinet. For a child not in the custody of the cabinet, a child-placing agency shall:

~~(1) Prepare and maintain the orientation and preparation curriculum on file;~~

~~(2) Provide orientation and preparation to a prospective adoptive home in accordance with the child-placing agency's policies and procedures to include the following:~~

~~(a) An example of an actual experience from a parent who has adopted a child;~~

~~(b) Challenging behavior characteristics of an adoptive older child;~~

~~(c) Referral resources for a developmental delay;~~

~~(d) Transition issues with focus on stages of grief, and a honeymoon period;~~

~~(e) Loss and the long-term effects on a child;~~

~~(f) Attachment and identity issues of the child;~~

~~(g) Cultural competency;~~

~~(h) Medical issues including referral resources;~~

~~(i) Family functioning, family values, and expectations of an adoptive home;~~

~~(j) Identification of changes that may occur in the family unit upon the placement of a child to include:~~

~~1. Family adjustment and disruption;~~

~~2. Identity issues; and~~

3. Discipline; and

(k) Financial assistance available to an adoptive home; and

(3) Ensure that an approved adoptive home awaiting the placement of a child receives adoptive home training annually in accordance with the child-placing agency's established policies and procedures.

Section 19. Adoption Placement Process For a Child Not in the Custody of the Cabinet. (1) A child shall not be placed for adoption until the:

(a) Adoptive home has been approved;

(b) Parental rights of the mother, legal or birth father, and putative father of the child, if not the same person as the legal father, are terminated by a circuit court order entered pursuant to KRS Chapter 625; and

(c) Child is placed with the child-placing agency for the purpose of adoption placement.

(2) A child's parent shall not be induced to terminate parental rights by a promise of financial aid or other consideration.

(3)(a) A child-placing agency licensed by the cabinet shall not use the authority authorizing the agency to place a child for adoption to facilitate an adoptive placement planned by a doctor, lawyer, clergyman, or person or entity outside the child-placing agency.

(b) The child-placing agency shall comply with provisions of 922 KAR 1:010.

(4) The child-placing agency shall obtain the following:

(a) A developmental history of the adoptive child to include:

1. Birth and health history;

2. Early development;

3. Characteristic ways the child responds to people and situations;

4. Any deviation from the range of normal development;

5. The experiences of the child prior to the decision to place the child for adoption;

6. Maternal attitude during pregnancy and early infancy;

7. Continuity of parental care and affection;

8. Out-of-home placement history;

9. Separation experiences; and

10. Information about the mother, legal father, and putative father, if not the same person as the legal father, and family background:

a. That may affect the child's normal development in order to determine the presence of a significant hereditary factor or pathology; and

b. Including an illness of the biological mother or father;

(b) A social history of the biological or legal parent, to include:

1. Name;

2. Age;

3. Nationality;

4. Education;

5. Religion or faith; and

6. Occupation;

(c) Information obtained from direct study and observation of the child by a:

1. Social services worker; and

2. Physician or other health professional;

(d) If indicated, information obtained from direct study and observation of the child by a:

1. Foster parent;

2. Nurse;

3. Psychologist; or

4. Other consultants; and

(e) Information from the mother, if possible, identifying the biological father, or legal father, if different from the biological father, for the purpose of:

1. Determining the father's parental rights; and

2. Establishment of possible hereditary endowments.

(5) If either biological or legal parent is unavailable, unwilling, or unable to assist with the completion of information necessary to comply with KRS 199.520 and 199.572, the child-placing agency shall document information, to the extent possible, from the existing case record.

(6) Prior to finalization of the adoptive placement, a licensed physician or other health professional shall make a medical examination to determine:

(a) The state of the child's health;

(b) Any significant factor that may interfere with normal development; and

(c) The implications of any medical problem.

(7) The condition under which an adoptive home agrees to accept the child shall be decided upon, prior to placement of the child. The written agreement between the child-placing agency and the adoptive home shall embody the following provisions:

(a) The adoptive home shall agree to:

1. Comply with KRS 199.470;

2. File an adoptive petition at a time agreeable to the adoptive home and the child-placing agency; and

3. Permit supervision by the child-placing agency in accordance with the child-placing agency's policies and procedures:

a. After placement; and

b. Preceding a final judgment of adoption by the circuit court;

(b) The child-placing agency shall be responsible for providing the adoptive home with written information regarding the child's:

1. Background;

2. Medical history;

3. Current behavior; and

4. Medical information necessary to comply with KRS 199.520(4)(a); and

(c) The adoptive home and the child-placing agency shall agree that the child may be removed from the placement, at the request of either party, before the filing of the adoptive petition.

(8)(a) Preplacement visits shall be arranged for the adoptive home and a child.

(b) The pattern and number of visits shall be based on the child's:

1. Age;

2. Development; and

3. Needs.

(9) During preparation, the child-placing agency shall discuss the child's readiness to accept the selected placement with the child, in accordance with the child's age and ability to understand.

(10)(a) Unless the child-placing agency and, if applicable, the state agency which has custody of a child belonging to a sibling group, determines that it is more beneficial for siblings to be placed in separate adoptive homes, siblings who have had a relationship with each other shall be placed together.

(b) If siblings have been separated in placements:

1. The case record shall reflect a valid basis for the separation;

2. The decision to separate siblings shall be made by the executive director of the child-placing agency; and

3. Continued contact between siblings shall be maintained, if possible.

(11) A child-placing agency shall comply with Section 6(1)(b) of this administrative regulation during the process of placing a child in a prospective adoptive home.

Section 20. Supervision of an Adoptive Placement of a Child Not in the Custody of the Cabinet. (1) For a child not in the custody of the cabinet, the child-placing agency placing a child shall remain responsible for the child until the adoption has been granted. This responsibility shall involve the following:

(a) Two (2) meetings by the social services worker with the child and the adoptive home, including both adoptive parents if not a single parent adoption, one (1) visit of which shall be in the adoptive home before filing of the adoption petition;

(b) The continuation of case management, visits, and telephone contacts based upon the needs of the child until the adoption is legally granted; and

(c) Awareness of a change in the adoptive home including health, education, or behavior.

(2) Upon request of the cabinet, the child-placing agency shall:

(a) Provide information pursuant to KRS 199.510, as necessary to report to the court to proceed with adoption;

(b) Prepare and provide the original confidential report to the

court; and

(c) Forward to the cabinet a copy of:

1. The confidential report that was provided to the court; and
2. Information required by KRS 199.520 and 199.572.

(3) If the court finds the adoptive home to be unsuitable and refuses to grant a judgment, the child-placing agency shall remove the child from the home.

~~Section 21.] Maintenance of Adoptive Case Record.~~ (1) The child-placing agency shall maintain a case record from the time of the application for services through the completed legal adoption and termination of child-placing agency services for:

- (a) A child accepted for care and the child's family; and
- (b) An adoptive applicant.

(2) The case record shall contain material on which the child-placing agency decision may be based and shall include or preserve:

- (a) Information and documents needed by the court;
- (b) Information about the child and the child's family;
- (c) A narrative or summary of the services provided with a copy of legal and other pertinent documents; and
- (d) Information gathered during the intake process including the following:

1. A description of the situation that necessitated placement of the child away from the child's family or termination of parental rights;

2. A certified copy of the order of the circuit court terminating parental rights and committing the child to the child-placing agency for the purpose of adoption;

3. Verification of the child's birth record and the registration number;

4. A copy of the child's medical record up to the time of placement;

5. A copy of the required evaluation of the adoptive placement;

6. Date of adoptive placement;

7. A statement of the basis for the selection of this adoptive home for the child;

8. A record of after-placement services with dates of:

- a. Visits;
- b. Contacts;
- c. Observations;
- d. Filing of petition;
- e. Granting of judgments; and
- f. Other significant court proceedings relative to the adoption;

and

9. Child's adoptive name; and

10. ~~Verification of preparation and orientation and annual training in accordance with Section 18 of this administrative regulation].~~

(3) If there is a need to share background information with a party to a completed adoption, or to have the benefits of information from a closed adoption record to offer services following completion of an adoption, the child-placing agency shall comply with KRS 199.570.

(4) Records on adoption that contain pertinent information shall be:

- (a) Maintained indefinitely following final placement of a child; and

- (b) Sealed and secured from unauthorized scrutiny.

(5) A child-placing agency shall submit adoptive case records to the cabinet, if:

- (a) The child-placing agency closes; and
- (b) No other operational governing entity exists.

~~Section 18.] Closure of an Approved Foster or Adoptive Home.~~ (1) A foster or adoptive home shall be closed if:

- (a) Sexual abuse or exploitation by a resident of the household is substantiated;

- (b) Child maltreatment by a resident of the household occurs that is serious in nature or warrants the removal of a child;

- (c) A serious physical or mental illness develops that may impair or preclude adequate care of the child in the home; or

- (d) The home fails to meet requirements of this administrative

regulation in:

1. Section 4(3)(g), (i), and (k) through (u), and Section 4(5) through ~~(12)]~~ of this administrative regulation, with regard to evaluation, if the home is approved as a foster or adoptive home;

2. Sections 6(9)(a) and 12 of this administrative regulation, with regard to placement and case management, if the home is approved as a foster home; and

3. Sections 5, 7, or 10 of this administrative regulation, with regard to annual training, if the home is approved as a foster home. An exception to this subparagraph may be granted by the Division of Protection and Permanency director or designee for a foster parent caring for a child in the custody of the cabinet if it is in the best interest of a child placed in the foster home to allow the exception. If an exception is approved for a foster parent caring for a child in the custody of the cabinet, a new or additional child shall not be placed in the home until the foster parent has met the training requirement; and

4. ~~Section 18(3) of this administrative regulation, with regard to annual training, if the home is approved as an adoptive home.]~~

- (2) A foster or adoptive home may be closed:

- (a) In accordance with the terms specified in the written agreement between the child-placing agency and the foster or adoptive home; or

- (b) In accordance with the terms specified in the written contract between the cabinet and the child-placing agency.

- (3) If closure of an approved foster or adoptive home is necessary, a child-placing agency shall:

- (a) State the reason for the closure in a personal interview with the family unless the family refuses or declines the personal interview; and

- (b) Document the reason in the foster or adoptive home's case record; and

- (c) Submit closure information, including the cause for closure, in the foster care registry maintained by the department within fourteen (14) days.

- (4) A child-placing agency shall confirm the decision to close a home in a written notice to the foster or adoptive parent. The notice shall be provided within fourteen (14) calendar days of the interview with a foster or adoptive parent. If the foster or adoptive parent refuses to be interviewed, the notice shall be provided within fourteen (14) calendar days of the foster or adoptive parent's refusal.

- (5) The written notice shall include:

- (a) Date of approval and termination; and

- (b) Indication of whether the closure was at the request of the foster parents or the agency.

~~Section 19.] Foster Care Registry.~~ (1) A child-placing agency shall check the foster care registry for a foster home applicant prior to approval.

- (2) A child-placing agency shall register a foster home with the cabinet, approved by the child-placing agency, to include medically complex foster homes and therapeutic foster care homes.

- (3) ~~(2)]~~ Information shall be provided to the cabinet in a format prescribed by the cabinet, to include:

- (a) The foster parent's:

1. Full name;
2. Social Security number; and
3. Address, including county of residence;

- (b) The child-placing agency's:

1. Name; and
2. Mailing address;

- (c) 1. The date the foster home was:

- a. Approved;
- b. Denied;
- c. Withdrawn; or
- d. Closed; and
2. The reason for the change in the foster home status; and
- (d) Whether the foster home is currently active or inactive.

- (3) ~~Subsection (2)(c) shall have a delayed implementation due to the integration of technology, but shall be effective no later than October 30, 2019.]~~

Section 20.~~[Section 24.]~~ Emergency Preparedness. Each foster home shall submit an emergency preparedness plan to the private agency that would allow the agency to identify, locate, and ensure continuity of services to children who are in the custody or control of the cabinet or agency.

Section 21.~~[Section 25.]~~ Incorporation by Reference. (1) The "DPP-112B, Private Child-Placing Agency Placement Exception Request", 02/22[4/19], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main, 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/dcbcs/Pages/default.aspx>.

MARTA MIRANDA-STRAUB, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 22, 2022

FILED WITH LRC: March 1, 2022 at 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 23, 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 May 16, 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 May 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 standards for child-placing agencies who provide contracted foster care placements for children in the custody of the cabinet.

(b) The necessity of this administrative regulation: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services (CHFS) to promulgate, administer, and enforce programs mandated by federal law or to qualify for the receipt of federal funds. KRS 199.640(5)(a) requires CHFS to promulgate administrative regulations establishing basic standards of care and service for child-caring and child-placing agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is necessary to implement programs mandated by federal law and to qualify for the receipt of federal funds, establishes basic standards of care and service for child-placing agencies, and implements the provision of KRS Chapter 605.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation conforms to KRS 194A.050(1), 199.640(5)(a), and 605.150(1) by establishing standards for child-placing agencies.

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

(a) How the amendment will change this existing administrative regulation: This amendment establishes requirements related to the foster home registry that were passed in House Bill 312 of the 2020 Regular Session and codified in KRS 199.660. The amendment includes actions that must be taken by a child-placing agency related to foster homes that are or have been closed for cause or put under corrective action. This amendment removes the standards that apply to a private child-placing agency that places children who are not in the custody of the cabinet into foster or adoptive homes. A new administrative regulation, 922 KAR 1:315, has been drafted to contain those standards. Amendment to this administrative regulation was also necessary to provide consistency with amendments being made to 922 KAR 1:340 relating to independent living programs and services. The incorporated material, the DPP-112B, is being amended to include the proposed or actual placement date.

(b) The necessity of the amendment to this administrative regulation: This amendment includes processes for child-placing agencies that were required by legislation that passed in 2020 and have been placed in contract since that time. This amendment was also necessary to conform to the amendment of 922 KAR 1:340 related to independent living programs and services. Federal model standards for foster homes were also recently released causing the cabinet to establish those standards in a separate administrative regulation, the newly-promulgated 922 KAR 1:315. Standards affecting those agencies are being eliminated from this administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 194A.050(1) requires the cabinet to promulgate, administer, and enforce programs mandated by federal law or to qualify for the receipt of federal funds. KRS 199.640(5)(a) requires the cabinet to promulgate administrative regulations establishing basic standards of care and service for child-caring and child-placing agencies. This amendment incorporates federal standards into the procedures of child-placing agencies.

(d) How the amendment will assist in the effective administration of the statutes: This amendment maintains basic standards of care and service for child-placing agencies placing children who are in the custody of the cabinet.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As of January 2, 2022, there were 3,259 children in the custody of the cabinet placed in private child-placing foster homes (Source TWS-W058, January 2022 Foster Care FACTS). There are currently thirty private child-placing agencies licensed to place children in the custody of the cabinet.

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

(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: Child-placing agencies are required to meet the requirements contained in KRS 199.660 related to the closure or corrective action of a foster home. Child-placing agencies that also place children who are not in the custody of the cabinet will be regulated pursuant to 922 KAR 1:315 in addition to this administrative regulation.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Child-placing agencies have additional requirements (pursuant to KRS 199.660) to meet regarding foster homes that are or have been closed for cause or put under a corrective action, which will help ensure that children placed in those homes are safe and treated appropriately.

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

(a) Initially: The foster home registry has already been implemented and standards for child-placing agencies are already established; therefore, there is not a cost to implement this administrative regulation.

(b) On a continuing basis: The foster home registry has already been implemented and standards for child-placing agencies are already established; therefore, there is not a cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: General Funds and Title IV-E funds are used in the implementation of 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: This amendment does not contain an increase in fees or funding.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation is applied in a like manner statewide for agencies that place children in the custody of the cabinet.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 16 C.F.R. 1219-1220, 45 C.F.R. Parts 160, 164, 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. 677(a), 14901-14954

(2) State compliance standards. KRS 194A.050(1), 199.640(5)(a), 605.150(1)

(3) Minimum or uniform standards contained in the federal mandate. 16 C.F.R. 1219-1220, 45 C.F.R. Parts 160, 164, 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. 677(a), 14901-14954

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services, Department for Community Based Services and the Office of Inspector General, will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 199.640(5)(a), 605.150(1), 16 C.F.R. 1219-1220, 45 C.F.R. Parts 160, 164, 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. 677(a), 14901-14954

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

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

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

(c) How much will it cost to administer this program for the first year? The administrative body projects costs associated with implementation of this administrative regulation will be within existing appropriations for the first year. General Fund and Title IV-E funds are used in the implementation of this program.

(d) How much will it cost to administer this program for subsequent years? The administrative body projects costs associated with the implementation of this administrative regulation will be within existing appropriations for subsequent years. General Fund and Title IV-E funds are used in the implementation of this program.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES Department for Community Based Services Division of Protection and Permanency (Amendment)

922 KAR 1:340. Standards for independent living programs.

RELATES TO: KRS 2.015, [194A.050, 194A.060, 199.011, 199.430(3), 199.640, 199.650-199.670,] 600.020, [605.090(1), 610.110(6), 620.140(1)(d), 42 U.S.C. 677(a)(1)-(6)]

STATUTORY AUTHORITY: KRS 194A.050(1), 199.640(5)(a), 605.150(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.640(5)(a) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies. KRS 605.150(1) permits the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This administrative regulation establishes basic standards of care for independent living programs.

Section 1. Definitions. (1) "Aftercare" means services provided to the child after discharge from a child-placing agency.

(2) "Cabinet" is defined by KRS 194A.005(1) and 600.020(7)[~~600.020(6)~~].

(3) "Child" means:

(a) A child as defined by KRS 199.011(4) and 600.020(9)[~~600.020(8)~~];

(b) A person age eighteen (18) or older whose commitment to the cabinet has been extended or reinstated by a court in accordance with KRS 610.110(6) or 620.140(1)(d); or

(c) A person under age twenty-one (21) who meets the exceptions to the age of majority in accordance with KRS 2.015.

(4) "Child-placing agency" is defined by KRS 199.011(6)[~~199.011(7)~~].

(5) "Community resource" means a service or activity available in the community in addition to those provided by the child-placing agency in the care and treatment of a child.

(6) "Independent living program" means a planned program that:

(a) Is licensed by the cabinet and designed to teach a child age eighteen (18)[~~sixteen (16)~~] or older life skills that enable a child to become self-sufficient; and

(b) Meets the requirements established[~~specified~~] in Section 3(1) of this administrative regulation.

(7) "Independent living services" means services provided to

an eligible child age fourteen (14) or older, as specified in 922 KAR 1:310, Section 15[46], to assist the child in the natural progression from adolescence to adulthood~~[transition from dependency of childhood to living independently]~~.

(8) "Individual treatment plan" or "ITP" means a plan of action developed and implemented to address the needs of a child.

(9) "Social services" means a planned program of assistance to help an individual move toward a mutual adjustment of the individual and the individual's environment.

(10) ~~"Social services worker" means a person who meets the qualifications established within 922 KAR 1:310, Section 2.~~

(11) "Supervision plan" means a written supplement to a child's ITP, developed in accordance with 922 KAR 1:310, Section 6, that details a child-placing agency's roles and responsibilities to assure adequate supervision of a child in the agency's care, including those roles and responsibilities delegated to a foster home parent.

Section 2. Administration and Operation. (1) Licensing procedures for an independent living program shall be:

(a) In compliance with 922 KAR 1:310 for a private child-placing agency; and

(b) Administered pursuant to 922 KAR 1:305.

(2) An independent living program shall meet the requirements of 922 KAR 1:310, Section 15[46].

Section 3. Independent Living Programming and Services~~[Program]~~. (1) A child-placing agency providing independent living programming shall be in compliance with 922 KAR 1:310, Section 15[46], and staff shall:

(a) Conduct and document an assessment of the child's skills and knowledge:

1. Within fourteen (14) days of a child's placement with the child-placing agency and provision of services by the agency's independent living program; and

2. Using a tool to assess:

a. Money management and consumer awareness;

b. Job search skills;

c. Job retention skills;

d. Use of and access to:

(i) Community resources;

(ii) Housing; and

(iii) Transportation;

e. Educational planning;

f. Emergency and safety skills;

g. Legal knowledge;

h. Interpersonal skills, including communication skills;

i. Health care knowledge, including knowledge of nutrition;

j. Human development knowledge, including sexuality;

k. Management of food, including food preparation;

l. Ability to maintain personal appearance;

m. Housekeeping; and

n. Leisure activities;

(b) Develop and update quarterly a written ITP within thirty (30) calendar days of a child's placement in an independent living program, to include:

1. Educational, job training, housing, and independent living goals;

2. Objectives to accomplish a goal;

3. Methods of service delivery necessary to achieve a goal and an objective;

4. Person responsible for each activity;

5. Specific timeframes to achieve a goal and an objective;

6. Identification of a discharge plan;

7. Plan for aftercare services; and

8. Plan for services from community resources;

(c) Maintain written policies and procedures for the independent living program;

(d) Train and document the training provided to designated independent living staff within thirty (30) days of employment on:

1. Content of the independent living curriculum;

2. Use of the independent living materials;

3. Application of the assessment tool;~~[-and]~~

4. Documentation methods used by the child-placing agency;

5. State and federal benefits available to current and former foster children;

6. State information web portals for foster children; and

7. Social media resources and regional independent living specialists available to foster children; and

(e) Maintain, ~~[-and]-~~teach, and support independent living in accordance with 42 U.S.C. 677(a), including:

1. Obtaining a high school diploma or equivalency and post-secondary education;

2. Obtaining vocational training;

3. Financial literacy, money management, and consumer awareness;

4. Career exploration and

~~[2.]~~ job search skills;

5.~~[3.]~~ Job placement and retention skills;

6.~~[4.]~~ Educational planning;

5.~~[5.]~~ Community resources;

7.~~[6.]~~ Securing stable housing;

8.~~[7.]~~ Transportation, including driving instruction;

9.~~[8.]~~ Emergency and safety skills;

10.~~[9.]~~ Legal skills;

11.~~[10.]~~ Interpersonal skills, including communication skills;

12.~~[11.]~~ Health care, including nutrition, smoking avoidance, and preventive health activities;

13.~~[12.]~~ Human development, including sexuality and pregnancy prevention;

14.~~[13.]~~ Food management, including food preparation;

15.~~[14.]~~ Maintaining personal appearance;

16.~~[15.]~~ Housekeeping;

17.~~[16.]~~ Leisure activities;

18.~~[17.]~~ Voting rights and registration;

19.~~[18.]~~ Registration for selective service, if applicable;

20.~~[19.]~~ Self-esteem;

21.~~[20.]~~ Anger and stress management;

22.~~[21.]~~ Problem-solving skills;~~[-and]~~

23.~~[22.]~~ Training and the opportunity to practice daily living skills;

24. Substance abuse prevention;

25. Developing and maintaining mental, emotional, and physical health;

26. Developing meaningful, permanent connections;

27. Planning for the successful transition out of care, including obtaining necessary documentation; and

28. Decision-making and planning skills.

(2) Child-placing agency staff~~[A social-services worker from an independent living program]~~ shall:

(a) With the exception permitted by subsection (6) of this section, be responsible for a child at least~~[sixteen (16) to]~~ eighteen (18) years of age in an independent living program and provide supervision in accordance with the child's supervision plan;

(b) Be available for twenty-four (24) hours, seven (7) days a week crisis support for a child in the independent living program, regardless of the child's age;

(c) ~~[Have:~~

1. ~~Daily face-to-face contact with a child:~~

a. ~~Sixteen (16) to eighteen (18) years of age; and~~

b. ~~In the independent living program; or~~

2. ~~A minimum of one (1) face-to-face, in-home contact per week for a child~~

a. ~~Eighteen (18) to twenty-one (21) years of age; and~~

b. ~~In the independent living program;~~

~~(d)]~~ Conduct a visual and exploratory review of a child's living unit at least monthly, to include a review for:

1. Safety;

2. Use of alcohol; and

3. Illegal contraband;

~~(d)](e)]~~ Maintain a caseload of no more than ten (10) children~~], including independent living program:~~

1. ~~Participants sixteen (16) to twenty-one (21) years of age; and~~

2. ~~Participants' children assigned a Level of Care of III or higher in accordance with 922 KAR 1:360]; and~~

(e) Document annual compliance with fire and building codes for any living unit in which the agency places a child.

(3)(a) A living unit for a child in an independent living program shall be occupied by only a child or children approved to occupy the living unit by the child-placing agency.

(b) Nonresidents shall be asked to vacate the living unit.

(4) The child-placing agency shall assure and document that the living unit of a child in an independent living program:

(a) Does not present a hazard to the health and safety of the child;

(b) Is well ventilated and heated; and

(c) Complies with state and local health requirements regarding water and sanitation.

(5) The child-placing agency shall maintain documentation for each child concerning:

(a) Assistance to the child in finding and keeping in touch with family, if possible;

(b) Physical and behavioral health services received by a child;

(c) Progress each child has made in the independent living program, including independent living services received;

(d) Progress in an educational program, including vocational education;

(e) An assessment of the child's readiness to live independently; and

(f) ~~Staffs~~~~The social services worker's~~ contacts with the child, including observation of the child's living arrangement.

(6) A child that is seventeen (17) and three-fourths (3/4) years of age may be placed in a supervised independent living site if an exception to subsection (2)(a) of this section is approved by the director of the Division for Protection and Permanency or designee.

Section 4. Independent Living Placement Types. A child-placing agency may provide independent living services to a child placed in:

(1) A supervised independent living site, which shall include an apartment unit or house with or without roommates, if an agency staff member:

(a) Is onsite with the child and available twenty-four (24) hours, seven (7) days a week;

(b) Distributes medication daily, if prescribed by a qualified medical provider;

(c) Has daily face-to-face in-person contact with the child; and

(d) Ensures that the child meets daily curfew requirements established by the agency; or

(2) A scattered independent living site, which shall include an apartment unit or house that may have shared bathrooms, kitchens, or common areas, if an agency staff member has at least one (1) face-to-face, in-person contact per week with the child.

MARTA MIRANDA STRAUB, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 22, 2022

FILED WITH LRC: March 1, 2022 at 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 23, 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 May 16, 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 May 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: The administrative regulation establishes the basic standards of care and service for child-caring and child-placing agencies who administer independent living programs.

(b) The necessity of this administrative regulation: The administrative regulation is necessary to establish the requirements for the placement of a child in the custody of the cabinet with a child placing agency or child caring facility receiving independent living services and programming.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the standards for independent living programs and services provided to children in the custody of the cabinet.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing the standards, services, and placement options available to children in out of home care at least eighteen (18) years of age and older who are in the custody of the cabinet.

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

(a) How the amendment will change this existing administrative regulation: The amendment to the administrative regulation establishes the standards for independent living and the requirements for an independent living scattered or supervised site, in which children at least eighteen (18) years of age who are in the custody of the cabinet may be placed by a private child-placing agency. The amendment also expands the independent living programming to include topics such as benefits available to former foster children, financial literacy, career exploration, and more.

(b) The necessity of the amendment to this administrative regulation: The amendment to the administrative regulation is necessary to establish the standards and requirements for independent living programming available to assist children in the successful transition from out-of-home care to independence upon their exit from the cabinet's custody.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment of this administrative regulation conforms to the content of the authorizing statutes by establishing the standards of care for independent living programming for children at least eighteen (18) years of age who are in the custody of the cabinet.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes through the establishment of the basic standards of care required of child placing agencies that provide independent living programming.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are currently 680 children in out-of-home care who are over the age of eighteen (18) who are in the custody of the cabinet and would be eligible for independent living programs. (TWS 058W, December 19, 2021)

(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: Independent living programming will

consists of a few more topics than it already does. Independent living programs are already meeting the majority of the requirements contained in this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment to this administrative regulation requires no new cost to regulated entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Children in the custody of the cabinet who are eighteen years of age and older will benefit from more highly developed independent living programming to assist in the successful transition from out-of-home care to independence.

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

(a) Initially: There is no estimated increase in costs as the cabinet currently provides out-of-home care for children over the age of eighteen (18) who are in the custody of the cabinet.

(b) On a continuing basis: There is no estimated increase in costs to the cabinet.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of funding include federal Title IV-E (of the Social Security Act) foster care maintenance and General Funds.

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

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

(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. 677(a)(1)-(6)

(2) State compliance standards. KRS 194A.050(1), 199.640(5)(a), 605.150(1)

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 677(a)(1)-(6)

(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 stricter requirement, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services, specifically the Department for Community Based Services (DCBS), is impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 199.640(5)(a), 605.150(1), 42 U.S.C. 677(a)(1)-(6)

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities,

counties, fire departments, or school districts) for the first year? This administrative regulation will generate no new 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 generate no new revenue.

(c) How much will it cost to administer this program for the first year? The amendment to this administrative regulation is not projected to have a new fiscal impact on the administrative body.

(d) How much will it cost to administer this program for subsequent years? The amendment to this administrative regulation is not projected to have a new fiscal impact on the administrative body.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

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](#).

LABOR CABINET
(New Administrative Regulation)

803 KAR 5:005. Employee access to or use of federal tax information; required criminal background check.

RELATES TO: KRS 18A.095, 336.015, 336.040, 336.125

STATUTORY AUTHORITY: KRS 336.125

NECESSITY, FUNCTION, AND CONFORMITY: KRS 336.040 requires the Labor Cabinet to exercise all administrative functions of the state concerned with the employer-employee relationship. KRS 336.125 requires the Labor Cabinet to promulgate administrative regulations to establish requirements concerning criminal background checks for prospective and current employees, including contract staff, with access to or use of federal tax information (FTI). This administrative regulation establishes the guidelines to implement the requirements set forth in KRS 336.125 and IRS Publication 1075.

Section 1. Definitions.

(1) "Applicant" means an individual who applies for employment with the Labor Cabinet or its offices, or a contractor working on behalf of the Cabinet or its offices, who has, or will likely have, access to or use of FTI in their regular course of business.

(2) "Contract staff" means an individual employed by the Labor Cabinet or its offices, or a contractor working on behalf of the Cabinet or its offices, that does not meet the definition of "employee" in this section.

(3) "Criminal background check" means a national and state fingerprint-supported criminal history background investigation performed in accordance with KRS 336.125.

(4) "Employee" means either a "classified employee" as defined by KRS 18A.005(7), an "unclassified employee" pursuant to KRS 18A.115, or a "federally funded time-limited employee" as defined by KRS 18A.005(15).

(5) "Disqualifying offense" means a conviction, plea of guilty, Alford plea, or plea of nolo contendere to any felony, misdemeanor, or offense the nature of which indicates that the applicant, employee, or contract staff constitutes an unreasonable and immediate risk to the security of FTI (e.g., crimes of theft or dishonesty), unless the Labor Cabinet or its offices determine there are mitigating circumstances that sufficiently remediate the existing risk.

(6) "Federal tax information" or "FTI" means federal tax returns and return information received directly from the IRS or obtained through an authorized secondary source, such as the Social Security Administration (SSA), Federal Office of Child Support Enforcement (OCSE), Bureau of Fiscal Service (BFS), Centers for Medicare and Medicaid Services (CMS) or any entity acting on behalf of the IRS pursuant to an IRC 6103 Agreement.

(7) "Office" means any agency, office, department, or commission within the Labor Cabinet.

(8) "Responsible agency" means an office within the Labor Cabinet, or contractor working on behalf of an office, that employs or offers a job to an individual in a position for which the job duties include access to or use of FTI.

Section 2. Requirements for Criminal Background Checks.

(1) The Labor Cabinet shall require prospective and current employees of the Cabinet or its offices, including contract staff, whose job duties include access to or use of FTI to submit to a fingerprint-based national and state criminal background check as a condition of initial or continued employment. The criminal background check shall occur:

(a) After the applicant is offered a job but before he or she begins working; and

(b) At least once every five (5) years for current employees or contract staff.

(2) The Labor Cabinet, its offices, or responsible agency that requests a fingerprint-based national and state criminal background check for an applicant, current employee, or contract staff shall incur all fees associated with the cost of each criminal background check requested.

(3) For contract staff employed by an entity under contract with the Labor Cabinet or its offices, it shall be sufficient for the purposes of this administrative regulation for the entity under contract to provide a national and state criminal background check for contract staff anticipated to have access to or use FTI in their work for the Labor Cabinet or its offices. The national and state criminal background check provided by the entity under contract must have been completed within two (2) years of the start date for contract staff.

(4) Labor Cabinet, its offices, or responsible agency shall not employ any person in a position for which the job duties include access to or use of FTI if the individual refuses to consent to a fingerprint-based national and state criminal background check.

(5) The Labor Cabinet, its offices, or responsible agency shall notify each applicant, current employee, or contract staff determined to have a disqualifying offense.

Section 3. Disqualification. The Labor Cabinet, its offices, or responsible agency shall not employ or contract with an individual with a disqualifying offense as defined in Section 1(5) of this administrative regulation or whose background check reveals any information that bears upon the fitness of the individual to work in a position with access to or use of FTI. The Labor Cabinet, its offices, or responsible agency shall have the sole discretion to determine if an applicant, current employee, or contract staff is suitable to work in a position with access to or use of FTI and ensure its protection and security in accordance with KRS 336.125, IRS Publication 1075, and any other relevant policy or procedure concerning the confidentiality of FTI.

Section 4. Individuals Ineligible to be Hired. The Labor Cabinet, its offices, or responsible agency may refuse to hire, contract with, or permit to work any applicant that submits to a criminal background check if one (1) or more of the following conditions apply:

(1) The applicant refuses to provide photo identification and Social Security Number;

(2) The applicant fails to submit their fingerprints at an authorized collection site within five (5) business days of receiving notice to submit fingerprints;

(3) Upon completion of the criminal background check, the Labor Cabinet, its offices, or responsible agency receives notice that the applicant is found to have a disqualifying offense; or

(4) Final and acceptable disposition of a criminal charge related to a disqualifying offense is not provided to the Labor Cabinet, its offices, or responsible agency within sixty (60) days of fingerprint submission.

Section 5. Notice of a Disqualifying Offense – Applicants.

(1) Upon completion of the criminal background check, the Labor Cabinet, its offices, or responsible agency shall notify applicants determined to have a disqualifying offense.

(2) If an applicant wishes to obtain information concerning the disqualifying offense or challenge the accuracy of a criminal background check, the Labor Cabinet, its offices, or responsible agency shall refer the applicant to the appropriate state or federal law enforcement agency.

Section 6. Notice of Disqualifying Offense, Reconsideration, and Appeal – Current Employees.

(1) Upon completion of a criminal background check, the Labor Cabinet, its offices, or responsible agency shall notify current employees determined to have a disqualifying offense. A current employee found to have a disqualifying offense shall immediately be removed from duties with access to or use of FTI.

(2) Upon receipt of notice of a disqualifying offense, a current employee removed from responsibilities requiring FTI access or use may submit a written request for reconsideration to the Labor Cabinet's Division of Human Resources no later than fourteen (14) calendar days from the date the notice is issued.

(3) The current employee's request for reconsideration shall include the following information:

(a) A written explanation of each disqualifying offense, including:

1. A description of the events related to the disqualifying offense;

2. The number of years since the occurrence of the disqualifying offense;

3. The age of the offender at the time of the disqualifying offense;

4. Evidence that the individual has pursued or achieved rehabilitation with regard to the disqualifying offense; and

5. Any other relevant and mitigating circumstances regarding the disqualifying offense;

(b) Official documentation showing that all fines, including court-imposed fines, costs or restitution, have been paid, or documentation demonstrating adherence to a payment schedule, if applicable;

(c) The date probation or parole was satisfactorily completed, if applicable; and

(d) Employment and character references, including any other evidence demonstrating the ability of the individual to competently perform the employment responsibilities.

(4) A current employee who requests reconsideration may be retained on staff during the review process subject to the following factors:

(a) The nature and severity of the disqualifying offense;

(b) The disposition of the disqualifying offense;

(c) The time elapsed since the disqualifying offense;

(d) The employee's personnel history; and

(e) Whether the employee may be assigned other duties that do not require access to or use of FTI.

(5) After review, the Labor Cabinet, its offices, or responsible agency may:

(a) Transfer the employee to another open position at the same pay grade or lower within the Labor Cabinet, its offices, or responsible agency for which the employee is qualified and for which access to or use of FTI is not part of the job responsibilities;

(b) Dismiss the employee if it is determined that the nature of the disqualifying offense presents an immediate, serious and irreparable risk to FTI if the employee's job duties require access to or use of FTI;

(c) Redefine the employee's job responsibilities to exclude those functions that require access to or use of FTI; or

(d) Any other action permitted by law.

(6) The appointing authority as defined in KRS 18A.005(1), or his or her designee, shall issue a final written determination regarding the reconsideration request. The appointing authority or his or her designee shall notify the employee of the final determination no later than thirty (30) calendar days from receipt of the written request for reconsideration, and the notice shall include any personnel action to be taken by the Labor Cabinet, its offices, or responsible agency as a result of the final determination.

(7) The current employee may have the right to appeal an action taken by the Labor Cabinet, its offices, or responsible agency pursuant to the applicable sections of KRS Chapter 18A and the Kentucky Administrative Regulations.

Section 7. Notice of Disqualifying Offense – Contract Staff.

(1) Upon completion of the criminal background check, any contract staff found to have a disqualifying offense shall immediately be subject to one or more of the following actions at the sole discretion of the Labor Cabinet, its offices, or responsible

agency:

(a) Termination;

(b) If permitted by the contract, removed from all duties requiring access to or use of FTI and assigned other duties that do not require access to or use of FTI; or

(c) Any other action permitted by law.

(2) The Labor Cabinet, its offices, or responsible agency shall notify the contract staff of the action or actions taken within seven (7) days of discovery of the disqualifying offense.

(3) If the contract staff wishes to obtain information concerning the disqualifying offense or challenge the accuracy of a criminal background check, the Labor Cabinet, its offices, or responsible agency shall refer the applicant to the appropriate state or federal law enforcement agency.

Section 8. Challenges to Criminal Background Check Information. An individual subject to a criminal background check required by KRS 336.125 and this administrative regulation shall have the right to request and review the results of his or her national and state criminal background check and to request correction of any inaccurate information. All corrections must be addressed with the Federal Bureau of Investigation or the Department of Kentucky State Police; the Labor Cabinet cannot assist with this process or correct any inaccurate information.

Section 9. Pardons, Diversions and Expungements. An applicant, employee, or contract staff who has received a pardon for a disqualifying offense, has had a disqualifying offense dismissed after successful completion of a diversion program, or has had the disqualifying offense expunged shall not be barred from employment with the Labor Cabinet, its offices, or responsible agency in a position with job duties that include access to or use of FTI for reasons related to the underlying disqualifying offense(s).

JAMIE LINK, Secretary

APPROVED BY AGENCY: March 14, 2022

FILED WITH LRC: March 15, 2022 at 11:12 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on May 24, 2022, at 1:00 p.m. Eastern Time at the Mayo-Underwood Building Hearing Room, 500 Mero Street, 1st Floor, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on May 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 below.

CONTACT PERSON: Rebecca Rodgers, Executive Staff Advisor, 500 Mero Street, 3rd Floor, Mayo Underwood Bldg, phone 502-782-1350, email rebecca.rodgers@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rebecca Rodgers

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 336.125 requires the Labor Cabinet to promulgate administrative regulations to establish requirements concerning national and state fingerprint-supported criminal background checks for prospective and current employees, including contract staff, with access to or use of federal tax information (FTI). This administrative regulation establishes the process to implement the requirements set forth in KRS 336.125 and provides the reasons for disqualification from employment as well as notice requirements and a reconsideration process for current employees.

(b) The necessity of this administrative regulation: The Labor Cabinet is required to promulgate this regulation pursuant to KRS 336.125.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation requires national and state fingerprint-supported criminal background checks for applicants, current employees, and contract staff of the Labor Cabinet and its offices who have or will have access to or use of FTI.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation will assist in the effective administration of KRS 336.125 by providing when criminal background checks are required, stating the grounds for disqualification from a position due to the results of the criminal background check, and establishing notice requirements and a procedure for current employees to request reconsideration of disqualification.

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

(a) How the amendment will change this existing administrative regulation: N/A

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Labor Cabinet and its offices anticipate requesting 180 national and state criminal background checks for applicants, current employees, or contract staff in the first year to comply with this regulation, and 45 background checks per year in subsequent years.

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

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: The Labor Cabinet and its offices must ensure that prospective and current employees, including contract staff, submit to a fingerprint-based national and state criminal background check as a condition of initial or continued employment if those employees have job duties that include access to or use of FTI.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: The Labor Cabinet and its offices anticipate that it will cost \$9,225 to implement this regulation in the first year, and \$4,500 per year to comply with this regulation in subsequent years.

(c) As a result of compliance, what benefits will accrue to the entities: The required criminal background checks provide an additional layer of security to protect and safeguard confidential FTI from misuse or misappropriation.

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

(a) Initially: The Labor Cabinet and its offices anticipate that it will cost \$9,225 to implement this regulation in the first year.

(b) On a continuing basis: The Labor Cabinet and its offices anticipate that it will cost \$4,500 per year to comply with this regulation in subsequent years.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Labor Cabinet and its offices are funded both by general state funds 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 no anticipated increase in fees or funding necessary to implement this regulation.

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

(9) TIERING: Is tiering applied? The regulation will be applied

uniformly to the Labor Cabinet and its offices, and 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 Labor Cabinet and its offices will be impacted by this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 336.125 and IRS Publication 1075.

(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? No revenue will be generated for the state for the first year.

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

(c) How much will it cost to administer this program for the first year? The Labor Cabinet and its offices anticipate that it will cost \$9,225 to implement this regulation in the first year.

(d) How much will it cost to administer this program for subsequent years? The Labor Cabinet and its offices anticipate that it will cost \$4,500 per year to comply with this regulation in subsequent years.

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

Revenues (+/-): None.

Expenditures (+/-): The Labor Cabinet and its offices will incur all fees associated with the cost of each required criminal background check unless an entity under contract with the Labor Cabinet is able to provide the required check for contract staff in accordance with Section 2(3) of the regulation.

Other Explanation: None.

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Inspector General (New Administrative Regulation)

900 KAR 14:010. Essential personal care visitor programs; visitation guidelines.

RELATES TO: KRS 194A.700(4), 216.510(1)

STATUTORY AUTHORITY: 2022 Ky Acts ch. 10, sec. 1

NECESSITY, FUNCTION, AND CONFORMITY: 2022 Ky Acts ch. 10, sec. 1 requires the cabinet to promulgate administrative regulations, subject to applicable federal requirements, to establish guidelines for any individual designated as an essential personal care visitor to have in-person visitation with a resident of an assisted-living community, long-term care facility, or state-owned or operated mental or psychiatric hospital during a period when general visitation is limited or prohibited.

Section 1. Definitions. (1) "Essential personal care visitor" means a family member, legal guardian, outside caregiver, friend, or volunteer who:

(a) Is eighteen (18) years of age or older;

(b) May have provided regular care and support to a resident prior to any restrictions on visitation;

(c) Is designated as being important to the mental, physical, or social well-being of the resident; and

(d) Meets an essential need of the resident, including companionship, assisting with personal care, or positively

influencing the behavior of the resident.

(2) "Facility" means:

(a) An assisted-living community as defined by KRS 194A.700(4);

(b) A long-term care facility as defined by KRS 216.510(1); or

(c) A mental hospital as defined by 2022 Ky Acts ch. 10, sec.

1.

(3) "Facility-onset" means a COVID-19 or other communicable disease case that originates in a facility.

(4) "Outbreak" means one (1) new COVID-19 or other communicable disease case among facility staff or one (1) new facility-onset case among residents.

(5) "Personal care" means assisting a resident with essential everyday activities, which may include grooming, dressing, and eating.

(6) "Resident" means an individual who:

(a) Resides in an assisted-living community or long-term care facility; or

(b) Is a patient of a mental hospital as defined by 2022 Ky Acts ch. 10, sec. 1.

Section 2. Essential personal care visitation. (1) A facility shall:

(a) Allow essential personal care visitation as an exception from any prohibition against general visitation;

(b) Establish policies and procedures for the designation of at least one (1) essential personal care visitor, including a process for changing the designated essential personal care visitor; and

(c) In accordance with 2022 Ky Acts ch. 10, sec. 1, not be required to permit an in-person visitor at all times.

(2) Designation of an essential personal care visitor shall be made in consultation with, and upon agreement by the:

(a) Resident; and

(b) Resident's representative, if applicable.

(3) A facility may require a written agreement with an essential personal care visitor.

(4) A facility may limit the total number of visitors permitted in the facility at any one (1) time.

(5) A facility may limit visitation by an essential personal care visitor to the resident or residents he or she is approved to visit.

(6) A facility may temporarily suspend essential personal care visitation based on a clinical or safety factor, including:

(a) An outbreak in the facility;

(b) The resident's communicable disease status; or

(c) Noncompliance by the essential personal care visitor with:

1. Safety protocols or other requirements established by this emergency administrative regulation; or

2. Any policies and procedures the facility deems necessary to keep staff and residents safe.

(7) An essential personal care visitor who enters a facility during a period when general visitation is limited or prohibited shall:

(a) Assume the risk of contracting a communicable disease;

(b) Limit visitation to the resident's room or a facility-designated room within the building;

(c) Limit his or her movement within the facility;

(d) Follow the facility's safety protocols; and

(e) Inform the facility if he or she develops symptoms of a communicable disease within fourteen (14) days of the visit.

(8) If the resident has a roommate, an essential personal care visitor shall:

(a) Not enter the resident's room if the roommate is there unless the roommate agrees in advance; and

(b) Be prohibited from staying in the room for more than fifteen (15) minutes unless otherwise approved by the roommate or roommate's representative.

(9) An essential personal care visitor shall follow the same safety protocols required for facility staff, which may include one (1) or more of the following:

(a) Testing for a communicable disease, which may be the responsibility of the essential personal care visitor. If testing is provided by the facility, essential personal care visitors shall be tested on the same schedule as staff;

(b) Health screens, including screening for signs and symptoms of a communicable disease and denial of entry of any

individual with signs and symptoms;

(c) Using appropriate personal protective equipment (PPE);

(d) Washing or sanitizing hands regularly;

(e) Maintaining a distance of six (6) feet from staff and other residents at all times. Social distancing from the resident receiving an essential personal care visit may be relaxed for a short period of time under certain circumstances, e.g., providing assistance with a personal care activity; and

(f) Adhering to any other requirement the facility deems appropriate in accordance with guidance from the Centers for Disease Control and Prevention (CDC).

(10) During a period when general visitation is limited or prohibited, a facility shall:

(a) Be responsible for verifying and tracking the testing status of each essential personal care visitor if the facility requires testing as a safety protocol;

(b) Schedule essential personal care visits in advance or in accordance with a written agreement;

(c) Consider the number of other essential visitors who will be in the building at the same time when developing a visitation schedule;

(d) Establish limitations on the visitation frequency and length of the visits to keep staff and residents safe;

(e) Sanitize the area's high-frequency touched surfaces after the visit; and

(f) Continue to provide all required services and activities to a resident while an essential personal care visitor is with the resident.

Section 3. Training. (1) Each essential personal care visitor shall complete facility-designated training that includes basic information on infection prevention and control, including:

(a) Proper hand hygiene;

(b) Use of PPE, if applicable;

(c) Proper respiratory hygiene; and

(d) Any other infection control measure the facility may require.

(2) A facility may post signage throughout the facility that demonstrate key instructions to reinforce safe practices.

ADAM MATHER, Inspector General

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 17, 2022

FILED WITH LRC: February 21, 2022 at 12:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 23, 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 hearing shall notify this agency in writing by May 16, 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 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 May 31, 2022. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. In the event of an emergency, the public hearing will be held using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor in advance of the scheduled hearing. 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 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.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact: Kara Daniel; Stephanie Brammer-Barnes or Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This new emergency administrative regulation establishes guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals during a period when general visitation is limited or prohibited.

(b) The necessity of this administrative regulation: This new emergency administrative regulation is necessary to comply with 2022 Ky Acts ch. 10, sec. 1 (Senate Bill 100).

(c) How this administrative regulation conforms to the content of the authorizing statutes: This new emergency administrative regulation conforms to the content of 2022 Ky Acts ch. 10, sec. 1 by establishing guidelines for the implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new emergency administrative regulation assists in the effective administration of the statutes by establishing guidelines for implementation of essential personal care visitor programs in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals during a period when general visitation is limited or prohibited.

(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 emergency administrative regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new emergency administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new emergency administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new emergency administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This new emergency administrative regulation affects assisted-living communities, state-owned or operated psychiatric hospitals, and long-term care facilities. There are 133 assisted-living communities and three (3) state-owned or operated psychiatric hospitals. The number of long-term care facilities by licensure category is as follows: one (1) Alzheimer's nursing home; nine (9) intermediate care facilities; sixteen (16) intermediate care facilities for individuals with intellectual disabilities; twelve (12) licensed nursing facilities; twenty-seven (27) licensed nursing homes; 169 personal care homes; and 281 certified nursing facilities.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: In accordance with the requirements of 2022 Ky Acts ch. 10, sec. 1 and this administrative regulation, individuals designated as essential personal care visitors shall be exempt from any general prohibitions on visiting a resident of an assisted-living community, long-term care facility, or state-owned or operated mental or psychiatric hospital.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be significant costs to facilities to implement essential personal care visitor programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Essential personal care visitor programs are intended to help enhance the well-being and quality

of life of Kentuckians in assisted-living communities, long-term care facilities, and state-owned or operated psychiatric hospitals.

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

(a) Initially: There are no additional costs to the Cabinet for Health and Family Services for implementation of this emergency administrative regulation.

(b) On a continuing basis: There are no additional costs to the Cabinet for Health and Family Services for implementation of this emergency administrative regulation on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State general funds and agency monies are used to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: 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 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 emergency administrative regulation impacts assisted-living communities, long-term care facilities, state-owned or operated psychiatric hospitals, and the Cabinet for Health and Family Services.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. 2022 Ky Acts ch. 10, sec. 1

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

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

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

(c) How much will it cost to administer this program for the first year? This emergency administrative regulation imposes no additional costs on the administrative body.

(d) How much will it cost to administer this program for subsequent years? No additional costs will be incurred to implement this emergency administrative regulation on a continuing basis.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(New Administrative Regulation)

922 KAR 1:315. Standards for child-placing agencies placing children who are not in the custody of the cabinet.

RELATES TO: KRS 194A.060, 199.011, 199.470, 199.510, 199.520, 199.572, 199.640, 273.161(8), 600.020, 620.030, Chapter 625

STATUTORY AUTHORITY: KRS 194A.050(1), 199.640(5)(a), 605.150(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Secretary of the Cabinet for Health and Family Services to promulgate, administer, and enforce those administrative regulations necessary to implement programs mandated by federal law or to qualify for the receipt of federal funds and necessary to cooperate with other state and federal agencies for the proper administration of the cabinet and its programs. KRS 199.640(5)(a) requires the Secretary of the Cabinet for Health and Family Services to promulgate administrative regulations establishing basic standards of care and service for child-caring facilities and child-placing agencies relating to the health and safety of all children in care, including children who are not in the custody of the cabinet. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This administrative regulation establishes basic standards for child-placing agencies who are placing children who are not in the custody of the cabinet.

Section 1. Definitions. (1) "Adequate supervision" means adult oversight of a child's activities with consideration of the child's past and current:

- (a) Incidents;
- (b) High risk behaviors; and
- (c) Needs.

(2) "Adoption" means the legal process by which a child becomes the child of a person or persons other than biological parents.

(3) "Adoptive home" means a home in which the family has been approved by the child-placing agency to adopt a child.

(4) "Aftercare" means services provided to the child after discharge from a child-placing agency.

(5) "Applicant" means an individual or a family subject to approval by the child-placing agency as a:

- (a) Foster home; or
 - (b) Adoptive home.
- (6) "Board of directors" is defined by KRS 273.161(8).

(7) "Case management" means a process whereby a state agency or child-placing agency assesses the individualized needs of a child or family, arranges for the provision of services, and maintains documentation of actions and outcomes.

(8) "Child" means a child as defined by KRS 199.011(4) and 600.020(9);

(9) "Child-placing agency" is defined by KRS 199.011(6).

(10) "Executive director" means the person employed by the board of directors to be responsible for the overall administration and management of a child-placing agency.

(11) "Foster home" means:

(a) A "foster family home" as defined by KRS 199.011(10) and 600.020(30), if referring to a physical structure; or

(b) Any individual approved as a foster parent by the child-placing agency, if referring to an individual.

(12) "Home study" means an assessment done on a prospective foster or adoptive home by a social services worker that meets the requirements specified in Section 4(3) of this administrative regulation.

(13) "Individual treatment plan" or "ITP" means a plan of action developed and implemented to address the needs of a child.

(14) "Placement" means:

(a) The physical relocation of a child removed from the child's home of origin with a provider of out-of-home services; or

(b) A foster or adoptive home that has been approved by completing an application process, home study, and required preparation.

(15) "Qualified mental health professional" is defined by KRS 600.020(52).

(16) "Respite care" means temporary care provided by another individual or family that meets requirements specified in Section 7 of this administrative regulation to meet the needs of the child or provide relief to a foster care parent with the expectation that the child shall return to the foster home.

(17) "Social services worker" means a person retained by a child-placing agency who meets the qualifications as specified in 922 KAR 1:310, Section 2(4)(c).

(18) "Supervision plan" means a written supplement to a child's ITP, developed pursuant to Section 6(7)(b)2 of 922 KAR 1:310, that details a child-placing agency's roles and responsibilities to assure adequate supervision of a child in the agency's care, including those roles and responsibilities delegated to a foster home parent.

Section 2. Administration and Operation. A child-placing agency that places a child pursuant to this administrative regulation shall also meet the requirements established in 922 KAR 1:310, Section 2.

Section 3. Interstate Placement. (1) A child-placing agency that accepts a child from another state or places a child outside of Kentucky shall meet the requirements established in 922 KAR 1:310, Section 3.

(2) A child-placing agency that is assisting with an Interstate Compact Placement for a child who is placed due to a disrupted or dissolved adoption shall:

(a) Assist in the obtainment of a therapeutic recommendation from a qualified mental health professional regarding the child being placed into the proposed placement;

(b) Ensure that the prospective adoptive parents have spoken with the qualified mental health professional that has been providing services to the child;

(c) Assist in the development of a thorough transition plan for the child adhering to the child's qualified mental health provider's recommendations;

(d) Assist in the procurement of services and providers within the receiving state, prior to the placement of the child;

(e) Provide a minimum of monthly face-to-face supervision in the home and support to the child and family if placed in Kentucky until the finalization of the adoption;

(f) Continually assess for any safety risks within the home and provide a written plan for safety, if necessary or requested; and

(g) Ensure that the child is placed for at least six (6) months prior to finalization of the adoption.

Section 4. Evaluation of an Applicant. A child-placing agency's staff shall recruit a prospective foster or adoptive home in accordance with 922 KAR 1:310, Section 4.

Section 5. Orientation and Preparation of a Foster Home for a Child not in the Custody of the Cabinet. (1) A child-placing agency shall meet the requirements established in 922 KAR 1:310, Section 5(1)(a) through (c).

(2) Training provided in accordance with 922 KAR 1:495 may be utilized for a foster home that cares for a child not in the custody of the cabinet if the governmental agency or individual with oversight of the child approves the training.

Section 6. Expectations for a Foster Home Caring for a Child not in the Custody of the Cabinet. An approved foster home shall:

(1) Provide a child placed by the child-placing agency with a family life, including:

- (a) Nutritious food;
- (b) Clothing comparable in quality and variety to that worn by other children with whom the child may associate;
- (c) Affection;

- (d) Life skills development;
- (e) Recreational opportunities;
- (f) Education opportunities;
- (g) Nonmedical transportation;
- (h) Opportunities for development consistent with the child's religious, ethnic, and cultural heritage;
- (i) Adequate supervision;
- (j) Independent living services for a child twelve (12) years of age or older; and
- (k) Refraining from smoking in the direct presence of a child for whom their physician recommends, in writing, a smoke-free environment.

(2) Permit a child-placing agency and staff of a state agency to visit the home;

(3) Share with the child-placing agency any information about the child placed by the child-placing agency;

(4) Notify the child-placing agency fourteen (14) calendar days prior if the home is approved to provide foster or adoptive services through another private child-placing agency;

(5) Notify the child-placing agency prior to:

(a) Leaving the state with a child placed by the child-placing agency for more than twenty-four (24) hours; or

(b) Allowing a child placed by the child-placing agency to be absent from the foster home for more than twenty-four (24) hours;

(6) Report immediately to the child-placing agency through which the child is placed if there is:

(a) A hospitalization or life-threatening accident or illness;

(b) An absence without official leave;

(c) A suicide attempt;

(d) Criminal activity by the child;

(e) Death of any member in the household;

(f) A child's possession of a deadly weapon;

(g) Change in address;

(h) Change in the number of people living in the home;

(i) Significant change in circumstance in the foster home; or

(j) Failure of the foster child or foster parent to comply with the supervision plan;

(7) Cooperate with the child-placing agency if child-placing agency staff arranges for a child, placed in the foster home by the child-placing agency, and the child's birth family regarding:

(a) Visits;

(b) Telephone calls; or

(c) Mail;

(8) Surrender a child or children to the authorized representative of the child-placing agency which has custody of the child, upon request;

(9) Keep confidential all personal or protected health information as shared by the child-placing agency, in accordance with KRS 194A.060 and 45 C.F.R. Parts 160 and 164, concerning a child placed in a home or the child's birth family;

(10) Support an assessment of the service needs, including respite care, and the development of an ITP, including the supervision plan, of a child placed by the child-placing agency;

(11) Participate in a planning conference concerning a child placed by the child-placing agency;

(12) Cooperate with the implementation of the permanency planning established for a child placed by the child-placing agency;

(13) Facilitate the delivery of medical care to a child placed by the child-placing agency as needed, including:

(a) Administration of medication to the child and daily documentation of the administration; and

(b) Physicals and examinations for the child;

(14) Treat a child placed by the child-placing agency with dignity;

(15) Report suspected incidents of child abuse, neglect, and exploitation in accordance with KRS 620.030; and

(16) Comply with general supervision and direction of the child-placing agency concerning the care of the child placed by the child-placing agency.

Section 7. Respite for a Foster Home Caring for a Child not in the Custody of the Cabinet. (1) The child-placing agency shall develop written policies and procedures to address the respite care needs of a child or a foster parent.

(2) Respite care shall not be used as a means of placement for a child.

(3) Respite care shall be in accordance with 922 KAR 1:310, Section 3(2).

(4) The child-placing agency shall not approve a respite care provider unless the provider meets requirements specified by 922 KAR 1:310, Section 4(3)(b), (d), and (m) through (u).

(5) A respite care provider shall:

(a) Receive, from the agency or foster parent, preparation for placement of a child, including information regarding the child's needs and the supervision plan of the child;

(b) Provide adequate supervision in accordance with the child's supervision plan;

(c) 1. Give relief to a foster parent caring for a child; or

2. Provide for a de-escalation period for a child;

Section 8. Private Foster Placement Process. A child-placing agency shall follow the procedures established by this section if a private placement is conducted.

(1) For a child being placed with a child-placing agency, the child-placing agency shall obtain an:

(a) Agreement for voluntary care signed by the custodian; or

(b) Order from a court of competent jurisdiction placing the child into the custody of the child-placing agency.

(2) The child-placing agency shall:

(a) Complete an intake assessment of the strengths and needs of the child and the child's family of origin; and

(b) Ascertain the appropriateness of the referral for the child.

(3)(a) The child-placing agency shall develop an ITP individualized for a child and the child's family based on an individualized assessment of the child's and family's needs:

1. Within thirty (30) days of the child's placement with the child-placing agency; or

2. Prior to the child being placed out of state.

(b) An exception to the requirement specified in paragraph (a) of this subsection may be made for a child:

1. Under the age of twelve (12) months; and

2. With no extraordinary needs.

(c) The assessment shall be revised as needed.

(d) The assessment and ITP shall include the type and extent of services to be provided to the child and the child's family.

(e) Assessment of the child shall include consideration of the following history:

1. Behavioral health treatment;

2. Trauma;

3. Risk for harm to self or others; and

4. Past behaviors or safety issues that could increase the likelihood of placement disruption.

(4) Unless not in the best interest of the child, the child, parent, and foster parent shall be included in developing the assessment and ITP.

(5)(a) The foster home selected for placement shall be the most appropriate home based on the child's needs and the strengths of the foster family.

(b) The foster home shall be located as close as possible to the home of the family of origin, in order to facilitate visiting and reunification.

(6)(a) The social services worker and the foster parent shall work collaboratively to prepare the child prior to the placement.

(b) Unless a circumstance precludes preparation and the circumstance is documented in the case record, a child shall have a period of preparation prior to the placement in the foster home.

(7) The child-placing agency shall:

(a) Provide or arrange for services to support reunification for a child for whom family reunification is the plan;

(b) Assess and document the parent's capacity for reunification quarterly;

(c) Provide for review of the child in order to evaluate the progress toward achieving the child's permanency plan every six (6) months; and

(d) Assure that foster care continues to be the best placement for the child.

(8)(a) Services to the family of origin and to the child shall be

adapted to their individual capacities, needs, and difficulties.

(b) A reasonable effort shall be made to return the child to the family of origin.

(9) Planning for the child regarding treatment program matters, including visitation, health, education, and permanency plans, shall be developed in collaboration with the:

- (a) Family of origin;
- (b) The child's qualified mental health provider;
- (c) Social services worker; and
- (d) Foster home.

(10)(a) The child-placing agency shall work with a foster home to promote stability and avoid disruption for a child, to include:

1. Services specified in Section 6(1) through (3), and (7) through (11) of 922 KAR 3:010; and

2. Reevaluation of the foster home in accordance with Section 9 of this administrative regulation.

(b) A request for the removal of a child from a foster home shall be explored immediately and shall be documented by the social services worker.

(c) If disruption is unavoidable, the child-placing agency and foster home shall develop a plan for the smooth transition of the child to a new placement.

(11)(a) Preparation for the return of a child to the family of origin shall be supervised by a social services worker.

(b) The family shall participate in planning for the child's return.

(c) If regular contact with the child's family does not occur, a plan for the child's return shall include at least one (1):

- 1. Prior visit between the child and the family; and
- 2. Preliminary visit of the child to the child's family home.

(12) The child-placing agency shall recommend a plan for aftercare services for a child and the child's family.

Section 9. Reevaluation of an Approved Foster or Adoptive Home. A child-placing agency shall reevaluate an approved foster home or approved adoptive home awaiting placement in accordance with 922 KAR 1:310, Section 14.

Section 10. Maintenance of a Foster Care Record. The child-placing agency shall maintain a record on each child and foster home in accordance with 922 KAR 1:310, Section 16.

Section 11. Orientation and Preparation of an Adoptive Home for a Child not in the Custody of the Cabinet. For a child not in the custody of the cabinet, a child-placing agency shall:

(1) Prepare and maintain the orientation and preparation curriculum on file;

(2) Provide orientation and preparation to a prospective adoptive home in accordance with the child-placing agency's policies and procedures to include the following:

(a) An example of an actual experience from a parent who has adopted a child;

(b) Challenging behavior characteristics of an adoptive older child;

(c) Referral resources for a developmental delay;

(d) Transition issues with focus on stages of grief, and a honeymoon period, if applicable;

(e) Loss and the long-term effects on a child;

(f) Attachment and identity issues of the child;

(g) Cultural competency;

(h) Medical issues including referral resources;

(i) Family functioning, family values, and expectations of an adoptive home;

(j) Identification of changes that may occur in the family unit upon the placement of a child to include:

- 1. Family adjustment and disruption;
- 2. Identity issues; and
- 3. Discipline; and

(k) Financial assistance available to an adoptive home; and

(3) Ensure that an approved adoptive home awaiting the placement of a child receives adoptive home training annually in accordance with the child-placing agency's established policies and procedures.

Section 12. Adoption Placement Process for a Child not in the Custody of the Cabinet. (1) A child shall not be placed for adoption until the:

(a) Adoptive home has been approved; and

(b)1. Parental rights of the mother, legal or birth father, and putative father of the child, if applicable and not the same person as the legal father, are terminated by a circuit court order entered pursuant to KRS Chapter 625; or

2. The mother, legal or birth father, and putative father of the child, if applicable and not the same person as the legal father, have consented to placement with the child-placing agency for the purpose of adoption placement.

(2) A child's parent shall not be persuaded to terminate parental rights by a promise of financial aid or other consideration.

(3)(a) A child-placing agency licensed by the cabinet shall not use the authority authorizing the agency to place a child for adoption to facilitate an adoptive placement planned by a doctor, lawyer, clergyman, or person or entity outside the child-placing agency.

(b) The child-placing agency shall comply with provisions of 922 KAR 1:010.

(4) The child-placing agency shall obtain the following:

(a) A developmental history of the adoptive child to include:

- 1. Birth and health history;
- 2. Early development;
- 3. Characteristic ways the child responds to people and situations;
- 4. Any deviation from the range of normal development;
- 5. The experiences of the child prior to the decision to place the child for adoption;
- 6. Maternal attitude during pregnancy and early infancy;
- 7. Continuity of parental care and affection;
- 8. Out-of-home placement history;
- 9. Separation experiences; and

10. Information about the mother, legal father, and putative father, if applicable and not the same person as the legal father, and family background:

a. That may affect the child's normal development in order to determine the presence of a significant hereditary factor or pathology; and

b. Including an illness of the biological mother or father;

(b) A social history of the biological or legal parent, to include:

- 1. Name;
- 2. Age;
- 3. Nationality;
- 4. Education;
- 5. Religion or faith; and
- 6. Occupation;

(c) Information obtained from direct study and observation of the child by a:

- 1. Social services worker; and
- 2. Physician or other health professional;

(d) If indicated, information obtained from direct study and observation of the child by a:

- 1. Foster parent;
- 2. Nurse;
- 3. Psychologist; or
- 4. Other consultants; and

(e) Information from the mother, if possible, identifying the biological father, or legal father, if different from the biological father, for the purpose of:

- 1. Determining the father's parental rights; and
- 2. Establishment of possible hereditary endowments.

(5) If either biological or legal parent is unavailable, unwilling, or unable to assist with the completion of information necessary to comply with KRS 199.520 and 199.572, the child-placing agency shall document information, to the extent possible, from the existing case record.

(6) Prior to finalization of the adoptive placement, a licensed physician or other health professional shall make a medical examination to determine:

- (a) The state of the child's health;
- (b) Any significant factor that may interfere with normal

development; and

(c) The implications of any medical problem.

(7) The condition under which an adoptive home agrees to accept the child shall be decided upon, prior to placement of the child. The written agreement between the child-placing agency and the adoptive home shall embody the following provisions:

(a) The adoptive home shall agree to:

1. Comply with KRS 199.470;

2. File an adoptive petition at a time agreeable to the adoptive home and the child-placing agency; and

3. Permit supervision by the child-placing agency in accordance with the child-placing agency's policies and procedures:

a. After placement; and

b. Preceding a final judgment of adoption by the circuit court;

(b) The child-placing agency shall be responsible for providing the adoptive home with written information regarding the child's:

1. Background;

2. Medical history;

3. Current behavior; and

4. Medical information necessary to comply with KRS 199.520(4)(a); and

(c) The adoptive home and the child-placing agency shall agree that the child may be removed from the placement, at the request of either party, before the filing of the adoptive petition.

(8)(a) Preplacement visits shall be arranged for the adoptive home and a child.

(b) The pattern and number of visits shall be based on the child's:

1. Age;

2. Development; and

3. Needs.

(9) During preparation, the child-placing agency shall discuss the child's readiness to accept the selected placement with the child, in accordance with the child's age and ability to understand.

(10)(a) Unless the child-placing agency and, if applicable, the state agency which has custody of a child belonging to a sibling group, determines that it is more beneficial for siblings to be placed in separate adoptive homes, siblings who have had a relationship with each other shall be placed together.

(b) If siblings have been separated in placements:

1. The case record shall reflect a valid basis for the separation;

2. The decision to separate siblings shall be made by the executive director of the child-placing agency; and

3. Continued contact between siblings shall be maintained, if possible.

(11) A child-placing agency shall comply with Section 6(1)(b) of 922 KAR 1:310 during the process of placing a child in a prospective adoptive home.

(12) If a prospective adoptive home is awaiting an international adoption, the child-placing agency shall conduct a reevaluation of the home once every eighteen (18) months.

Section 13. Supervision of an Adoptive Placement of a Child not in the Custody of the Cabinet. (1) For a child not in the custody of the cabinet, the child-placing agency placing a child shall remain responsible for the child until the adoption has been granted. This responsibility shall involve the following:

(a) A minimum of two (2) meetings by the social services worker with the child and the adoptive home, including both adoptive parents if not a single parent adoption, one (1) visit of which shall be in the adoptive home before filing of the adoption petition;

(b) The continuation of case management, visits, and telephone contacts based upon the needs of the child until the adoption is legally granted; and

(c) Awareness of a change in the adoptive home including health, education, or behavior.

(2) For a placement made through the Interstate Compact on the Placement of Children, supervision shall occur in accordance with Section 3 of this administrative regulation.

(3) The child-placing agency shall:

(a) Provide information pursuant to KRS 199.510, as

necessary to report to the court to proceed with adoption;

(b) Prepare and provide the original confidential report to the court; and

(c) Forward to the cabinet a copy of:

1. The confidential report that was provided to the court; and

2. Information required by KRS 199.520 and 199.572.

(3) If the court finds the adoptive home to be unsuitable and refuses to grant a judgment, the child-placing agency shall remove the child from the home.

Section 14. Maintenance of Adoptive Case Record. (1) The child-placing agency shall maintain a case record in accordance with 922 KAR 1:310, Section 17.

Section 15. Closure of an Approved Foster or Adoptive Home.

(1) A child-placing agency shall close a foster or adoptive home in accordance with 922 KAR 1:310, Section 18.

MARTA MIRANDA-STRAUB, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: February 22, 2022

FILED WITH LRC: March 1, 2022 at 9:05 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on May 23, 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 May 16, 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 May 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; CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the standards for child-placing agencies who provide contracted foster care and adoptive placements for children not in the custody of the cabinet, consistent with federal model standards.

(b) The necessity of this administrative regulation: The federal government issued model standards for all foster homes that the cabinet needed to incorporate into administrative regulation to ensure conformity to federal guidelines, including foster homes caring for children not in the custody of the cabinet.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation conforms to KRS 194A.050(1), 199.640(5)(a), and 605.150(1) by establishing standards for child-placing agencies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will ensure conformity to federal model standards for foster homes certified through child-placing agencies for children not in the custody of the cabinet.

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

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation that contains standards for child-placing agencies providing services to children not in the custody of the cabinet.

(b) The necessity of the amendment to this administrative regulation: This is a new administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: According to information from the Office of the Inspector General, approximately fifty agencies are licensed by Kentucky to place children who are either in the custody or not in the custody of the cabinet.

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

(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: Private child placing agencies will need to request that potential foster and adoptive parents submit to the requirements contained in this administrative regulation to become certified for the placement of children not in the custody of the cabinet.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to child-placing agencies as a result of this administrative regulation. Many of the requirements contained herein were previously contained in 922 KAR 1:310.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will benefit children who are placed outside of their home, but not through the custody of the cabinet.

(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 implement this administrative regulation.

(b) On a continuing basis: There are no additional costs to implement this administrative regulation. Many of the provisions contained in this administrative regulation were previously contained in 922 KAR 1:310 and are not new.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This program is enforced through the use of General Funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation will be implemented in a like manner statewide for agencies that place children not in the custody of the cabinet.

(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 stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Cabinet for Health and Family Services, Department for Community Based Services and the Office of the Inspector General, will be impacted by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 199.640(5)(a), 605.150(1), 16 C.F.R. 1219-1220, 45 C.F.R. Parts 160, 164, 1355.34, 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. 677(a), 14901-14954

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

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

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

(c) How much will it cost to administer this program for the first year? There are no additional costs to administer this program.

(d) How much will it cost to administer this program for subsequent years? There are no additional costs to administer this program.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 16 C.F.R. 1219-1220, 45 C.F.R. Parts 160, 164, 1355.34, 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. 677(a), 14901-14954

(2) State compliance standards. KRS 194A.050(1), 199.640(5)(a), 605.150(1)

(3) Minimum or uniform standards contained in the federal mandate. 16 C.F.R. 1219-1220, 45 C.F.R. Parts 160, 164, 1355.34, 8 U.S.C. 1151, 42 U.S.C. 671, 42 U.S.C. 677(a), 14901-14954

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of March 7, 2022

Call to Order and Roll Call

The March meeting of the Administrative Regulation Review Subcommittee was held on Monday, March 7, 2022 at 1 p.m. in Room 149 of the Capitol Annex. Representative Hale, 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 Ralph Alvarado, Julie Raque Adams, and David Yates; Representatives Randy Bridges, and Deanna Frazier Gordon.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

Guests: Michael Adams, Jenni Scutchfield, Department of State; Tamela Biggs, Teachers' Retirement System; Joe Donohue, Board of Accountancy; Christopher Harlow, Board of Pharmacy; Christopher Hunt, Mason McNulty, Board of Barbering; Brenda Futrell Nash, Kevin Winstead, Board of Examiners of Psychology; Denise Logsdon, Kevin Winstead, Board of Licensure of Massage Therapy; Elizabeth Morgan, Board of Medical Imaging and Radiation Therapy; Brian Clark, Steven Fields, Rich Storm, Department of Fish and Wildlife Resources; Clint Quarles, Department of Agriculture; Amy Barker, Brandon Lynch, Russell Williams, Department of Corrections; Bradley Arterburn, Amy Barker, Brandon Cobb, Kentucky State Police; David Frank, Kevin Sharkey, Kentucky Protection and Advocacy; Todd Allen, Veronica Sullivan, Department of Education; Sam Flynn, Robin Maples, Chuck Stribling, Labor Cabinet; Sarah Cooper, Kelli Rodman, Cabinet for Health and Family Services; Andrew Bledsoe, Kim Minter, Edith Slone, Kentucky Health Benefit Exchange; Jonathan Scott, Department for Medicaid Services; Marnie Mountjoy, Amanda Stoess, Department for Aging and Independent Living; Laura Begin, Department for Community Based Services; Kara Daniel, Adam Mather, Office of Inspector General.

The Administrative Regulation Review Subcommittee met on Monday, March 7, 2022, and submits this report:

The subcommittee determined that the following administrative regulation was deficient pursuant to KRS 13A.030(2)(a):

EDUCATION AND WORKFORCE DEVELOPMENT CABINET:
Department of Education: General Administration

702 KAR 001:192E. District employee quarantine leave. Todd Allen, general counsel; Matthew Courtney, division director; and Veronica Sullivan, policy advisor, represented the department.

In response to questions from Co-Chair West, Mr. Allen stated that this administrative regulation was currently in effect. It would be replaced in early May by a related ordinary regulation. The department would analyze the impact of Senate Bill 25 from the 2022 Regular Session of the General Assembly and report back to the subcommittee.

Co-Chair Hale stated that this administrative regulation appeared to be deficient.

In response to a question from Senator Yates, Co-Chair West stated that this administrative regulation was deficient because it was not included in Senate Bill 25, which rendered it null and void.

In response to a question from Senator Yates, Mr. Allen stated that paid quarantine leave would be eliminated if there was a gap between this administrative regulation and the ordinary version due to a deficiency finding.

Co-Chair Hale made a motion, seconded by Co-Chair West, to find this administrative regulation deficient. A roll call vote was conducted and, with five (5) votes to find this administrative regulation deficient and one (1) vote against deficiency, this administrative regulation was found deficient.

Senator Yates explained his no vote. He preferred deferring this administrative regulation so the General Assembly and the administration could have an opportunity to address the conflict with Senate Bill 25.

Representative Bridges explained his yes vote. Senate Bill 25 was law, and the subcommittee must comply. He regretted that the department had not raised this issue earlier to avoid the conflict.

Co-Chair West explained his yes vote. With the passage of Senate Bill 25, this administrative regulation was null and void as of January 15, 2022.

Co-Chair Hale explained his yes vote. This administrative regulation was deficient pursuant to the findings of Senate Bill 25.

The following emergency administrative regulation was reviewed pursuant to KRS 13A.190(3)(d):

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Essential Personal Care Visitor Program

900 KAR 014:010E. Essential personal care visitor programs; visitation guidelines. Kara Daniel, deputy executive director, and Adam Mather, inspector general, represented the office.

In response to a question from Co-Chair Hale, Mr. Mather stated that the office had developed the agency amendment after discussion with legislators for compliance with Senate Bill 100 from the 2022 Regular Session of the General Assembly.

In response to a question from Co-Chair West, Mr. Mather stated that the amendment deleted a facility's ability to prohibit essential caregivers and certain specific training requirements.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to delete provisions relating to temporary suspension of essential personal care visitation; and (2) to amend Section 3 to: (a) state that facility training on infection prevention and control is only required if it is mandated by the facility's written policies and procedures; and (b) delete the requirement to include specific types of training. Without objection, and with agreement of the agency, the amendments were approved.

Administrative Regulations Reviewed by this Subcommittee:

SECRETARY OF STATE: Certifications

030 KAR 002:010. Certification of vacancy in nominations. Michael Adams, Secretary of State, and Jenni Scutchfield, assistant Secretary of State, represented the office.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, the STATUTORY AUTHORITY, and the NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

FINANCE AND ADMINISTRATION CABINET: Teachers' Retirement System: General Rules

102 KAR 01:360E. Disability benefits for members who enter on, or after January 1, 2022. Tamela Biggs, staff attorney, represented the system.

In response to questions from Co-Chair West, Ms. Biggs stated that this emergency regulation was needed on a temporary basis to ensure regulatory coverage until the system could develop a more permanent process.

In response to a question from Co-Chair Hale, Ms. Biggs stated that there was not an ordinary version of this administrative regulation yet; it would be filed once the new process was fully developed.

BOARDS AND COMMISSIONS: State Board of Accountancy

201 KAR 001:190. Examination sections, applications, and procedures. Joe Donohue, executive director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to delete Section 4, which related to the testing window that is no longer applicable; (2) to amend Section 1 to delete the term “testing window”; (3) to amend Section 2 to remove provisions related to the testing window that are no longer applicable; and (4) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 3 and 5 through 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Pharmacy

201 KAR 002:106E. Licensed or permitted facility closures. Christopher Harlow, executive director, represented the board.

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

Board of Barbering

201 KAR 014:015. Retaking of examination. Christopher Hunt, board counsel, and Mason McNulty, administrator, represented the board.

201 KAR 014:030. Five (5) year expiration of license.

201 KAR 014:040. Inspection of shops and schools.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 014:050. Apprentice license; qualifications.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 3, 5, and 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 014:065. Place of business requirements.

201 KAR 014:085. Sanitation requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 13 and 15 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 014:105. Barbering school enrollment and postgraduate requirements.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 014:110. School equipment; plant layout.

A motion was made and seconded to approve the following amendments: to amend Sections 7, 10, and 12 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 014:115. Examinations; school and board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to clarify the application deadline; (2) to amend Section 9 to update the “Instructor’s Application for Examination” to change the examination fee from \$250 to \$300, (\$100 per examination section), for consistency with 201 KAR 14:180, and update all examination applications for consistency with the deadline date revisions; and (3) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 9 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 014:125. Instructor requirements.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY 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.

201 KAR 014:150. School records.

A motion was made and seconded to approve the following amendments: to amend Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 014:180. Fees.

A motion was made and seconded to approve the following amendments: to amend Sections 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.

Board of Examiners of Psychology

201 KAR 026:115. Definition of psychological testing. Brenda Nash, chair, and Kevin Winstead, commissioner, represented the board.

A motion was made and seconded to approve the following amendments: to amend Sections 2 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 026:125. Health service provider designation. 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.

201 KAR 026:130. Grievances and administrative complaints.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 2, and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 026:155. Licensed psychologist: application and temporary license.

In response to a question by Senator Yates, Mr. Winstead stated that this administrative regulation was being amended to update practicum reporting procedures on the application form.

In response to a question by Senator Yates, Ms. Nash stated that the changes were not intended to remove board oversight.

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A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to make a technical correction. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 026:160. Fee schedule.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 026:175. Continuing education.

201 KAR 026:185. Requirements for granting licensure as a psychologist to an applicant licensed in another state.

201 KAR 026:190. Requirements for supervised professional experience.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 026:215. Nonresident status.

201 KAR 026:225. Renewal and reinstatement.

201 KAR 026:230. Examinations and applications.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 3 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 026:250. Employment of a psychological associate, a temporarily licensed psychological associate, or temporarily licensed psychologist.

201 KAR 026:270. Change of license status.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 4 to make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 026:310. Telehealth and telepsychology.

A motion was made and seconded to approve the following amendment: to amend Section 1 to make a technical correction. Without objection, and with agreement of the agency, the amendment was approved.

Board of Licensure for Massage Therapy

201 KAR 042:010. Goals for massage therapy sessions. Denise Logsdon, American Massage Therapy Association, Kentucky chapter, and Kevin Winstead, commissioner, represented the board.

201 KAR 042:020. Fees.

In response to questions by Representative Frazier Gordon, Ms. Logsdon stated that the fee for a certificate of good standing did not apply to licensees. The fee applied to instruction programs to cover the cost of overseeing those programs.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:030. Licensee's change of name, home address, or place of business.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Section 1 to comply with the drafting and formatting requirements of KRS Chapter 13A, including to clarify what kinds of legal documents would authorize a name change. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:035. Application process, exam, and curriculum requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:040. Renewal and reinstatement.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 4, 5, 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.

201 KAR 042:050. Complaint procedure and disciplinary action.

A motion was made and seconded to approve the following amendment: to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

201 KAR 042:061. Code of ethics and standards of practice for massage therapists.

A motion was made and seconded to approve the following amendments: to amend Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 042:070. Endorsement.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to delete references to "active duty"; and (2) to amend the RELATES TO 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.

201 KAR 042:080. Programs of massage therapy instruction.

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 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.

201 KAR 042:110. Continuing education requirements.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph 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.

Board for Medical Imaging and Radiation Therapy

201 KAR 046:020E. Fees. Elizabeth Morgan, executive director, represented the board.

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

301 KAR 005:001. Definitions for 301 KAR Chapter 5. Brian Clark, commissioner, and Rich Storm, commissioner, 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 requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 005:030. Purchasing licenses and permits.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph 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.

301 KAR 005:100. Interstate Wildlife Violators Compact.

In response to a question by Co-Chair Hale, Mr. Storm stated that this administrative regulation had been amended in response to sunset provisions. The changes updated the agency's contact information.

A motion was made and seconded to approve the following amendments: to amend the TITLE; the NECESSITY, FUNCTION, AND CONFORMITY paragraph; and Sections 1 through 4 and 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.

DEPARTMENT OF AGRICULTURE: Industrial Hemp

302 KAR 050:021. Procedures and policies for hemp growers. Clint Quarles, attorney, represented the department.

In response to a question from Co-Chair West, Mr. Quarles stated that the amendments to this administrative regulation did not change the concentration level for THC. The changes were needed for federal regulatory approval.

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 PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 006:030. Kentucky State Reformatory. Amy Barker, assistant general counsel, and Brandon Lynch, program administrator, represented the department.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 006:290. Southeast State Correctional Complex. David Frank, senior attorney, Protection and Advocacy, and Kevin Sharkey, staff attorney, Protection and Advocacy, appeared in opposition to this administrative regulation.

In response to a question from Co-Chair Hale, Mr. Sharkey stated that ending solitary confinement for mentally ill inmates was a priority for Protection and Advocacy. It caused mental illness to worsen and violated the constitutional prohibition of cruel and unusual punishment. Protection and Advocacy was requesting changes to two of the prison's policies regarding mentally ill inmates to make them less restrictive. Suicidal inmates needed more out-of-cell time or quicker transport to a more suitable facility to avoid protracted periods of solitary confinement.

Senator Yates stated that Louisville had experienced significant issues with these situations. They needed to be addressed quickly.

In response to a question from Senator Yates, Mr. Sharkey stated that severe mental illness was defined in the Diagnostic and Statistical Manual of Mental Disorders (DSM-5) and included disorders such as bipolar and schizophrenia.

In response to a question from Co-Chair Hale, Ms. Barker stated that the department had made changes in response to Protection and Advocacy's concerns. Additionally, the department had a step-down procedure for suicide watch, including regular mental health visits and a goal of transitioning the inmate back to regular status. The two policies in question addressed short-term issues. The inmate was usually transferred to another facility if the issues continued.

In response to a question from Senator Yates, Ms. Barker stated that the time period before transfer depended on the individual inmate and the mental health professional's determination. The department would provide more specific information after investigation.

In response to questions from Co-Chair West, Ms. Barker stated that the department had amended the administrative regulation after comments to replace the restrictive housing unit with the special management unit. It provided a less restrictive environment for mentally ill inmates such as less time in the cell.

In response to a question from Co-Chair Hale, Mr. Lynch stated that this institution was located in Wheelwright, Kentucky.

In response to a question from Co-Chair Hale, Mr. Sharkey stated that he was not aware of specific cases of concern in this facility because it was new but knew of outside cases with bad outcomes.

Co-Chair Hale encouraged the department and Protection and Advocacy to continue to work together to address these issues.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of State Police: General Traffic

502 KAR 015:010. Traffic collision. Bradley Arterburn, commander; Amy Barker, assistant general counsel; and Brandon Cobb, program administrator, represented the department.

In response to a question from Senator Yates, Ms. Barker stated that filling out the traffic collision report was a statutory requirement.

In response to a question from Co-Chair West, Mr. Arterburn stated that the E-CRASH system was used if a report was made.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to add a definition for "Traffic Collision Report"; (2) to amend Section 2 to: (a) require law enforcement officers to use the E-CRASH collision reporting system to make traffic collision reports; and (b) allow a party involved in a collision that is not investigated by a law enforcement officer to submit a report using the online civilian collision reporting tool on the department website; (3) to amend Section 8 to update a form; and (4) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 3 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.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education: General Administration

702 KAR 001:116. Annual in-service training of district board members. Todd Allen, general counsel; Matthew Courtney, division director; and Veronica Sullivan, policy advisor, 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, 2, and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Office of Instruction

704 KAR 003:395. Extended school services. Todd Allen, general counsel, represented the office.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 1, 2, and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PUBLIC PROTECTION CABINET: Department of Workplace Standards: Occupational Safety and Health

803 KAR 002:321. Occupational health and environmental control. Sam Flynn, general counsel and chief of staff; Robin Maples, occupational safety and health standards specialist; and Chuck Stribling, occupational safety and health standards federal - state coordinator, represented the department.

In response to a question from Co-Chair West, Mr. Stribling stated that this administrative regulation incorporated federal standards verbatim. It replaced a previous version that had expired under the sunset provisions.

In response to a question from Co-Chair West, Ms. Maples stated that the standards related to noise exposure, ventilation, and nonionizing radiation.

803 KAR 002:426. Stairways and ladders.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Office of Health Data and Analytics: Kentucky Health Benefit Exchange

900 KAR 010:201. Repeal of 900 KAR 010:200. Kelly Rodman, director, and Edith Slone, division director, represented the office.

In response to a question from Co-Chair West, Ms. Slone stated that implementing the Kentucky exchange was less expensive than remaining on the federal exchange. The Kentucky exchange cost \$5 million initially and then \$2 million per year. The most recent cost for the federal exchange was \$15 million per year.

Department for Medicaid Services: Payments and Services

907 KAR 003:170. Telehealth service coverage and reimbursement. Jonathan Scott, regulation coordinator, represented the department.

A motion was made and seconded to approve the following amendments: (1) to delete Section 5(3) regarding out-of-state providers; and (2) to amend Sections 3 and 7 through 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Aging and Independent Living: Aging Services

910 KAR 001:190. Nutrition program for older persons. Victoria Elridge, commissioner, and Amanda Stoess, dietetic consultant, represented the department.

Department for Community Based Services: Energy Assistance Program/Weatherization

921 KAR 004:122. Assistance for low-income households with water or wastewater utility arrears. Laura Begin, regulation coordinator, represented the department.

Child Welfare

922 KAR 001:360E. Private child care placement, levels of care, and payment. Laura Begin, regulation coordinator, represented the department.

The following administrative regulations were deferred or removed from the March 7, 2022, subcommittee agenda:

DEPARTMENT OF LAW: Medical Examination of Sexual Abuse Victims

040 KAR 003:020. Protocol for operation of local multidisciplinary teams on child sexual abuse.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:430. Emergency orders and hearings.

201 KAR 002:440. Legend drug repository.

Board of Licensure for Long-Term Care Administrators

201 KAR 006:040. Renewal, reinstatement, and reactivation of license.

Board of Embalmers and Funeral Directors

201 KAR 015:030E. Fees.

201 KAR 015:030. Fees.

201 KAR 015:040. Examination.

201 KAR 015:050. Apprenticeship and supervision requirements.

201 KAR 015:110. Funeral establishment criteria.

201 KAR 015:125. Surface transportation permit.

Board of Nursing

201 KAR 020:220. Nursing continuing education provider approval.

201 KAR 020:260E. Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing.

201 KAR 020:280. Standards for developmental status, initial status, and approval of prelicensure registered nurse and practical nurse programs.

201 KAR 020:360. Continuing approval and periodic evaluation of prelicensure registered nursing and licensed practical nursing programs.

Applied Behavior Analysis Licensing Board

201 KAR 043:010. Application procedures for licensure.

201 KAR 043:020. Application procedures for temporary licensure.

201 KAR 043:030. Fees.

201 KAR 043:040. Code of ethical standards and standards of practice.

201 KAR 043:050. Requirement for supervision.

201 KAR 043:060. Complaint and disciplinary process.

201 KAR 043:071. Repeal of 201 KAR 043:070.

201 KAR 043:080. Renewals.

201 KAR 043:090. Voluntary inactive and retired status.

201 KAR 043:100. Telehealth and telepractice.

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

301 KAR 004:001. Selection of Fish and Wildlife Resources Commission nominees.

301 KAR 004:010. Districts.

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301 KAR 004:020. Ballard Wildlife Management Area restrictions.

301 KAR 004:100. Peabody Wildlife Management Area use requirements and restrictions.

301 KAR 004:110. Administration of drugs to wildlife.

JUSTICE AND PUBLIC SAFETY CABINET: Department of State Police: Driver Training

502 KAR 010:010. Definitions.

502 KAR 010:020. Department facilities; facility inspection; conflict of interest.

502 KAR 010:030. Instructor's license.

502 KAR 010:035. Commercial driver's license skill testing.

502 KAR 010:040. Training school facilities.

502 KAR 010:050. Contracts and agreements.

502 KAR 010:060. School advertising.

502 KAR 010:070. Training vehicle, annual inspection. (Amended After Comments)

502 KAR 010:080. License suspension, revocation, denial.

502 KAR 010:090. Procedure for denial, suspension, nonrenewal or revocation hearings.

502 KAR 010:110. Third-party CDL skills test examiner standards.

502 KAR 010:120. Hazardous materials endorsement requirements.

Concealed Deadly Weapons

502 KAR 011:010. Application for license to carry concealed deadly weapon.

502 KAR 011:060. License denial and reconsideration process.

502 KAR 011:070. License revocation and suspension notice and reinstatement process.

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.

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.

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.

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.

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.

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.

Criminal History Record Information System

502 KAR 030:010. Criminal History Record Information System.

502 KAR 030:020. Arrest and disposition reporting procedure.

502 KAR 030:030. Audit of Criminal History Record Information System

502 KAR 030:050. Security of centralized criminal history record information.

502 KAR 030:060. Dissemination of criminal history record information.

502 KAR 030:070. Inspection of criminal history record information by record subject.

EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Department of Education:

Office of Learning Support Services

704 KAR 007:170. Corporal punishment.

Alternative Education Programs

704 KAR 019:002. Alternative education programs.

Department of Workforce Investment: Office of Vocational Rehabilitation

781 KAR 001:010. Office of Vocational Rehabilitation appeal procedures.

781 KAR 001:020. General provisions for operation of the Office of Vocational Rehabilitation.

781 KAR 001:030. Order of selection and economic need test for vocational rehabilitation services.

781 KAR 001:040. Rehabilitation technology services.

781 KAR 001:050. Carl D. Perkins Vocational Training Center.

Office for the Blind

782 KAR 001:010. Kentucky Business Enterprises.

782 KAR 001:070. Certified driver training program.

Apprenticeship Standards

787 KAR 003:020. Confidentiality of records of the Office of Employer and Apprenticeship Services.

Kentucky Commission on Proprietary Education

791 KAR 001:010. Applications, permits, and renewals.

791 KAR 001:020. Standards for licensure.

791 KAR 001:025. Fees.

791 KAR 001:027. School record keeping requirements.

791 KAR 001:030. Procedures for hearings.

791 KAR 001:035. Student protection fund.

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791 KAR 001:040. Commercial driver license training school curriculum and refresher course.

791 KAR 001:050. Application for license for commercial driver license training school.

791 KAR 001:060. Application for renewal of license for commercial driver license training school.

791 KAR 001:070. Commercial driver license training school instructor and agency application and renewal procedures.

791 KAR 001:080. Maintenance of student records, schedule of fees charged to students, contracts and agreements involving licensed commercial driver license training schools.

791 KAR 001:100. Standards for Kentucky resident commercial driver training school facilities.

791 KAR 001:150. Bond requirements for agents and schools.

791 KAR 001:155. School closing process.

791 KAR 001:160. Transfer of ownership, change of location, change of name, revision of existing programs.

PUBLIC PROTECTION CABINET: General

800 KAR 001:020E. Team Western Kentucky Tornado Relief Fund.

LABOR CABINET: Department of Workplace Standards: Labor Standards; Wages and Hours

803 KAR 001:005. Employer-employee relationship.

803 KAR 001:025. Equal pay provisions, meaning and application.

803 KAR 001:060. Overtime pay requirements.

803 KAR 001:063. Trading time.

803 KAR 001:065. Hours worked.

803 KAR 001:066. Recordkeeping requirements.

803 KAR 001:070. Executive, administrative, supervisory or professional employees; salesmen.

803 KAR 001:075. Exclusions from minimum wage and overtime.

803 KAR 001:080. Board, lodging, gratuities and other allowances.

803 KAR 001:090. Workers with disabilities and work activity centers' employee's wages.

PUBLIC PROTECTION CABINET: Department of Insurance: Health Insurance Contracts

806 KAR 017:350. Life insurance and managed care.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Sanitation

902 KAR 010:120. Kentucky public swimming and bathing facilities.

902 KAR 010:121. Plan review, annual permitting, and inspection fees for public swimming and bathing facilities, including splash pads operated by local governments.

902 KAR 010:190. Splash pads operated by local governments.

Office of Inspector General: Health Services and Facilities

902 KAR 020:018. Operation and services; end-stage renal disease facilities.

Department for Medicaid Services: Outpatient Pharmacy Program

907 KAR 023:020. Reimbursement for outpatient drugs.

Department for Community Based Services: Child Welfare

922 KAR 001:470. Central registry.

The subcommittee adjourned at 2:37 p.m. The next meeting of this subcommittee was tentatively scheduled for April 11, 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.

HOUSE STANDING COMMITTEE ON TRANSPORTATION
Meeting of February 15, 2022

The House Transportation met on 2/15/22 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on 2/2/2022, pursuant to KRS 13A.290(6):

605 KAR 001:051
605 KAR 001:071
605 KAR 001:091
605 KAR 001:131
605 KAR 001:191
605 KAR 001:211

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 2/15/22 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

SENATE STANDING COMMITTEE ON TRANSPORTATION
Meeting of February 16, 2022

The Senate Transportation met on 2/16/2022 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on 2/2/2022, pursuant to KRS 13A.290(6):

605 KAR 001:051
605 KAR 001:071
605 KAR 001:091
605 KAR 001:131
605 KAR 001:191
605 KAR 001:211

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 2/16/2022 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

SENATE STANDING COMMITTEE ON HEALTH AND WELFARE
Meeting of March 9, 2022

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Health and Welfare for its meeting of March 9, 2022, having been referred to the Committee on March 2, 2022, pursuant to KRS 13A.290(6):

201 KAR 020:471 Proposed
201 KAR 020:472 Proposed
201 KAR 020:474 Proposed
201 KAR 020:476 Proposed
201 KAR 020:478 Proposed
907 KAR 001:005 Proposed
907 KAR 017:005 Proposed
907 KAR 017:010 Proposed
907 KAR 020:001 Proposed
907 KAR 020:020 Proposed
921 KAR 004:122 Emergency

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the March 9, 2022 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

HOUSE STANDING COMMITTEE ON HEALTH AND FAMILY SERVICES
Meeting of March 10, 2022

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health and Family Services for its meeting of March 10, 2022, having been referred to the Committee on March 2, 2022, pursuant to KRS 13A.290(6):

201 KAR 020:471 Proposed
201 KAR 020:472 Proposed
201 KAR 020:474 Proposed
201 KAR 020:476 Proposed
201 KAR 020:478 Proposed
907 KAR 001:005 Proposed
907 KAR 017:005 Proposed

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907 KAR 017:010 Proposed
907 KAR 020:001 Proposed
907 KAR 020:020 Proposed
921 KAR 004:122 Emergency

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the March 10, 2022 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

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

J - 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

J - 19

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

J - 37

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this Register year.

Technical Amendment Index

J - 38

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

J - 39

A general index of administrative regulations published during this Register year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	Ky.R. Page No.	Effective Date	Regulation Number	Ky.R. Page No.	Effective Date
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 <i>Register</i> 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 <i>Register</i> 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.					
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 .					
016 KAR 002:220E	48 Ky.R. 253	6-25-2021	201 KAR 015:030E	48 Ky.R. 268	6-30-2021
Replaced	1492	2-1-2022	201 KAR 015:040E	48 Ky.R. 270	6-30-2021
016 KAR 002:230E	48 Ky.R. 255	6-25-2021	201 KAR 015:050E	48 Ky.R. 272	6-30-2021
Replaced	705	2-1-2022	201 KAR 015:110E	48 Ky.R. 276	6-30-2021
030 KAR 005:011E	48 Ky.R. 1703	10-29-2021	201 KAR 015:125E	48 Ky.R. 279	6-30-2021
030 KAR 005:021E	48 Ky.R. 1704	10-29-2021	201 KAR 020:260E	48 Ky.R. 2168	1-11-2022
030 KAR 005:031E	48 Ky.R. 1706	10-29-2021	201 KAR 020:480E	48 Ky.R. 2367	2-2-2022
030 KAR 005:041E	48 Ky.R. 1708	10-29-2021	201 KAR 035:010E	47 Ky.R. 1872	3-5-2021
030 KAR 005:051E	48 Ky.R. 1710	10-29-2021	Am Comments	2536	5-13-2021
030 KAR 005:060E	48 Ky.R. 1711	10-29-2021	As Amended	48 Ky.R. 15	6-8-2021
030 KAR 006:011E	48 Ky.R. 1093	9-15-2021	Replaced	334	8-26-2021
031 KAR 004:195E	48 Ky.R. 256	6-23-2021	201 KAR 035:020E	47 Ky.R. 1874	3-5-2021
031 KAR 004:200E	48 Ky.R. 258	6-23-2021	Am Comments	2538	5-13-2021
031 KAR 005:025E	48 Ky.R. 259	6-23-2021	As Amended	48 Ky.R. 16	6-8-2021
040 KAR 001:040E	48 Ky.R. 262	6-28-2021	Replaced	68	8-26-2021
Replaced	1506	2-1-2022	201 KAR 035:025E	47 Ky.R. 1878	3-5-2021
101 KAR 002:095E	47 Ky.R. 172	1-29-2021	Am Comments	2542	5-13-2021
As Amended	2534	5-11-2021	Replaced	338	8-26-2021
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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.

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	103 KAR 030:120	142.303	907 KAR 010:830
	103 KAR 030:140	150.010	301 KAR 001:050
	103 KAR 030:190		301 KAR 001:125
	103 KAR 030:250		301 KAR 001:140
139.105	103 KAR 027:050		301 KAR 001:152
	103 KAR 030:190		301 KAR 001:120
139.200	103 KAR 027:050		301 KAR 001:410
	103 KAR 027:150		301 KAR 002:041
	103 KAR 027:230		301 KAR 002:050
	103 KAR 030:250		301 KAR 002:082
139.215	103 KAR 027:150		301 KAR 002:224
	103 KAR 027:230		301 KAR 003:012
139.240	103 KAR 027:230		301 KAR 003:030
139.250	103 KAR 027:230		301 KAR 004:010
139.260	103 KAR 027:150		301 KAR 004:020
	103 KAR 027:230		301 KAR 004:050
	103 KAR 030:091		301 KAR 004:070
	103 KAR 030:190		301 KAR 004:091
	103 KAR 030:250	150.015	301 KAR 002:015
139.270	103 KAR 027:150		301 KAR 002:082
	103 KAR 027:230		301 KAR 002:260
	103 KAR 030:250		301 KAR 004:050
139.280	103 KAR 027:150	150.022	301 KAR 004:001
	103 KAR 027:230		301 KAR 004:010
	103 KAR 030:250	150.023	301 KAR 004:001
139.290	103 KAR 027:150	150.025	301 KAR 001:019
	103 KAR 027:230		301 KAR 001:031
	103 KAR 030:250		301 KAR 002:050
139.310	103 KAR 027:050		301 KAR 002:111
	103 KAR 027:150		301 KAR 002:224
	103 KAR 027:230		301 KAR 002:230
	103 KAR 030:250		301 KAR 003:010
139.330	103 KAR 027:050		301 KAR 003:026
	103 KAR 027:150		301 KAR 003:030
	103 KAR 027:230		301 KAR 004:010
	103 KAR 030:250		301 KAR 004:020
139.340	103 KAR 030:190		301 KAR 004:110
139.470	103 KAR 027:230	150.090	301 KAR 001:012
	103 KAR 030:091		301 KAR 001:016
	103 KAR 030:190		301 KAR 001:031
	103 KAR 030:250		301 KAR 005:030
139.480	103 KAR 027:230	150.105	301 KAR 002:260
	103 KAR 030:091	150.170	301 KAR 001:031
	103 KAR 030:120		301 KAR 001:050
	103 KAR 030:140		301 KAR 001:125
	103 KAR 030:250		301 KAR 001:152
139.486	103 KAR 030:190		301 KAR 001:410
139.531	810 KAR 005:030		301 KAR 002:041
141.010	103 KAR 016:270		301 KAR 002:050
	103 KAR 016:352		301 KAR 002:111
141.0101	103 KAR 016:352		301 KAR 002:230
141.012	103 KAR 016:352		301 KAR 002:260
141.039	103 KAR 016:320		301 KAR 003:026
	103 KAR 016:352		301 KAR 003:110
141.040	103 KAR 016:270		301 KAR 005:030
	103 KAR 016:352		301 KAR 004:070
141.044	103 KAR 016:352	150.175	301 KAR 001:031
141.050	103 KAR 016:320		301 KAR 001:050
	103 KAR 018:090		301 KAR 001:082
141.120	103 KAR 016:270		301 KAR 001:120

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	301 KAR 001:152		301 KAR 001:050
	301 KAR 001:410		301 KAR 001:410
	301 KAR 002:142		301 KAR 003:010
	301 KAR 002:230		301 KAR 003:012
	301 KAR 002:260		301 KAR 003:026
	301 KAR 003:026		301 KAR 003:027
	301 KAR 003:110		301 KAR 004:100
150.180	301 KAR 005:030	150.625	301 KAR 001:012
	301 KAR 002:041		301 KAR 001:016
	301 KAR 004:070		301 KAR 001:019
	301 KAR 004:091	150.630	301 KAR 002:041
150.183	301 KAR 002:082		301 KAR 002:260
150.186	301 KAR 002:082	150.640	301 KAR 001:012
150.190	301 KAR 001:120		301 KAR 001:016
150.195	301 KAR 002:082		301 KAR 001:019
	301 KAR 004:070		301 KAR 002:050
	301 KAR 005:001		301 KAR 003:010
	301 KAR 005:030		301 KAR 003:012
150.235	301 KAR 001:120	150.680	301 KAR 002:050
	301 KAR 001:125	150.990	301 KAR 001:050
	301 KAR 001:410		301 KAR 001:152
	301 KAR 002:082		301 KAR 001:410
	301 KAR 002:260		301 KAR 002:041
	301 KAR 005:030		301 KAR 002:142
150.236	301 KAR 005:100		301 KAR 002:082
150.240	301 KAR 003:012		301 KAR 002:224
150.250	301 KAR 001:031		301 KAR 002:260
	301 KAR 002:050		301 KAR 003:012
150.280	301 KAR 004:100		301 KAR 003:030
	301 KAR 002:041		301 KAR 003:110
	301 KAR 002:084		301 KAR 004:070
150.290	301 KAR 002:084		301 KAR 004:100
150.300	301 KAR 004:020		301 KAR 005:030
150.305	301 KAR 002:142	151.601	200 KAR 017:110E
	301 KAR 002:224		200 KAR 017:110
150.320	301 KAR 002:082	151.605	200 KAR 017:110E
150.330	301 KAR 002:082		200 KAR 017:110
	301 KAR 002:224	151B.020	787 KAR 002:040
	301 KAR 002:230	151B.185	781 KAR 001:020
	301 KAR 002:260	151B.190	781 KAR 001:010
150.340	301 KAR 001:031		781 KAR 001:020
	301 KAR 001:050		781 KAR 001:030
	301 KAR 002:224		781 KAR 001:040
	301 KAR 002:260		781 KAR 001:050
150.360	301 KAR 001:031	151B.200	781 KAR 001:010
	301 KAR 001:082		781 KAR 001:020
	301 KAR 002:050	151B.280	787 KAR 003:020
	301 KAR 003:027	151B.402	013 KAR 003:040
	301 KAR 003:030	151B.403	013 KAR 003:010
	301 KAR 003:110		013 KAR 003:030
150.362	301 KAR 003:110		013 KAR 003:050
150.365	301 KAR 003:110		013 KAR 003:060
150.370	301 KAR 001:031	151B.408	013 KAR 003:020
	301 KAR 002:111		013 KAR 003:030
	301 KAR 003:030		013 KAR 003:040
	301 KAR 003:110		013 KAR 003:060
150.390	301 KAR 002:111	154A.060	202 KAR 003:020
	301 KAR 003:027	154A.120	202 KAR 003:020
	301 KAR 003:110	156.010	702 KAR 003:090
150.411	301 KAR 004:091	156.029	701 KAR 005:160
150.445	301 KAR 001:152	156.070	702 KAR 001:191E
	301 KAR 001:410		702 KAR 001:192E
150.450	301 KAR 001:140		702 KAR 001:195E
	301 KAR 001:152		702 KAR 007:065
150.470	301 KAR 001:031		704 KAR 003:395
150.485	301 KAR 001:120		704 KAR 019:002
	301 KAR 001:125	156.160	702 KAR 001:191E
150.600	301 KAR 002:224		701 KAR 001:191
	301 KAR 002:260		702 KAR 001:192E
	301 KAR 004:020		704 KAR 007:170
	301 KAR 004:050		704 KAR 019:002
150.620	301 KAR 001:012	156.496	922 KAR 001:565
	301 KAR 001:018	156.802	780 KAR 003:020
	301 KAR 001:019	156.808	780 KAR 003:020

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157.200	016 KAR 004:020		016 KAR 003:070
157.250	016 KAR 004:020		016 KAR 003:080
157.3175	016 KAR 002:040		016 KAR 004:020
157.320	702 KAR 007:125E		016 KAR 004:050
	702 KAR 007:125		016 KAR 005:010
157.350	702 KAR 007:125E		016 KAR 006:010
	702 KAR 007:125	161.030	016 KAR 002:040
157.360	702 KAR 007:125E		016 KAR 002:050
	702 KAR 007:125		016 KAR 002:180
158.030	702 KAR 007:125E		016 KAR 002:220E
	702 KAR 007:125		016 KAR 002:220
158.070	702 KAR 007:125E		016 KAR 002:230E
	702 KAR 007:125		016 KAR 002:230
	704 KAR 003:395		016 KAR 003:070
158.100	702 KAR 007:125E		016 KAR 003:080
	702 KAR 007:125		016 KAR 004:020
158.135	013 KAR 003:050		016 KAR 004:050
	922 KAR 001:310		016 KAR 005:010
158.143	013 KAR 003:050		016 KAR 006:010
158.160	902 KAR 002:221E	161.053	016 KAR 002:050
158.240	702 KAR 007:125E	161.120	016 KAR 001:030
	702 KAR 007:125	161.1211	016 KAR 002:180
	704 KAR 003:395	161.155	702 KAR 001:191
158.6451	704 KAR 007:170	161.200	702 KAR 007:125E
	704 KAR 003:395		702 KAR 007:125
158.6453			780 KAR 003:020
158.6645	013 KAR 003:050	161.605	102 KAR 001:360E
158.792	704 KAR 003:395	161.661	
159.010	702 KAR 007:125E	163.470	782 KAR 001:010
	702 KAR 007:125	164.518	011 KAR 016:001
159.030	702 KAR 007:125E		011 KAR 016:010
	702 KAR 007:125	164.740	011 KAR 016:001
	704 KAR 007:121	164.772	201 KAR 022:020
159.035	702 KAR 007:125E	164.945	016 KAR 005:010
	702 KAR 007:125	164.946	016 KAR 005:010
159.140	702 KAR 007:125E	164.947	016 KAR 005:010
	702 KAR 007:125	164A.575	745 KAR 001:035
159.170	702 KAR 007:125E	165A.310	502 KAR 010:035
	702 KAR 007:125		791 KAR 001:020
160.151	922 KAR 001:470		791 KAR 001:070
160.180	702 KAR 001:116	165A.330	791 KAR 001:010
160.290	702 KAR 001:191E		791 KAR 001:020
	702 KAR 001:191		791 KAR 001:040
	702 KAR 001:192E		791 KAR 001:050
	702 KAR 007:150		791 KAR 001:060
	704 KAR 007:121		791 KAR 001:070
160.380	016 KAR 001:030		791 KAR 001:080
	702 KAR 007:065		791 KAR 001:100
	704 KAR 019:002	165A.340	791 KAR 001:020
	922 KAR 001:470		791 KAR 001:155
160.445	702 KAR 007:065	165A.350	791 KAR 001:010
160.570	702 KAR 003:090		791 KAR 001:020
160.613	103 KAR 030:140		791 KAR 001:025
161.010-161.100	016 KAR 001:030		791 KAR 001:030
161.011	013 KAR 003:030		791 KAR 001:070
161.020	016 KAR 002:040		791 KAR 001:150
	016 KAR 002:050	165A.360	791 KAR 001:010
	016 KAR 002:180		791 KAR 001:020
	016 KAR 002:220E		791 KAR 001:025
	016 KAR 002:220		791 KAR 001:030
	016 KAR 002:230E		791 KAR 001:150
	016 KAR 002:230		791 KAR 001:160
	016 KAR 002:180	165A.370	791 KAR 001:020
	016 KAR 003:070		791 KAR 001:027
	016 KAR 003:080		791 KAR 001:030
	016 KAR 004:020		791 KAR 001:040
	016 KAR 004:050		791 KAR 001:050
	016 KAR 005:010		791 KAR 001:060
	016 KAR 006:010		791 KAR 001:070
161.027	016 KAR 003:080		791 KAR 001:080
161.028	016 KAR 002:050		791 KAR 001:100
	016 KAR 002:220E		791 KAR 001:155
	016 KAR 002:220		791 KAR 001:160
	016 KAR 002:230E	165A.380	791 KAR 001:025
	016 KAR 002:230		791 KAR 001:070

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165A.390	791 KAR 001:020	186.578	782 KAR 001:070
	791 KAR 001:030	186.579	782 KAR 001:070
	791 KAR 001:155	186A.040	806 KAR 039:070
165A.420	791 KAR 001:025	186A.042	806 KAR 039:070
165A.450	791 KAR 001:020	186A.095	806 KAR 039:070
	791 KAR 001:035	189.125	922 KAR 001:310
	791 KAR 001:050	189.450	502 KAR 015:020
165A.460	502 KAR 010:070	189.635	502 KAR 015:010
	502 KAR 010:090	189.751	502 KAR 015:020
	791 KAR 001:040	189.752	502 KAR 015:020
	791 KAR 001:070	189.753	502 KAR 015:020
165A.460-165A.515	791 KAR 001:060	189.910-189.950	202 KAR 007:560
165A.465	791 KAR 001:050	189A.010	782 KAR 001:070
	791 KAR 001:070	190.010	605 KAR 001:051
165A.470	791 KAR 001:050		605 KAR 001:211
	791 KAR 001:070	190.010-190.990	605 KAR 001:191
165A.475	791 KAR 001:050	190.030	605 KAR 001:051
	791 KAR 001:070		605 KAR 001:071
165A.480	791 KAR 001:050	190.032	605 KAR 001:211
	791 KAR 001:070	190.040	605 KAR 001:091
165A.485	791 KAR 001:070	190.058	605 KAR 001:131
165A.500	791 KAR 001:080	190.062	605 KAR 001:131
165A.510	791 KAR 001:080	194.010	921 KAR 004:116E
	791 KAR 001:100		921 KAR 004:116
165A.990	791 KAR 001:030	194.025	907 KAR 017:010
171	725 KAR 001:010	194.030	787 KAR 001:310
	725 KAR 001:050	194.060	921 KAR 004:116E
171.027	725 KAR 002:015		921 KAR 004:116
171.125	725 KAR 002:015		922 KAR 002:160E
171.221	725 KAR 002:080		922 KAR 002:160
171.396	300 KAR 006:010	194.070	921 KAR 004:116E
171.3961	300 KAR 006:010		921 KAR 004:116
171.397	300 KAR 006:010	194A	921 KAR 002:015E
171.420	725 KAR 001:025		921 KAR 002:015
	725 KAR 001:061	194A.005	907 KAR 020:001
171.450	725 KAR 001:020		922 KAR 001:565
	725 KAR 001:030	194A.010	922 KAR 005:070
	725 KAR 001:061	194A.025	907 KAR 017:005
171.470	725 KAR 001:025	194A.050	900 KAR 010:201
171.480	725 KAR 001:025		902 KAR 002:230E
171.500	725 KAR 001:025		902 KAR 002:240E
	725 KAR 001:040		902 KAR 002:250E
171.520	725 KAR 001:025	194A.060	907 KAR 003:170
171.550	725 KAR 001:025		910 KAR 001:190
171.580	725 KAR 001:025		922 KAR 001:310
171.590	725 KAR 001:025		922 KAR 001:315
171.600	725 KAR 001:020	194A.070	921 KAR 004:122E
171.670	725 KAR 001:020		921 KAR 004:122
173.040	725 KAR 002:015	194A.380-194A.383	922 KAR 001:470
173.340	725 KAR 002:015	194A.540	201 KAR 020:110
173.480	725 KAR 002:015		201 KAR 020:320
173.725	725 KAR 002:015	194A.700	900 KAR 014:010E
176.050	603 KAR 005:150		900 KAR 014:010
176.051	603 KAR 003:100	196	501 KAR 006:030
177.047	603 KAR 005:150		501 KAR 006:290
177.0734-177.0738	603 KAR 004:035	197	501 KAR 006:030
177.103	603 KAR 005:150		501 KAR 006:290
177.106	603 KAR 005:150	196.035	501 KAR 002:060
177.572-177.576	603 KAR 010:011E	196.020	501 KAR 002:060
	603 KAR 010:040E	196.030	501 KAR 006:250
	603 KAR 010:040	197.045	501 KAR 002:060
177.830-177.890	603 KAR 010:011E		725 KAR 002:015
	603 KAR 010:040E	198B.032	725 KAR 002:015
	603 KAR 010:040	198B.040	815 KAR 007:110
177.990	603 KAR 010:011E	198B.050	725 KAR 002:015
	603 KAR 010:040E		815 KAR 004:025
	603 KAR 010:040		815 KAR 007:110
186.021	806 KAR 039:070		815 KAR 010:060
186.412	502 KAR 013:010		815 KAR 020:195
	502 KAR 013:040		815 KAR 035:020
186.480	782 KAR 001:070	198B.060	815 KAR 007:110
186.570	921 KAR 001:390	198B.070	815 KAR 007:110
186.576	782 KAR 001:070	198B.260	902 KAR 020:016
186.577	782 KAR 001:070	198B.400	815 KAR 004:010

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	815 KAR 004:027	205.455	910 KAR 001:190
198B.400-198B.0540	815 KAR 004:025	205.465	910 KAR 001:190
198B.470	815 KAR 004:010	205.510	900 KAR 012:005E
198B.480	815 KAR 004:010		900 KAR 012:005
198B.490	815 KAR 004:027		907 KAR 003:170
198B.500	815 KAR 004:010		907 KAR 010:815
198B.510	815 KAR 004:010		907 KAR 010:830
198B.540	815 KAR 004:010	250.520	907 KAR 020:020
198B.550-198B.630	815 KAR 007:080	205.5510-205.5520	907 KAR 023:020E
199.011	922 KAR 001:310		907 KAR 023:020
	922 KAR 001:315	205.559	900 KAR 012:005E
	922 KAR 001:340		900 KAR 012:005
	922 KAR 001:360E		907 KAR 003:170
	922 KAR 001:360	205.5591	900 KAR 012:005E
	922 KAR 001:530		900 KAR 012:005
	922 KAR 001:565		907 KAR 003:170
	922 KAR 002:280	205.560	907 KAR 001:604
199.430	922 KAR 001:310		907 KAR 003:170
199.462	922 KAR 001:565		907 KAR 023:020E
199.466	922 KAR 001:470		907 KAR 023:020
	922 KAR 002:280	205.561	907 KAR 023:020E
199.470	922 KAR 001:315		907 KAR 023:020
199.470-199.590	922 KAR 001:565	205.5631	907 KAR 023:020E
199.510	922 KAR 001:315		907 KAR 023:020
199.520	922 KAR 001:315	205.5632	907 KAR 023:020E
199.555	907 KAR 017:005		907 KAR 023:020
199.570	922 KAR 001:310	205.5634	907 KAR 023:020E
199.572	922 KAR 001:315		907 KAR 023:020
199.640	922 KAR 001:310	205.5636	907 KAR 023:020E
	922 KAR 001:315		907 KAR 023:020
199.640-199.680	922 KAR 001:360E	205.5638	907 KAR 023:020E
	922 KAR 001:360		907 KAR 023:020
199.801	922 KAR 001:360E	205.5639	907 KAR 023:020E
	922 KAR 001:360		907 KAR 023:020
199.894	922 KAR 002:160E	205.565	907 KAR 010:830
	922 KAR 002:160	205.624	907 KAR 001:005
	922 KAR 002:280		907 KAR 017:010
199.896	922 KAR 001:470	205.6312	907 KAR 001:005
	922 KAR 002:160E		907 KAR 001:604
	922 KAR 002:160	205.6316	907 KAR 023:020E
199.898	922 KAR 002:160E		907 KAR 023:020
	922 KAR 002:160	205.637	907 KAR 010:815
199.8982	922 KAR 001:470		907 KAR 010:830
	922 KAR 002:160E	205.638	907 KAR 010:830
	922 KAR 002:160	205.639	906 KAR 001:110
199.899	922 KAR 002:160E		907 KAR 010:815
	922 KAR 002:160		907 KAR 010:830
200.575	922 KAR 001:530	205.640	907 KAR 010:815
200.654	902 KAR 030:120		907 KAR 010:830
200.668	902 KAR 030:120	205.6405	907 KAR 010:815
202A	907 KAR 017:005	205.6406	907 KAR 010:815
	908 KAR 003:010E	205.6407	907 KAR 010:815
	908 KAR 003:010	205.6408	907 KAR 010:815
202A.011	702 KAR 007:150	204.6485	907 KAR 001:604
	921 KAR 002:015E	205.710	921 KAR 001:020
	921 KAR 002:015		921 KAR 001:390
202A.051	922 KAR 005:070		921 KAR 001:400E
202A.410	501 KAR 014:010		921 KAR 001:400
202B	908 KAR 003:010E	205.712	921 KAR 001:020
	908 KAR 003:010		921 KAR 001:390
202B.100	922 KAR 005:070	205.721	921 KAR 001:390
205.175	921 KAR 001:020	205.730	921 KAR 001:020
205.177	921 KAR 001:020		921 KAR 001:390
205.201	910 KAR 001:190	205.735	921 KAR 001:020
205.2005	921 KAR 003:026E	205.7685	921 KAR 001:020
	921 KAR 003:027E	205.772	921 KAR 001:020
	921 KAR 003:027	205.774	921 KAR 001:020
205.203	910 KAR 001:190	205.776	921 KAR 001:020
205.211	922 KAR 001:565	205.800	921 KAR 001:020
205.240	921 KAR 004:122E	205.802	921 KAR 001:400E
	921 KAR 004:122		921 KAR 001:400
205.245	921 KAR 002:015E	205.8451	907 KAR 001:604
	921 KAR 002:015		907 KAR 020:001
	923 KAR 002:470	205.8451-205.8483	907 KAR 017:005

KRS SECTION	REGULATION	KRS SECTION	REGULATION
205.990	921 KAR 001:020		902 KAR 002:213E
	921 KAR 001:400E		902 KAR 002:221E
	921 KAR 001:400	214.020	902 KAR 002:221E
209	902 KAR 020:016	214.036	922 KAR 002:160E
	922 KAR 002:280		922 KAR 002:160
	922 KAR 005:070	214.623	902 KAR 002:020
209.020	502 KAR 012:010	214.645	902 KAR 002:020
	921 KAR 002:015E		902 KAR 002:212E
	921 KAR 002:015		902 KAR 002:213E
209.030	502 KAR 012:010	214.990	902 KAR 002:020
	906 KAR 001:180	215.520	902 KAR 002:020
209.032	902 KAR 020:081	216.2970	902 KAR 020:016
	906 KAR 001:180		902 KAR 030:120
209A.020	502 KAR 012:010	216.378	906 KAR 001:110
209A.030	502 KAR 012:010	216.379	906 KAR 001:110
	910 KAR 001:190	216.380	906 KAR 001:110
209A.100	502 KAR 012:010		907 KAR 010:815
209A.110	502 KAR 012:010		907 KAR 010:830
209A.130	502 KAR 012:010	216.510	900 KAR 014:010E
210.366	201 KAR 026:175		900 KAR 014:010
211.015	902 KAR 010:120		902 KAR 020:460E
	902 KAR 010:190	216.530	921 KAR 002:015E
211.090	902 KAR 010:120		921 KAR 002:015
211.180	902 KAR 002:212E	216.557	921 KAR 002:015E
	902 KAR 002:213E		921 KAR 002:015
	902 KAR 002:230E	216.710-216.716	906 KAR 001:180
	902 KAR 002:240E		910 KAR 004:010
	902 KAR 002:250E	216.765	921 KAR 002:015E
	902 KAR 010:190		921 KAR 002:015
	902 KAR 048:010	216.935	902 KAR 020:081
	902 KAR 048:020		907 KAR 001:030
	902 KAR 048:030	216.936	907 KAR 001:030
	902 KAR 048:040	216.937	902 KAR 020:081
211.185	902 KAR 010:121		907 KAR 001:030
211.332	201 KAR 017:110	216.9375	902 KAR 020:081
	900 KAR 012:005E		907 KAR 001:030
	900 KAR 012:005	216.935-216.939	910 KAR 004:010
211.334	201 KAR 017:110	216.939	907 KAR 001:030
211.336	201 KAR 017:110	216A.070	201 KAR 006:020
211.338	201 KAR 017:110	216A.080	201 KAR 006:020
211.600	502 KAR 012:010		201 KAR 006:040
211.990	902 KAR 010:120	216A.090	201 KAR 006:040
	902 KAR 010:121	216B	921 KAR 002:015E
211.994	902 KAR 048:010		921 KAR 002:015
	902 KAR 048:010	216B.010	900 KAR 006:075E
211.210	902 KAR 010:120		900 KAR 006:075
211.220	902 KAR 010:120		902 KAR 020:016
211.350	815 KAR 035:020		902 KAR 020:018
211.647	902 KAR 030:120	216B.010-216B.130	900 KAR 005:020E
211.684	922 KAR 001:470		900 KAR 005:020
211.842-211.852	902 KAR 020:016		902 KAR 020:081
	902 KAR 020:106	216B.015	502 KAR 012:010
	906 KAR 001:110		900 KAR 006:075E
211.900-211.905	902 KAR 048:010		900 KAR 006:075
	902 KAR 048:010		902 KAR 002:020
211.990	902 KAR 010:120		902 KAR 002:230E
	902 KAR 048:010		902 KAR 020:016
211.994	902 KAR 048:010		902 KAR 020:018
	902 KAR 048:010		902 KAR 020:106
211.9061-200.9079	902 KAR 048:010		906 KAR 001:110
211.9063	902 KAR 048:030		906 KAR 001:180
	902 KAR 048:040	216B.040	900 KAR 006:075E
211.9069	902 KAR 048:030		900 KAR 006:075
211.9071	902 KAR 048:030		902 KAR 020:016
	902 KAR 048:040		902 KAR 020:018
211.9075	902 KAR 048:030		906 KAR 001:110
212.626	815 KAR 007:110	216B.042	902 KAR 020:016
213.036	921 KAR 001:390		902 KAR 020:018
213.046	921 KAR 001:390		902 KAR 020:106
	921 KAR 001:400E	216B.0425	902 KAR 020:016
	921 KAR 001:400	216B.045	902 KAR 020:016
213.071	921 KAR 001:390		902 KAR 020:018
214	902 KAR 020:016	216B.050	902 KAR 020:016
214.010	902 KAR 002:212E		902 KAR 020:018

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216B.055	902 KAR 020:016	224.60-135	815 KAR 030:060
	902 KAR 020:018	224.99-010	502 KAR 047:010
216B.062	900 KAR 006:075E	227.300	725 KAR 002:015
	900 KAR 006:075		815 KAR 010:060
216B.075	902 KAR 020:016		815 KAR 030:060
	902 KAR 020:018	227.320	815 KAR 010:060
216B.085	902 KAR 020:016	227.330	815 KAR 010:060
	902 KAR 020:018	227.460	815 KAR 035:020
216B.090	900 KAR 006:075E	227.480	815 KAR 035:020
	900 KAR 006:075	227.487	815 KAR 035:020
216B.095	900 KAR 006:075E	227.489	815 KAR 007:110
	900 KAR 006:075	227.491	815 KAR 035:020
216B.105	906 KAR 001:110	227.700	815 KAR 010:070
216B.105-216B.125	902 KAR 020:016	227.702	815 KAR 010:070
	902 KAR 020:018	227.704	815 KAR 010:070
216B.115	900 KAR 006:075E	227.708	815 KAR 010:070
	900 KAR 006:075	227.710	815 KAR 010:070
216B.140-216B.175	902 KAR 020:016	227.715	815 KAR 010:070
216B.153	902 KAR 020:106	227.750	815 KAR 010:070
	906 KAR 001:110	227.752	815 KAR 010:070
216B.165	902 KAR 020:106	227.990	815 KAR 010:060
	906 KAR 001:110	230	810 KAR 006:001
216B.185	902 KAR 020:016	230.215	810 KAR 003:020
216B.190	902 KAR 020:016		810 KAR 004:010
216B.230-216B.239	902 KAR 020:016		810 KAR 004:030
216B.250	902 KAR 020:016		810 KAR 004:040
216B.400	502 KAR 012:010		810 KAR 004:060
216B.400-216B.402	902 KAR 020:016		810 KAR 005:030
216B.455	900 KAR 006:075E		810 KAR 005:060
	900 KAR 006:075		810 KAR 005:070
216B.990	502 KAR 012:010		810 KAR 008:025E
	900 KAR 006:075E		810 KAR 008:025
	900 KAR 006:075	230.225	810 KAR 007:050
	902 KAR 020:016		810 KAR 008:025E
	902 KAR 020:018		810 KAR 008:025
	902 KAR 020:081	230.240	810 KAR 004:030
	902 KAR 020:106		810 KAR 008:025E
	906 KAR 001:110		810 KAR 008:025
217.015	907 KAR 023:020E	230.260	810 KAR 003:020
	907 KAR 023:020		810 KAR 004:030
217.055	201 KAR 002:076		810 KAR 004:040
217.065	201 KAR 002:076		810 KAR 004:060
217.186	201 KAR 002:360		810 KAR 005:030
217.211	806 KAR 017:280		810 KAR 005:060
217.660	902 KAR 048:010		810 KAR 005:070
217.801	902 KAR 048:010		810 KAR 008:025E
	902 KAR 048:010		810 KAR 008:025
	902 KAR 048:040	230.265	810 KAR 008:025E
217B	302 KAR 050:021		810 KAR 008:025
	302 KAR 050:046	230.280	810 KAR 003:020
	302 KAR 050:056		810 KAR 005:070
218A.010	016 KAR 001:030	230.290	810 KAR 003:020
218A.1431	502 KAR 047:010		810 KAR 004:030
218A.172	201 KAR 020:057		810 KAR 005:070
218A.205	201 KAR 002:050		810 KAR 008:025E
	201 KAR 002:430		810 KAR 008:025
	201 KAR 008:520	230.300	810 KAR 003:020
	201 KAR 020:057		810 KAR 005:070
	201 KAR 020:215	230.310	810 KAR 003:020
224A.011	200 KAR 017:110E		810 KAR 004:030
	200 KAR 017:110		810 KAR 005:070
224A.020	200 KAR 017:110E	230.320	810 KAR 003:020
	200 KAR 017:110		810 KAR 004:030
224A.035	200 KAR 017:110E		810 KAR 005:070
	200 KAR 017:110		810 KAR 008:025E
224A.040	200 KAR 017:110E		810 KAR 008:025
	200 KAR 017:110	230.330	810 KAR 003:020
224A.050-224A.314	200 KAR 017:110E		810 KAR 007:050
	200 KAR 017:110	230.370	810 KAR 008:025E
224.1-010-410	502 KAR 047:010		810 KAR 008:025
224.20-100	401 KAR 051:010	230.804	810 KAR 007:050
224.20-110	401 KAR 051:010	234.120	815 KAR 030:010
224.20-120	401 KAR 051:010	234.130	815 KAR 030:010
224.60-105	815 KAR 030:060	234.140	815 KAR 010:060

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235	301 KAR 006:001	278.0154	921 KAR 004:122E
235.40	301 KAR 006:070		921 KAR 004:122
235.220	301 KAR 006:070	281A.120	502 KAR 010:120
235.315	301 KAR 001:018	281A.130	502 KAR 010:120
237.110	502 KAR 011:010	281A.150	502 KAR 010:120
	502 KAR 011:060	281A.160	502 KAR 010:035
	502 KAR 011:070		502 KAR 010:110
	502 KAR 013:030		502 KAR 010:120
	502 KAR 013:040	281A.170	502 KAR 010:120
	502 KAR 013:050	285.065	301 KAR 002:082
	502 KAR 013:060	285.085	301 KAR 002:082
	502 KAR 013:080	302.31	921 KAR 001:390
	502 KAR 030:060	302.33	921 KAR 001:390
	503 KAR 004:010	302.34	921 KAR 001:020
	503 KAR 004:040	302.50	921 KAR 001:400E
	503 KAR 004:050		921 KAR 001:400
	921 KAR 001:390	302.56	921 KAR 001:400E
237.120	503 KAR 004:040		921 KAR 001:400
237.122	503 KAR 004:040	302.80	921 KAR 001:400E
237.124	503 KAR 004:040		921 KAR 001:400
	503 KAR 004:050	303.107	921 KAR 001:020
237.126	503 KAR 004:040	303.21	921 KAR 001:020
237.138	502 KAR 013:030	303.322	902 KAR 030:120
	502 KAR 013:040	303.4	921 KAR 001:400E
	502 KAR 013:050		921 KAR 001:400
	502 KAR 013:060	303.421	902 KAR 030:120
	502 KAR 013:080	303.5	921 KAR 001:390
237.140	502 KAR 013:030	303.70	921 KAR 001:020
	502 KAR 013:040	303.8	921 KAR 001:400E
	502 KAR 013:050		921 KAR 001:400
	502 KAR 013:060	303.30-303.32	921 KAR 001:400E
	502 KAR 013:080		921 KAR 001:400
237.142	502 KAR 013:030	304	806 KAR 011:020
	502 KAR 013:040		921 KAR 001:020
	502 KAR 013:050		921 KAR 001:390
	502 KAR 013:060	304.1-010	806 KAR 014:007
	502 KAR 013:080	304.1-050	806 KAR 011:020
237.138-237.142	502 KAR 013:010		806 KAR 014:007
241.010	103 KAR 030:120		806 KAR 017:575
243.027	804 KAR 004:415		806 KAR 017:590
243.028	804 KAR 004:415		806 KAR 046:050
243.029	804 KAR 004:415	304.1-070	806 KAR 010:030
243.030	103 KAR 030:120	304.1-120	806 KAR 011:020
	804 KAR 004:212	304.2-100	806 KAR 017:290
243.040	103 KAR 030:120		806 KAR 017:350
243.100	804 KAR 004:480	304.2-110	806 KAR 017:470
243.220	804 KAR 004:221	304.2-140	806 KAR 017:280
243.260	804 KAR 004:251	304.2-160	806 KAR 011:020
243.520	804 KAR 004:480		806 KAR 017:575
247.100	303 KAR 001:110	304.2-165	806 KAR 011:020
247.145	303 KAR 001:005		806 KAR 017:575
	303 KAR 001:010	304.2-230	806 KAR 017:290
	303 KAR 001:015	304.2-310	806 KAR 017:290
	303 KAR 001:075		806 KAR 017:450
	303 KAR 001:080	304.3-240	806 KAR 012:010
	303 KAR 001:090	304.3-270	806 KAR 014:007
	303 KAR 001:100	304.4-010	806 KAR 014:007
217.147	303 KAR 001:110	304.5-040	806 KAR 011:020
247.153	303 KAR 001:005	304.5-140	806 KAR 005:025
247.154	303 KAR 001:005	304.9-020	806 KAR 011:020
	303 KAR 001:010		806 KAR 017:575
	303 KAR 001:015		806 KAR 017:590
247.160	303 KAR 001:075	304.9-051	806 KAR 011:020
258.015	922 KAR 001:310	304.9-052	806 KAR 017:450
258.035	922 KAR 001:310	304.9-055	806 KAR 017:590
258.065	902 KAR 002:020	304.10-030	806 KAR 010:030
258.990	902 KAR 002:020	304.10-040	806 KAR 010:030
260.850-260.869	302 KAR 050:021	304.10-050	806 KAR 010:030
	302 KAR 050:031	304.10-170	806 KAR 010:030
	302 KAR 050:046	304.10-180	806 KAR 010:030
	302 KAR 050:056	304.11-030	806 KAR 011:020
	302 KAR 050:080	304.11-045	806 KAR 011:020
273.161	922 KAR 001:310	304.12-010	806 KAR 012:010
	922 KAR 001:315	304.12-020	806 KAR 012:010

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304.12-060	806 KAR 012:010	304.18-114	806 KAR 017:260
304.12-120	806 KAR 012:010	304.18-120	806 KAR 017:260
304.12-130	806 KAR 012:010	304.32-145	806 KAR 018:030
304.13-011	806 KAR 046:050	304.32-147	806 KAR 017:280
304.13-051	806 KAR 046:050	304.32-185	806 KAR 018:030
304.14-120	806 KAR 014:007	304.32-330	806 KAR 017:280
	806 KAR 046:050	304.38-225	806 KAR 017:280
304.14-190	806 KAR 014:007	304.38-240	907 KAR 003:170
304.14-640	907 KAR 020:001	304.39-010	806 KAR 017:370
304.17-042	806 KAR 018:030	304.39-080	806 KAR 039:070
304.17-380	806 KAR 014:007	304.39-083	806 KAR 039:070
304.17-412	806 KAR 017:280	304.39-085	806 KAR 039:070
304.17A	806 KAR 017:260	304.39-087	806 KAR 039:070
304.17A-005	806 KAR 011:020	304.39-090	806 KAR 039:070
	806 KAR 017:370	304.39-117	806 KAR 039:070
	806 KAR 017:470	304.39-340	806 KAR 017:370
	806 KAR 017:590	304.40-320	900 KAR 012:005E
304.17A-095	806 KAR 014:007		900 KAR 012:005
304.17A-096	806 KAR 014:007	304.47-020	806 KAR 017:450
304.17A-138	806 KAR 017:270	304.48-020	806 KAR 046:050
	900 KAR 012:005E	304.48-180	806 KAR 046:050
	900 KAR 012:005	304.99	806 KAR 017:300
304.17A-150	806 KAR 017:300	304.99-020	806 KAR 011:020
304.17A-161	806 KAR 017:575	304.99-085	806 KAR 010:030
304.17A-162	806 KAR 017:575	307.13	921 KAR 001:020
304.17A-200	806 KAR 017:450	309.0814	201 KAR 035:070
304.17A-230	806 KAR 017:240	309.083	201 KAR 035:070
304.17A-235	806 KAR 017:300	309.0830	201 KAR 035:070
304.17A-250	806 KAR 018:030	309.0831	201 KAR 035:070
304.17A-330	806 KAR 017:240	309.0832	201 KAR 035:070
304.17A-410	806 KAR 011:020	309.0833	201 KAR 035:070
304.17A-500	806 KAR 017:300	309.0834	201 KAR 035:070
304.17A-527	806 KAR 017:300	309.0841	201 KAR 035:070
304.17A-530	806 KAR 017:300	309.0842	201 KAR 035:070
304.17A-532	806 KAR 017:300	309.350	201 KAR 042:010
304.17A-560	806 KAR 017:300	309.351	201 KAR 042:050
304.17A-575	806 KAR 017:300		201 KAR 042:110
304.17A-578	806 KAR 017:300	309.352	201 KAR 042:080
304.17A-600	806 KAR 011:020	309.355	201 KAR 042:010
	806 KAR 017:280		201 KAR 042:030
	806 KAR 017:290		201 KAR 042:050
304.17A-607	806 KAR 017:370		201 KAR 042:060
304.17A-619	806 KAR 017:280		201 KAR 042:061
304.17A-621	806 KAR 017:290		201 KAR 042:080
304.17A-623	806 KAR 017:280		201 KAR 042:110
304.17A-631	806 KAR 017:290	309.357	201 KAR 042:010
304.17A-633	806 KAR 011:020		201 KAR 042:040
304.17A-700	806 KAR 017:370	309.358	201 KAR 042:035
	806 KAR 017:470	309.359	201 KAR 042:035
	806 KAR 017:590		201 KAR 042:070
304.17A-728	806 KAR 017:300	309.361	201 KAR 042:040
304.17A-730	806 KAR 017:370		201 KAR 042:110
304.17A-732	806 KAR 017:590	309.362	201 KAR 042:035
304.17A-750	806 KAR 017:450		201 KAR 042:040
304.17A-770	806 KAR 017:450		201 KAR 042:050
304.17A-802	806 KAR 011:020		201 KAR 042:060
304.17A-812	806 KAR 011:020		201 KAR 042:061
304.17A-846	806 KAR 017:470	309.363	201 KAR 042:035
304.17B-001	806 KAR 017:350		201 KAR 042:080
	900 KAR 013:010	309.3631	201 KAR 042:080
304.17B-021	806 KAR 017:350	309.404	201 KAR 047:010
	900 KAR 013:010	309.406	201 KAR 047:010
304.17B-023	806 KAR 017:350		201 KAR 047:030
	900 KAR 013:010	309.412	201 KAR 047:010
304.17C-010	806 KAR 014:007		201 KAR 047:030
	806 KAR 017:280	309.414	201 KAR 047:010
	806 KAR 017:370		201 KAR 047:030
304.17C-030	806 KAR 017:280	309.416	201 KAR 047:010
304.17C-060	806 KAR 017:300		201 KAR 047:030
304.17C-070	806 KAR 017:300	309.418	201 KAR 047:010
304.17C-090	806 KAR 017:370		201 KAR 047:030
304.18-032	806 KAR 018:030	309.420	201 KAR 047:010
304.18-045	806 KAR 017:280		201 KAR 047:030
304.18-085	806 KAR 018:030	310	902 KAR 020:016

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310.005	910 KAR 001:190		922 KAR 002:160
310.021	201 KAR 033:015	314.021	201 KAR 020:320
	902 KAR 020:018		201 KAR 020:478
	910 KAR 001:190	314.031	201 KAR 020:110
310.031	201 KAR 033:015	314.035	201 KAR 020:472
	910 KAR 001:190		201 KAR 020:474
311	906 KAR 001:110		201 KAR 020:476
311.282	902 KAR 002:020		201 KAR 020:478
311.400	902 KAR 020:106	314.041	201 KAR 020:085
311.550	907 KAR 017:005		201 KAR 020:110
	907 KAR 020:001		201 KAR 020:320
311.560	902 KAR 020:016		201 KAR 020:370
311.571	902 KAR 002:020		201 KAR 020:480E
	902 KAR 020:106		201 KAR 020:480
311.5975	900 KAR 012:005E		902 KAR 020:018
	900 KAR 012:005		902 KAR 020:106
311.621	906 KAR 001:180	314.042	201 KAR 020:057
311.621-311.643	907 KAR 017:010		201 KAR 020:370
311.710-311.810	902 KAR 020:106		902 KAR 020:016
311.720	922 KAR 001:310		902 KAR 020:081
311.840	902 KAR 020:081		902 KAR 020:106
	922 KAR 001:310	314.051	201 KAR 020:085
311.992	902 KAR 020:016		201 KAR 020:110
311A.030	202 KAR 007:545		201 KAR 020:370
	202 KAR 007:560		201 KAR 020:480E
311A.100	502 KAR 030:060		201 KAR 020:480
311A.190	202 KAR 007:545		902 KAR 020:106
	202 KAR 007:560	314.071	201 KAR 020:085
311B	902 KAR 020:016		201 KAR 020:370
311B.050	201 KAR 046:020E	314.073	201 KAR 020:085
	201 KAR 046:020		201 KAR 020:215
	201 KAR 046:060		201 KAR 020:220
311B.100	201 KAR 046:020E	314.089	201 KAR 020:478
	201 KAR 046:020	314.091	201 KAR 020:110
311B.110	201 KAR 046:020E		201 KAR 020:370
	201 KAR 046:020		201 KAR 020:478
	201 KAR 046:060	314.103	201 KAR 020:110
311B.120	201 KAR 046:020E	314.109	201 KAR 020:110
	201 KAR 046:020	314.111	201 KAR 020:260E
311B.130	201 KAR 046:020E		201 KAR 020:280
	201 KAR 046:020		201 KAR 020:320
311B.140	201 KAR 046:020E		201 KAR 020:360
	201 KAR 046:020	314.103	201 KAR 020:370
311B.180	201 KAR 046:020E		201 KAR 020:476
	201 KAR 046:020		201 KAR 020:478
311B.190	201 KAR 046:020E	314.131	201 KAR 020:220
	201 KAR 046:020		201 KAR 020:260E
312.019	201 KAR 021:035		201 KAR 020:280
	201 KAR 021:054		201 KAR 020:320
	201 KAR 021:070		201 KAR 020:472
	201 KAR 021:090		201 KAR 020:474
	201 KAR 021:100		201 KAR 020:476
312.085	201 KAR 021:090	314.137	201 KAR 020:470
312.115	201 KAR 021:070		201 KAR 020:472
313.010	902 KAR 020:106		201 KAR 020:474
313.021	201 KAR 008:600		201 KAR 020:476
313.022	201 KAR 008:520		201 KAR 020:478
	201 KAR 008:600	314.193	201 KAR 020:057
313.030	201 KAR 008:520	314.195	201 KAR 020:057
	902 KAR 020:106	314.475	201 KAR 020:110
313.100	201 KAR 008:520		201 KAR 020:370
314.011	201 KAR 020:057	314.991	201 KAR 020:110
	201 KAR 020:215		201 KAR 020:215
	201 KAR 020:220		201 KAR 020:478
	201 KAR 020:280	315.010	201 KAR 002:074
	201 KAR 020:320		201 KAR 002:411E
	502 KAR 012:010		201 KAR 002:412E
	702 KAR 007:150		201 KAR 002:420
	902 KAR 020:016		902 KAR 002:020
	902 KAR 020:081	315.020	201 KAR 002:074
	907 KAR 017:005		201 KAR 002:076
	907 KAR 020:001		201 KAR 002:411E
	922 KAR 001:310		201 KAR 002:412E
	922 KAR 002:160E	315.030	201 KAR 002:074

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315.035	201 KAR 002:050		201 KAR 015:110
	201 KAR 002:076	316.132	201 KAR 015:030E
	201 KAR 002:106E		201 KAR 015:030
	201 KAR 002:106	316.140	201 KAR 015:030E
	906 KAR 001:110		201 KAR 015:030
315.0351	201 KAR 002:050	316.165	201 KAR 015:125E
	201 KAR 002:076		201 KAR 015:125
	201 KAR 002:106E	316.260	201 KAR 015:110E
	201 KAR 002:106		201 KAR 015:110
315.036	201 KAR 002:050	317.410	201 KAR 014:030
	201 KAR 002:106E		201 KAR 014:085
	201 KAR 002:106		201 KAR 014:105
315.050	201 KAR 002:050		201 KAR 014:110
	201 KAR 002:411E		201 KAR 014:115
	201 KAR 002:412E		201 KAR 014:150
	201 KAR 002:420	317.440	201 KAR 014:015
315.060	201 KAR 002:050		201 KAR 014:040
315.065	201 KAR 002:411E		201 KAR 014:065
	201 KAR 002:412E		201 KAR 014:085
315.110	201 KAR 002:050		201 KAR 014:105
315.120	201 KAR 002:050		201 KAR 014:110
315.121	201 KAR 002:074		201 KAR 014:115
	201 KAR 002:106E		201 KAR 014:125
	201 KAR 002:106	317.450	201 KAR 014:015
	201 KAR 002:270		201 KAR 014:030
	201 KAR 002:430		201 KAR 014:040
315.131	201 KAR 002:430		201 KAR 014:050
315.135	201 KAR 002:411E		201 KAR 014:065
	201 KAR 002:412E		201 KAR 014:105
315.136	201 KAR 002:420		201 KAR 014:125
315.191	201 KAR 002:030		201 KAR 014:150
	201 KAR 002:050		201 KAR 014:180
	201 KAR 002:076	317.570	201 KAR 014:015
	201 KAR 002:270	317.590	201 KAR 014:040
	201 KAR 002:440	317A.020	201 KAR 012:082E
315.205	201 KAR 002:411E		201 KAR 012:082
	201 KAR 002:412E	317A.050	201 KAR 012:082E
315.210	201 KAR 002:030		201 KAR 012:082
315.340	201 KAR 002:106E	317A.090	201 KAR 012:082E
	201 KAR 002:106		201 KAR 012:082
315.342	201 KAR 002:106E	318.010	815 KAR 020:195
	201 KAR 002:106	318.030	815 KAR 020:050
315.350	201 KAR 002:106E	318.134	815 KAR 020:050
	201 KAR 002:106		815 KAR 020:195
315.402	201 KAR 002:050	318.160	815 KAR 020:050
	201 KAR 002:106E	319.005	201 KAR 026:130
	201 KAR 002:106	319.010	201 KAR 026:115
315.4102	201 KAR 002:106E	319.015	201 KAR 026:215
	201 KAR 002:106	319.032	201 KAR 026:130
315.450	201 KAR 002:440		201 KAR 026:175
315.452	201 KAR 002:440		201 KAR 026:185
315.454	201 KAR 002:440		201 KAR 026:230
315.456	201 KAR 002:440		201 KAR 026:250
315.458	201 KAR 002:440	319.050	201 KAR 026:125
315.460	201 KAR 002:440		201 KAR 026:155
315.500	201 KAR 002:411E		201 KAR 026:160
	201 KAR 002:412E		201 KAR 026:175
316.010	201 KAR 015:110E		201 KAR 026:185
	201 KAR 015:110		201 KAR 026:190
316.030	201 KAR 015:040E		201 KAR 026:230
	201 KAR 015:040	319.053	201 KAR 026:175
	201 KAR 015:050E		201 KAR 026:190
	201 KAR 015:050		201 KAR 026:230
	201 KAR 015:110E		201 KAR 026:270
	201 KAR 015:110	319.056	201 KAR 026:190
316.125	201 KAR 015:030E		201 KAR 026:270
	201 KAR 015:030	319.064	201 KAR 026:160
	201 KAR 015:110E		201 KAR 026:175
	201 KAR 015:110		201 KAR 026:190
316.127	201 KAR 015:110E		201 KAR 026:230
	201 KAR 015:110		201 KAR 026:250
316.130	201 KAR 015:030E	319.071	201 KAR 026:160
	201 KAR 015:030		201 KAR 026:175
	201 KAR 015:110E		201 KAR 026:225

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319.082	201 KAR 026:130	334A.060	016 KAR 002:050
	201 KAR 026:215	334A.188	201 KAR 017:110
319.118	201 KAR 026:130	334A.190	016 KAR 002:050
319.140	201 KAR 026:310	334A.200	201 KAR 017:110
319.990	201 KAR 026:130	335.100	902 KAR 020:018
319A.010	902 KAR 020:081	336.015	803 KAR 005:005
	907 KAR 001:604	336.040	803 KAR 005:005
319C	201 KAR 043:090	336.125	803 KAR 005:005
319C.050	201 KAR 043:050	336.220	922 KAR 002:280
	201 KAR 043:060	337	803 KAR 001:006
	201 KAR 043:080	337.010	803 KAR 001:076
319C.060	201 KAR 043:030	337.275	803 KAR 001:063
	201 KAR 043:040		803 KAR 001:064
	201 KAR 043:050		803 KAR 001:065
	201 KAR 043:060		803 KAR 001:066
	201 KAR 043:071		803 KAR 001:067
	201 KAR 043:080		803 KAR 001:068
319C.070	201 KAR 043:010		803 KAR 001:070
	201 KAR 043:060		803 KAR 001:071
319C.080	201 KAR 043:010		803 KAR 001:075
	201 KAR 043:020		803 KAR 001:076
	201 KAR 043:030		803 KAR 001:080
319C.110	201 KAR 043:060		803 KAR 001:081
319C.140	201 KAR 043:100		803 KAR 001:090
321.181	902 KAR 002:020		922 KAR 002:160E
322.010	725 KAR 002:015		922 KAR 002:160
323.010	725 KAR 002:015	337.275-337.325	803 KAR 001:005
323.020	725 KAR 002:015		803 KAR 001:091
324B.030	201 KAR 047:010	337.285	803 KAR 001:060
324B.040	201 KAR 047:010		803 KAR 001:061
325.261	201 KAR 001:190		803 KAR 001:063
325.270	201 KAR 001:190		803 KAR 001:064
327.010	201 KAR 022:001		803 KAR 001:065
	201 KAR 022:020		803 KAR 001:066
	201 KAR 022:045		803 KAR 001:067
	902 KAR 020:081		803 KAR 001:068
	907 KAR 001:604		803 KAR 001:070
327.040	201 KAR 022:053		803 KAR 001:071
327.050	201 KAR 022:001		803 KAR 001:075
	201 KAR 022:020		803 KAR 001:076
	201 KAR 022:070		803 KAR 001:080
327.060	201 KAR 022:020		803 KAR 001:081
	201 KAR 022:070		803 KAR 001:090
327.070	201 KAR 022:045	337.345	803 KAR 001:005
	201 KAR 022:053		803 KAR 001:091
327.075	201 KAR 022:020	337.385-337.405	803 KAR 001:005
327.080	201 KAR 022:020		803 KAR 001:091
327.100	201 KAR 022:001	337.420-337.433	803 KAR 001:025
327.300	201 KAR 022:170		803 KAR 001:026
327.310	201 KAR 022:020	338	803 KAR 002:321E
329.010-329.030	502 KAR 020:020		803 KAR 002:321
322.110	902 KAR 010:120		803 KAR 002:419
323.020	902 KAR 010:120		803 KAR 002:426E
333.030	902 KAR 020:016		803 KAR 002:426
	902 KAR 020:106	338.015	803 KAR 002:330E
332.015	502 KAR 010:010		803 KAR 002:402
332.095	791 KAR 001:070		803 KAR 002:445
332.204	502 KAR 010:030	338.051	803 KAR 002:411
	502 KAR 010:035	338.061	803 KAR 002:411
332.216	502 KAR 010:020	341	725 KAR 002:015
	502 KAR 010:050	341.070	787 KAR 001:010
	502 KAR 010:060		787 KAR 001:020
	502 KAR 010:080		787 KAR 001:220
333	902 KAR 020:018		787 KAR 001:260
333.020	902 KAR 002:020		787 KAR 001:290
333.030	V		787 KAR 001:300
333.130	902 KAR 002:020	341.115	787 KAR 001:020
	902 KAR 002:212E	341.145	787 KAR 001:150
	902 KAR 002:213E	341.190	787 KAR 001:010
334A.020	016 KAR 002:050		787 KAR 001:020
	902 KAR 020:081		787 KAR 001:060
	907 KAR 001:604		787 KAR 001:220
334A.033	016 KAR 002:050	341.243	787 KAR 001:010
334A.035	016 KAR 002:050	341.250	787 KAR 001:010

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	787 KAR 001:220	365.573	030 KAR 003:010
	787 KAR 001:260	365.581	030 KAR 003:020
341.262	787 KAR 001:010	365.593	030 KAR 003:010
	787 KAR 001:220		030 KAR 003:030
341.270	787 KAR 001:210	367.110-367-360	791 KAR 001:010
341.272	787 KAR 001:210	387	922 KAR 001:565
	787 KAR 001:290	387.500-387.800	907 KAR 017:010
341.350	787 KAR 001:090	387.510	907 KAR 017:005
	787 KAR 001:150	387.540	922 KAR 005:070
	787 KAR 001:310	400.203	907 KAR 003:170
341.360	787 KAR 001:060	403.160	921 KAR 001:400E
	787 KAR 001:080		921 KAR 001:400
	787 KAR 001:090	403.210-403.240	921 KAR 001:400E
	787 KAR 001:150		921 KAR 001:400
341.370	787 KAR 001:060	403.211	921 KAR 001:020
	787 KAR 001:090	403.270-403.355	922 KAR 001:565
	787 KAR 001:150	403.352	922 KAR 001:470
341.380	787 KAR 001:090	403.707	502 KAR 012:010
	787 KAR 001:150	405.024	922 KAR 001:565
341.420	787 KAR 001:110	405.430	921 KAR 001:020
341.430	787 KAR 001:110		921 KAR 001:390
341.440	787 KAR 001:110		921 KAR 001:400E
341.450	787 KAR 001:110		921 KAR 001:400
341.500	787 KAR 001:140	405.440	921 KAR 001:400E
341.540	787 KAR 001:300		921 KAR 001:400
341.510	787 KAR 001:140	405.991	921 KAR 001:400E
341.530	787 KAR 001:060		921 KAR 001:400
342	725 KAR 002:015	406.011	921 KAR 001:390
342.0011	803 KAR 025:305E	406.021	921 KAR 001:390
342.020	803 KAR 025:305E		921 KAR 001:400E
342.040	803 KAR 025:305E		921 KAR 001:400
342.270	803 KAR 025:305E	406.025	921 KAR 001:390
342.730	803 KAR 025:305E		921 KAR 001:400E
344	725 KAR 002:015		921 KAR 001:400
344.030	101 KAR 001:365	406.035	921 KAR 001:020
	105 KAR 001:210	406.180	921 KAR 001:390
349.3401	501 KAR 014:010	411.32	806 KAR 017:370
355.9	030 KAR 005:011E	415.174	907 KAR 003:170
	030 KAR 005:011	415.184	907 KAR 003:170
	030 KAR 005:021E	416.120	921 KAR 002:015E
	030 KAR 005:021		921 KAR 002:015
355.9-513A	030 KAR 005:031E	416.212	921 KAR 002:015E
	030 KAR 005:031		921 KAR 002:015
355.9-515	030 KAR 005:031E	416.2030	921 KAR 002:015E
	030 KAR 005:031		921 KAR 002:015
	030 KAR 005:041E	416.2095	921 KAR 002:015E
	030 KAR 005:041		921 KAR 002:015
	030 KAR 005:051E	416.2096	921 KAR 002:015E
	030 KAR 005:051		921 KAR 002:015
355.9-516	030 KAR 005:021E	416.2099	921 KAR 002:015E
	030 KAR 005:021		921 KAR 002:015
	030 KAR 005:031E	421.570	502 KAR 012:010
	030 KAR 005:031	422.317	907 KAR 003:170
355.9-516A	030 KAR 005:031E	431.215	501 KAR 002:060
	030 KAR 005:031	431.300-431.307	907 KAR 003:170
355.9-519	030 KAR 005:041E	431.600-431.660	040 KAR 003:020
	030 KAR 005:041	434.757	301 KAR 001:018
	030 KAR 005:051E	434.840-434.860	907 KAR 003:170
	030 KAR 005:051	434.845	921 KAR 001:020
	030 KAR 005:060E	438.310	782 KAR 001:010
	030 KAR 005:060	439	501 KAR 006:030
355.9-520	030 KAR 005:031E		501 KAR 006:290
	030 KAR 005:031	439.179	501 KAR 003:130
355.9-521	030 KAR 005:021E	439.250	501 KAR 006:250
	030 KAR 005:021	439.352	501 KAR 001:050
355.9-523	030 KAR 005:060E	439.356	501 KAR 001:050
	030 KAR 005:060	439.358	501 KAR 001:050
355.9-525	030 KAR 005:060E	439.551	501 KAR 006:250
	030 KAR 005:060	439.553	501 KAR 006:250
355.9-526	030 KAR 005:041E	439.3105-439.3108	501 KAR 006:250
	030 KAR 005:041	440.050	907 KAR 003:170
	030 KAR 005:051E	440.120	907 KAR 023:020E
	030 KAR 005:051		907 KAR 023:020
365.571	030 KAR 003:010	441	501 KAR 003:150

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441.045	501 KAR 002:060	531.310	502 KAR 012:010
	501 KAR 003:110	532.043	501 KAR 001:050
	501 KAR 003:120	532.060	501 KAR 002:020
	501 KAR 003:170		501 KAR 001:050
	501 KAR 007:040	532.100	501 KAR 002:020
	501 KAR 007:060		501 KAR 002:050
	501 KAR 007:090		501 KAR 002:060
	501 KAR 007:120		501 KAR 002:070
	501 KAR 007:140		501 KAR 003:130
	501 KAR 007:150		501 KAR 007:120
441.046	502 KAR 014:010	533.010	501 KAR 002:070
441.055	501 KAR 003:110	533.025	501 KAR 002:070
	501 KAR 003:120	533.200	013 KAR 003:020
	501 KAR 003:130	533.210	013 KAR 003:020
	501 KAR 003:170	600.020	502 KAR 012:010
	501 KAR 007:040		922 KAR 001:310
	501 KAR 007:060		922 KAR 001:315
	501 KAR 007:090		922 KAR 001:340
	501 KAR 007:100		922 KAR 001:360E
	501 KAR 007:110		922 KAR 001:360
	501 KAR 007:120		922 KAR 001:470
	501 KAR 007:130		922 KAR 001:530
	501 KAR 007:140		922 KAR 001:565
	501 KAR 007:150		922 KAR 002:160E
441.075	501 KAR 002:060		922 KAR 002:160
441.115	501 KAR 007:120	605	922 KAR 001:310
441.125	501 KAR 003:130	605.090	922 KAR 001:360E
	501 KAR 007:120		922 KAR 001:360
441.203	806 KAR 017:370	605.100	922 KAR 001:530
441.206	806 KAR 017:370	605.120	922 KAR 001:565
441.207	806 KAR 017:370		922 KAR 002:160E
441.208	806 KAR 017:370		922 KAR 002:160
441.250	806 KAR 017:370	605.130	922 KAR 001:530
441.255	806 KAR 017:370	610.110	922 KAR 001:310
441.256	806 KAR 017:370		922 KAR 001:340
441.258	806 KAR 017:370		922 KAR 001:360E
441.510	501 KAR 002:060		922 KAR 001:360
441.560	501 KAR 007:090		922 KAR 001:565
446.010	501 KAR 006:250	615.020-615.990	922 KAR 001:310
	502 KAR 013:010	620	902 KAR 020:016
446.030	030 KAR 005:031E	620.020	201 KAR 020:320
	030 KAR 005:031		907 KAR 017:005
446.400	902 KAR 020:016		907 KAR 020:001
447.500-447.520	907 KAR 023:020E		922 KAR 001:565
	907 KAR 023:020		922 KAR 002:160E
454.220	921 KAR 001:400E	620.020-620.050	040 KAR 003:020
	921 KAR 001:400		922 KAR 002:160
503.050	704 KAR 007:170	620.030	502 KAR 012:010
503.070	704 KAR 007:170		906 KAR 001:180
503.110	704 KAR 007:170		922 KAR 001:310
506	922 KAR 002:280		922 KAR 001:315
510.010-510.140	502 KAR 012:010	620.050	922 KAR 001:470
511	922 KAR 002:280	620.050-620.120	922 KAR 002:280
514	921 KAR 002:015E	620.051	922 KAR 001:470
	921 KAR 002:015	620.090	922 KAR 001:310
515	922 KAR 002:280		922 KAR 001:565
520	922 KAR 002:280	620.140	922 KAR 001:310
524.140	502 KAR 012:010		922 KAR 001:340
525	922 KAR 002:280		922 KAR 001:565
527	922 KAR 002:280	620.142	922 KAR 001:565
527.100	922 KAR 001:310	620.170	922 KAR 001:530
	922 KAR 001:565		922 KAR 001:565
527.110	922 KAR 001:310	620.230	922 KAR 001:310
	922 KAR 001:565	625	922 KAR 001:315
529	922 KAR 002:280	625.050-625.120	922 KAR 001:470
529.010	040 KAR 006:030		922 KAR 002:280
	502 KAR 012:010	7 C.F.R.	302 KAR 050:021
529.100	502 KAR 012:010		302 KAR 050:046
529.130	040 KAR 006:030		302 KAR 050:056
529.140	040 KAR 006:030		921 KAR 003:026E
529.150	040 KAR 006:030		921 KAR 003:027E
530	922 KAR 002:280		921 KAR 003:027
530.020	502 KAR 012:010		922 KAR 002:160E
530.064	502 KAR 012:010		922 KAR 002:160

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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
016 KAR 004:060	09-03-2021	To be amended, filing deadline 03-03-2023
016 KAR 005:060	02-03-2022	To be amended, filing deadline 08-02-2023
016 KAR 02:120	01-03-2022	Remain in Effect without Amendment
201 KAR 002:030	06-23-2021	To be amended, filing deadline 12-23-2022
201 KAR 009:450	02-23-2022	Remain in Effect without Amendment
201 KAR 020:450	07-15-2021	Remain in Effect without Amendment
201 KAR 036:080	11-19-2021	Remain in Effect without Amendment
301 KAR 002:140	01-24-2022	Remain in Effect without Amendment
301 KAR 002:144	01-24-2022	Remain in Effect without Amendment
302 KAR 021:040	02-11-2021	Remain in Effect without Amendment
702 KAR 003:320	11-16-2018	Remain in Effect without Amendment
702 KAR 007:140	12-01-2021	Remain in Effect without Amendment
705 KAR 004:041	02-11-2022	Remain in Effect without Amendment
900 KAR 006:070	07-06-2021	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 030:001	06-15-2021	Remain in Effect without Amendment
902 KAR 030:110	06-15-2021	Remain in Effect without Amendment
902 KAR 030:120	06-15-2021	Remain in Effect without Amendment
902 KAR 030:130	06-15-2021	Remain in Effect without Amendment
902 KAR 030:150	06-15-2021	Remain in Effect without Amendment
902 KAR 030:160	6-15-2021	Remain in Effect without Amendment
902 KAR 030:180	06-15-2021	Remain in Effect without Amendment
902 KAR 030:200	06-15-2021	Remain in Effect without Amendment
902 KAR 055:045	07-06-2021	Remain in Effect without Amendment
902 KAR 055:090	07-06-2021	Remain in Effect without Amendment
902 KAR 100:010	11-12-2021	Remain in Effect without Amendment
902 KAR 100:019	08-16-2019	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
907 KAR 015:075	02-11-2022	Remain in Effect without Amendment
908 KAR 002:220	12-28-2021	Remain in Effect without Amendment
908 KAR 002:230	12-28-2021	Remain in Effect without Amendment
908 KAR 002:260	12-28-2021	Remain in Effect without Amendment
910 KAR 001:140	11-17-2021	Remain in Effect without Amendment
910 KAR 001:180	07-23-2021	To be amended, filing deadline 01-23-2023
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 001:390	1-4-2022		
921 KAR 002:090	6-24-2021		
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		
922 KAR 001:510	11-23-2021		
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