



ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon December 15, 2022.

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on January 10, 2023, at 1:00 p.m. in room 149 Capitol Annex.

ARRS Tentative Agenda - 1399 [Online agenda updated as needed](#)

INDEXES & OTHER INFORMATION

Regulation Review Procedure	1401
ARRS Report.....	1553
Other Committee Reports	1557
Locator Index - Effective Dates.....	G - 2

KRS Index.....	G - 13
Certifications	G - 22
Technical Amendments	G - 23
Subject Index.....	G - 24

REPRINTS

Department for Community Based Services

- 900 KAR 1:290. KHBE eligibility and enrollment in a qualified health plan, SHOP, and SHOP Formal Resolution Process ... 1403

EMERGENCIES

None

AMENDED IN-PROCESS EMERGENCIES

None

AS AMENDED

Office of Adult Education (KYAE)

- 013 KAR 003:050. GED® eligibility requirements 1412

Kentucky Infrastructure Authority

- 200 KAR 017:111. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program 1412

Commonwealth Office of Technology

- 200 KAR 041:010. The Kentucky state plane coordinate system..... 1413

Department of Tourism

- 300 KAR 001:021. Process for the distribution of tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 1415

Department of Fish and Wildlife Resources

- 301 KAR 002:185. Hunter education 1418
301 KAR 002:225. Dove, wood duck, teal, and other migratory game bird hunting 1419

Kentucky State Corrections Commission

- 500 KAR 010:040. Program review. 1421

Department of Corrections

- 501 KAR 006:080. Department of Corrections manuals ... 1423

- 501 KAR 006:130. Western Kentucky Correctional Complex..... 1423

Department of Criminal Justice Training

- 503 KAR 003:130. Online basic and in-service training 1424

Office of State School Security Marshall

- 503 KAR 007:010. On-site review of school security risk assessments and written approval of local board of education's noncompliance with KRS 158.4414(2) . 1425

Board of Education

- 704 KAR 003:305. Minimum requirements for high school graduation..... 1423

Department of Public Health

- 901 KAR 005:120. Abortion reporting..... 1430
902 KAR 008:160. Local health department operations requirements 1431

Office of Inspector General

- 902 KAR 020:365. Kentucky abortion-inducing drug certification program and registration of qualified physicians 1433
906 KAR 001:210. Health care services agencies 1435

Department for Community Based Services

- 921 KAR 002:060. Delegation of power for oaths and affirmations 1436
922 KAR 001:290. Background checks for private child-caring or child-placing staff members ... 1437
922 KAR 001:350. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers 1440

AMENDED AFTER COMMENTS

Kentucky Retirement Systems

- 105 KAR 001:451. Quasi-governmental employer reports on independent contractors and leased employees..... 1449

Board of Pharmacy

- 201 KAR 002:380. Board authorized protocols 1453
201 KAR 002:450. Unprofessional conduct of a pharmacy permit holder 1456

Department of Corrections

501 KAR 006:050. Luther Luckett Correctional Complex.. 1456

Department for Developmental Health, Developmental and Intellectual Disabilities

908 KAR 001:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities..... 1460

PROPOSED AMENDMENTS**Department of Veterans Affairs**

017 KAR 003:020. Changes for room and board, goods, and services at state veterans' nursing homes 1471

Auditor of Public Accounts

045 KAR 001:030. Audits of sheriffs' tax settlements 1473

Board of Veterinary Examiners

201 KAR 016:550. Authorization for animal control agencies to apply for restricted controlled substances certificate from DEA 1475

201 KAR 016:560. Certification as an animal euthanasia specialist..... 1478

201 KAR 016:572. Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice 1480

201 KAR 016:610. Procedures for grievances, investigations, and administrative charges 1482

Board of Physical Therapy

201 KAR 022:170. Physical Therapy Compact Commission 1485

Board of Emergency Medical Services

202 KAR 007:201. Emergency medical responders 1486

202 KAR 007:301. Emergency medical technician..... 1490

202 KAR 007:330. Advanced emergency medical technician 1494

202 KAR 007:401. Paramedics..... 1499

202 KAR 007:555. Ground agencies 1504

202 KAR 007:601. Training, education, and continuing education 1508

Department of Fish and Wildlife Resources

301 KAR 003:120. Commercial nuisance wildlife control .. 1518

Department of Education

704 KAR 003:303. Required academic standards..... 1523

704 KAR 008:060. Required academic standards for social studies 1525

707 KAR 001:002. Definitions 1527

Department of Workplace Standards

803 KAR 001:006. Employer-employee relationship 1532

NEW ADMINISTRATIVE REGULATIONS**Kentucky Retirement Systems**

105 KAR 001:001. Definitions for Title 105 of the Kentucky Administrative Regulations..... 1535

105 KAR 001:365. Hybrid cash balance plan..... 1537

Board of Veterinary Examiners

201 KAR 016:552. Responsibilities for certified animal control agencies; limitations on drugs..... 1541

201 KAR 016:562. Duties and responsibilities of an animal euthanasia specialist 1544

Department of Fish and Wildlife Resources

301 KAR 002:245. Wanton waste and disposal of big game and upland game birds..... 1546

Department of Education

704 KAR 008:120. Required Kentucky academic standards for science 1548

Department of Insurance

806 KAR 003:250. Cybersecurity reporting procedures . 1550

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2022 Edition of the
KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Register Year number and Page number. Example: 49th Year of the Kentucky Register, page 318 (short form: 49 Ky.R. 318).

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

Title		Chapter	Regulation
806	KAR	50:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

© 2022 Legislative Research Commission, All Rights Reserved

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

POSTMASTER: Send address changes to Administrative Register of Kentucky, 700 Capitol Avenue, Room 64, State Capitol, Frankfort, Kentucky 40601.

KENTUCKY LEGISLATIVE RESEARCH COMMISSION

Chairmen

Senator Robert Stivers
Senate President

Representative David W. Osborne
Speaker of the House

Senate and House Members

Senator David Givens
President Pro Tempore

Representative David Meade
Speaker Pro Tempore

Senator Damon Thayer
Majority Floor Leader

Representative Steven Rudy
Majority Floor Leader

Senator Morgan McGarvey
Minority Floor Leader

Representative Joni L. Jenkins
Minority Floor Leader

Senator Julie Raque Adams
Majority Caucus Chair

Representative Suzanne Miles
Majority Caucus Chair

Senator Reginald Thomas
Minority Caucus Chair

Representative Derrick Graham
Minority Caucus Chair

Senator Mike Wilson
Majority Whip

Representative Chad McCoy
Majority Whip

Senator Dennis Parrett
Minority Whip

Representative Angie Hatton
Minority Whip

Jay D. Hartz, Director
Joe Cox, Printing and Publications Officer

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Senator Stephen West, Co-Chair
Representative David Hale, Co-Chair
Senator Julie Raque Adams
Senator Ralph Alvarado
Senator David Yates
Representative Randy Bridges
Representative Deanna Frazier Gordon
Representative Mary Lou Marzian

Staff

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

The following agenda may not take into consideration all of the administrative regulations that may be removed to complete the public comment process or deferred or withdrawn by promulgating agencies. Deferrals and withdrawals may be made any time prior to or during the meeting.



Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Tuesday, January 10, 2023 at 1 p.m.
Annex Room 149



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

SECRETARY OF STATE

Filings

[030 KAR 009:010](#). Forms.

STATE BOARD OF ELECTIONS

Electronic Voting Systems

[031 KAR 002:030E](#). E-Poll book product certification. (Filed with Ordinary) ("E" expires 05-29-2023) (Deferred from November)

[031 KAR 002:030](#). E-poll book product certification. (Filed with Emergency) (Deferred from December)

OFFICE OF THE ATTORNEY GENERAL

Department of Law

Office of Consumer Protection

[040 KAR 002:150](#). Cremation forms and inspections.

GENERAL GOVERNMENT CABINET

Auditor of Public Accounts

Audits

[045 KAR 001:050](#). Audits of fiscal courts.

FINANCE AND ADMINISTRATION CABINET

Teacher's Retirement System

General Rules

[102 KAR 001:361E](#). Disability retirement for TRS 4 members with less than five years of service. (Filed with Ordinary) ("E" expires 06-19-2023) (Deferred from December)

[102 KAR 001:361](#). Disability retirement for TRS 4 members with less than five years of service. (Filed with Emergency)

Kentucky Retirement Systems

General Rules

[105 KAR 001:071](#). Repeal of 105 KAR 001:070.

[105 KAR 001:371](#). Repeal of 105 KAR 001:370.

[105 KAR 001:411](#). Hospital and medical insurance for retired members and Kentucky Retirement Systems Insurance Fund Trust.

[105 KAR 1:451E](#). Quasi-governmental employer reports on independent contractors and leased employees. (Filed with Ordinary) (Amended After Comments) (Deferred from December)

[105 KAR 001:451](#). Quasi-governmental employer reports on independent contractors and leased employees. (Filed with Emergency) (Amended After Comments)

BOARDS AND COMMISSIONS

Board of Pharmacy

[201 KAR 002:360](#). Naloxone dispensing. (Deferred from December)

[201 KAR 002:380E](#). Board authorized protocols. (Filed with Ordinary) ("E" expires 06-06-2023) (Deferred from October)

[201 KAR 002:380](#). Board authorized protocols. (Filed with Emergency) (Amended After Comments)

[201 KAR 002:450](#). Unprofessional conduct of a pharmacy permit holder. (Amended After Comments)

Board of Licensure for Long-Term Care Administrators

[201 KAR 006:060](#). Fees. (Deferred from August)

Real Estate Commission

[201 KAR 011:121](#). Standards of professional conduct. (Amended After Comments) (Deferred from September)

Board of Social Work

[201 KAR 023:016](#). Temporary permission to practice. (Filed with Emergency)

[201 KAR 023:051E](#). Renewal, termination, reinstatement of license. ("E" expires 08-12-2023) (Filed with Ordinary)

Board of Registration for Professional Geologists

[201 KAR 031:010](#). Fees.

[201 KAR 031:031](#). Repeal of 201 KAR 031:030.

[201 KAR 031:040](#). Applications and examinations.

VOLUME 49, NUMBER 6– JANUARY 1, 2023

[201 KAR 031:050](#). Renewals.

TOURISM, ARTS, AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Game

[301 KAR 002:015](#). Feeding of wildlife.

[301 KAR 002:075](#). Wildlife rehabilitation permit. (Not Amended After Comments)

[301 KAR 002:081](#). Transportation and holding of live native wildlife. (Not Amended After Comments)

[301 KAR 002:082](#). Transportation and holding of live exotic wildlife. (Not Amended After Comments)

GENERAL GOVERNMENT CABINET

Department of Agriculture

Organic Agricultural Product Certification

[302 KAR 040:010](#). Certification of organic production, processing, or handling operations.

ENERGY AND ENVIRONMENT CABINET

Department for Environmental Protection

General Standards of Performance

[401 KAR 063:060](#). List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list.

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

Office of the Secretary

[501 KAR 006:050](#). Luther Lockett Correctional Complex. (Amended After Comments)

EDUCATION AND LABOR CABINET

Department of Education

Charter Schools

[701 KAR 008:010](#). Charter school student application, lottery, and enrollment. (Filed with Emergency)

[701 KAR 008:020](#). Evaluation of charter school authorizers. (Filed with Emergency)

[701 KAR 008:030](#). Charter school appeal process. (Filed with Emergency)

[701 KAR 008:040](#). Conversion charter school petition, conversion, and operation. (Filed with Emergency)

[701 KAR 008:050](#). Charter school funding. (Filed with Emergency)

PUBLIC PROTECTION CABINET

Department of Insurance

Health Insurance Contracts

[806 KAR 017:280](#). Registration, utilization review, and internal appeal.

[806 KAR 017:290](#). Independent External Review Program.

Department of Financial Institutions

General Provisions

[808 KAR 001:170](#). Licensing and registration.

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

Health Services and Facilities

[902 KAR 020:470](#). Kentucky heart attack response and treatment recognition process.

Department for Medicaid Services

Medicaid Services

[907 KAR 001:082](#). Coverage provisions and requirements regarding rural health clinic services. (Amended After Comments) (Deferred from October)

Payments and Services

[907 KAR 003:160](#). Specialized children's services clinics. (Filed with Emergency)

Medicaid Eligibility

[907 KAR 020:050](#). Presumptive eligibility.

Department for Developmental Health, Developmental and Intellectual Disabilities

Substance Abuse

[908 KAR 001:374](#). Licensure of nonhospital-based outpatient alcohol and other drug treatment entities. (Amended After Comments)

Department for Community Based Services

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

[921 KAR 002:006](#). Technical requirements for the Kentucky Transitional Assistance Program (KTAP). (Deferred from November)

[921 KAR 002:500](#). Family Assistance Short Term (FAST). (Deferred from November)

[921 KAR 002:510](#). Relocation Assistance Program (RAP). (Deferred from November)

[921 KAR 002:520](#). Work Incentive (WIN). (Deferred from November)

VOLUME 49, NUMBER 6– JANUARY 1, 2023

Department for Community Based Services

Daycare

[922 KAR 002:165](#). Employee Child Care Assistance Partnership.

3. REGULATIONS **REMOVED** FROM JANUARY'S AGENDA

BOARDS AND COMMISSIONS

Board of Pharmacy

[201 KAR 002:030](#). License transfer and non-resident pharmacist license. (Comments Received; SOC ext. due 01-13-2023)

[201 KAR 002:460](#). Out of state pharmacy permits. (Comments Received; SOC ext. due 01-13-2023)

Board of Optometric Examiners

[201 KAR 005:038](#). Advertising. (Withdrawn by Agency; 11-15-2022)

[201 KAR 005:045](#). Unprofessional conduct. (Withdrawn by Agency; 11-15-2022)

[201 KAR 005:105](#). Expungement. (Withdrawn by Agency; 11-15-2022)

Board of Dentistry

[201 KAR 008:520](#). Fees and fines. (Deferred from July)

[201 KAR 008:601](#). Mobile dental facilities and portable dental units. (Comments Received; SOC ext. due 01-13-2023)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Medicaid Services

Medicaid Services

[907 KAR 001:680](#). Vaccines for children program. (Comments Received; SOC ext. due 1-13-2023)

Payments and Services

[907 KAR 003:010](#). Reimbursement for physicians' services. (Comments Received; SOC ext. due 1-13-2023)

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

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

(See KRS Chapter 13A for specific provisions)

Filing and Publication

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

Public Hearing and Public Comment Period

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

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

The administrative body shall notify the Compiler whether the hearing was held or cancelled and whether or not written comments were received. If the hearing was held or written comments were received, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the close of the public comment period.

Review Procedure

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

REPRINT

NOTE: The insertion of language in Section 5(6) was inadvertently omitted when this administrative regulation was published in [December's Administrative Register of Kentucky](#) on page 1263. The corrected version of the regulation is being reprinted here in its entirety.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Health Data and Analytics
Division of Health Benefit Exchange
(As Amended at ARRS, November 9, 2022)

900 KAR 10:120. KHBE eligibility and enrollment in a qualified health plan, SHOP, and SHOP Formal Resolution Process.

RELATES TO: KRS Chapter 304, 304.14-110, 304.17A-243, 304.17A-245, **25 U.S.C. 1603(13)**, **26 U.S.C. 36B(b)(3)(A)**, 26 U.S.C. 5000A, 6011, 6012, 9831, 42 U.S.C. 18031, 26 C.F.R. 1.36B-2, 1.36B-3, 54.9801-6, 54.9802-4, 29 C.F.R. 2590.702-2, 42 C.F.R. 435.320, **435.603(e)**, 45 C.F.R. 146.123, 147.104, 147.128, Parts 155, 156

STATUTORY AUTHORITY: KRS 194A.050(1)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Office of Health Data and Analytics, Division of Health Benefit Exchange has responsibility to administer the Kentucky Health Benefit Exchange. KRS 194A.050(1) requires the secretary of the cabinet to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the individual citizens of the commonwealth; to operate the programs and fulfill the responsibilities vested in the cabinet; and to implement programs mandated by federal law. This administrative regulation establishes the policies and procedures relating to eligibility and enrollment in a qualified health plan in the individual market, the operation of a Small Business Health Options Program, and the formal review process related to SHOP on the Kentucky Health Benefit Exchange pursuant to and in accordance with 42 U.S.C. 18031 and 45 C.F.R. Parts 155 and 156.

Section 1. Eligibility and Enrollment.

(1) An applicant shall be eligible to enroll in a **Qualified Health Plan or QHP** through the **Kentucky Health Benefit Exchange or KHBE** if the applicant:

(a)

1. Is a citizen or national of the United States;
2. Is a non-citizen who is lawfully present in the United States and is reasonably expected to become a citizen or national; or
3. Is a non-citizen who is lawfully present for the entire period for which enrollment is sought;

(b) Except for an incarceration pending a disposition of a charge, is not incarcerated; and

(c) Meets a residency requirement in 45 C.F.R. 155.305(a)(3).

(2) An applicant;

(a) May apply for a determination of eligibility at any time during a year; **and**

(b) [however, the applicant] Shall only enroll during open enrollment or **Special Enrollment Periods or SEPs**.

(3) An applicant determined eligible for enrollment in a QHP as set forth in subsection (1) of this section shall be eligible to enroll in a QHP during:

(a) An open enrollment period as established in Section 5(2) of this administrative regulation; or

(b) A SEP as established in Sections 5(4) and 6 of this administrative regulation.

(4) An applicant shall attest to whether or not information affecting the applicant's eligibility has changed since the most recent eligibility determination if the applicant:

(a) Was determined eligible to enroll in a QHP, but:

1. Did not select a QHP within the applicable enrollment period as set forth in Section 5 or 6 of this administrative regulation; or
2. Was not eligible for an enrollment period; and

(b) Seeks a new enrollment period prior to the date on which the applicant's eligibility is redetermined as established in Section 8 of this administrative regulation.

(5) An applicant shall submit an application for enrollment in a QHP:

(a) Via the Web site at www.kynect.ky.gov;

(b) By telephone;

(c) By mail; or

(d) In person.

(6)

(a) An applicant who has a Social Security number shall provide the number to the KHBE.

(b) An individual who is not seeking coverage for himself or herself shall not provide a Social Security number, except as established by Section 2(8) of this administrative regulation.

(7) In accordance with 45 C.F.R. 155.310(a)(2), an individual shall not provide information regarding citizenship, status as a national, or immigration status for an individual who is not seeking coverage for himself or herself.

(8)

(a) Except as established by paragraph (b) of this subsection, an applicant who requests an eligibility determination for an insurance affordability program shall have an eligibility determination for all insurance affordability programs.

(b) An applicant who requests an eligibility determination for a QHP only shall not have an eligibility determination for an insurance affordability program.

(9) An applicant shall not provide information beyond the minimum amount necessary to determine eligibility and enrollment through the KHBE.

Section 2. Eligibility Standards for Advanced Payments of the Premium Tax Credit.

(1) A tax filer shall be eligible for **Advanced Payments of the Premium Tax Credit or APTC** if:

(a) The tax filer is expected to have a household income as prescribed in 45 C.F.R. 155.305(f)(1)(i) for the benefit year for which coverage is requested; and

(b) One (1) or more applicants for whom the tax filer expects to claim a personal exemption deduction on the tax filer's tax return for the benefit year:

1. Meets the requirements for eligibility for enrollment in a QHP through the KHBE as established by Section 1 of this administrative regulation; and

2. Is not eligible for minimum essential coverage, with the exception of coverage in the individual market, in accordance with 26 C.F.R. 1.36B-2(a)(2) and (c).

(2) A tax filer who is a non-citizen and lawfully present and ineligible for Medicaid for reason of immigration status shall be eligible for APTC if:

(a) The tax filer meets the requirement in subsection (1)(b) of this section;

(b) The tax filer is expected to have a household income of less than 100 percent of the **Federal Poverty Level or FPL** for the benefit year for which coverage is requested; and

(c) One (1) or more applicants for whom the tax filer expects to claim a personal exemption deduction on the tax filer's tax return for the benefit year is:

1. A non-citizen who is lawfully present; and

2. Not eligible for Medicaid for reason of immigration status.

(3) A tax filer shall attest that one (1) or more applicants for whom the tax filer attests that a personal exemption deduction for the benefit year shall be claimed is enrolled in a QHP that is not a catastrophic plan.

(4) A tax filer shall not be eligible for APTC if **the U.S. Department of Health and Human Services or HHS** notifies the KHBE that APTCs were made on behalf of the tax filer or tax filer's spouse for a year in accordance with 45 C.F.R. 155.305(f)(4).

(5) An APTC amount shall be:

(a) Calculated in accordance with 26 C.F.R. 1.36B-3; and

(b) Allocated between QHPs and stand-alone dental policies in

accordance with 45 C.F.R. 155.340(e).

(6) An applicant for APTC may accept less than the full amount of APTC for which the applicant is determined eligible.

(7) An APTC shall be authorized by the KHBE on behalf of a tax filer only if the KHBE obtains necessary attestations from the tax filer that:

(a) The tax filer shall file an income tax return for the benefit year in accordance with 26 U.S.C. 6011 and 6012;

(b) If the tax filer is married, a joint tax return shall be filed for the benefit year;

(c) Another taxpayer shall not be able to claim the tax filer as a dependent for the benefit year; and

(d) The tax filer shall claim a personal exemption deduction on the tax filer's return for the applicants identified as members of the tax filer's family, including the tax filer and the spouse of the tax filer, in accordance with 45 C.F.R. 155.305(f)(4).

(8) An application filer who is not an applicant shall provide the Social Security number of a tax filer only if the applicant attests that the tax filer:

(a) Has a Social Security number; and

(b) Filed a tax return for the year for which tax data would be utilized for verification of household income and family size.

(9) The effective date for APTC shall be:

(a) For an initial eligibility determination, in accordance with the dates established by Section 5(1), (2), (3), and (4) of this administrative regulation, as applicable; and

(b) For a redetermination, in accordance with the dates established by 45 C.F.R. 155.330(f) and 155.335(i), as applicable.

(10) An employer may be notified of an employee's eligibility for APTC in accordance with 45 C.F.R. 155.310 (h).

Section 3. Eligibility Standards for Cost Sharing Reductions.

(1) An applicant shall be eligible for **Cost Sharing Reductions** or CSRs if the applicant:

(a) Meets the eligibility requirements for enrollment in a QHP as set forth in Section 1 of this administrative regulation;

(b) Meets the requirements for APTC as set forth in Section 2 of this administrative regulation;

(c) Is expected to have a household income that does not exceed the amount established by 45 C.F.R. 155.305(g)(1)(i)(C) for the benefit year for which coverage is requested; and

(d) Except for an enrollee who is an Indian, enrolls in a silver level QHP through the KHBE.

(2) An eligibility determination for CSRs shall be based on the categories as described in 45 C.F.R. 155.305(g)(2).

(3) If two (2) or more individuals enrolled in the individual market under a single policy would be eligible for different cost sharing amounts if enrolled in separate policies, the individuals under the single policy shall be found by the KHBE to be collectively eligible only for the last category listed in 45 C.F.R. 155.305(g)(3) for which all the individuals covered by the policy would be eligible.

(4) The effective date for CSRs shall be:

(a) For an initial eligibility determination, in accordance with the dates established by Section 5(1), (2), (3), and (4) of this administrative regulation, as applicable; and

(b) For a redetermination, in accordance with the dates established by 45 C.F.R. 155.330(f) and 45 C.F.R. 155.335(i), as applicable.

(5) An employer shall be notified of an employee's eligibility for CSRs in accordance with 45 C.F.R. 155.310(h).

Section 4. Verification Processes.

(1) Verification of eligibility for an applicant seeking enrollment in a QHP shall be performed in accordance with:

(a) 45 C.F.R. 155.315; and

(b) The Kentucky QHP/APTC Eligibility Verification Plan.

(2) Verification of eligibility for an applicant or tax filer who requests an eligibility determination for an insurance affordability program shall be in accordance with:

(a) 45 C.F.R. 155.320; and

(b) The Kentucky QHP/APTC Eligibility Verification Plan.

Section 5. QHP Enrollment Periods and Effective Dates of

Coverage.

(1) A qualified individual shall enroll in a QHP or an enrollee may change from one (1) QHP to another QHP during an open enrollment period.

(2) The timeframe for an open enrollment period shall be established by the secretary of the Cabinet for Health and Family Services.

(3) A qualified individual or enrollee who selects a QHP during an open enrollment period shall have an effective date of coverage of:

(a) January 1, if a QHP selection is made on or before December 15 of the previous year;

(b) If after December 15, the first day of the following month, if a QHP selection is made between the first and the fifteenth of a month; or

(c) If after December 15, the first day of the second following month, if a QHP selection is made between the sixteenth and last day of a month.

(4)

(a) A qualified individual shall enroll in a QHP or an enrollee may change from one (1) QHP to another QHP during a SEP as established by Section 6 of this administrative regulation.

(b) A qualified individual or an enrollee who selects a QHP during a SEP shall have an effective date of coverage as set forth in Section 6 of this administrative regulation.

(5) An initial enrollment in a QHP shall not be effective until the first month's premium is received by the QHP issuer.

(6) A qualified individual may enroll in a Stand-Alone Dental Plan (SADP) outside the QHP Enrollment without an SEP. If the SADP is selected:

(a) On or before the 15th of the month, the effective date will be the first day of the following month.

(b) After the 15th of the month, the effective date will be the first day of the second following month.

Section 6. Special Enrollment Periods.

(1) Except as established by subsection (3) of this section, a qualified individual or enrollee shall have sixty (60) days from the date of a qualifying event as set forth in subsection (2) of this section to select a QHP.

(2) A qualified individual may enroll in a QHP or an enrollee or a dependent of an enrollee may change QHPs during a SEP if:

(a) The qualified individual or a dependent of the qualified individual:

1. Loses minimum essential coverage;

2. Is enrolled in any non-calendar year group health plan, individual health insurance coverage, or qualified small employer reimbursement arrangement even if the qualified individual or his or her dependent has the option to renew or reenroll in the coverage;

3. Loses pregnancy-related coverage described in 45 C.F.R. 155.420(d)(1)(iii);

4. Loses medically needy coverage as described under 42 C.F.R. 435.320 only once per calendar year; or

5. Is enrolled in coverage under 26 C.F.R. 54.9801-6(a)(3)(i) through (iii) for which an employer is paying all or part of the premiums and the employer ceases its contributions;

(b) The qualified individual gains a dependent or becomes a dependent through marriage, birth, adoption, placement for adoption, placement in foster care, a child support order, or other court order;

(c) The qualified individual, or a dependent of the qualified individual, who was not previously a citizen, national, or lawfully present gains status as a citizen, national, or lawfully present;

(d) The enrollee is determined newly eligible or newly ineligible for APTC;

(e) The enrollee or a dependent of the enrollee becomes newly eligible for CSRs and is not enrolled in a silver-level QHP;

(f) The enrollee or a dependent of the enrollee becomes newly ineligible for CSRs and is enrolled in a silver-level QHP;

(g) The qualified individual or a dependent of the qualified individual who is enrolled in qualifying coverage in an employer-sponsored plan is determined newly eligible for APTC in part on a finding that the individual shall no longer be eligible for qualifying

coverage in the employer-sponsored plan in the next sixty (60) days and is allowed to terminate existing coverage;

(h) The qualified individual or enrollee or a dependent of the qualified individual or the enrollee:

1. Gains access to new QHPs as a result of a permanent move; and

2. Had minimum essential coverage or MEC for one (1) ~~or of~~ more days during the sixty (60) days preceding the date of the permanent move;

(i) The qualified individual is an Indian who may enroll in a QHP or change from one (1) QHP to another QHP one (1) time per month;

(j) The qualified individual is or becomes a dependent of an Indian and is enrolled or is enrolling in a QHP on the same application as the Indian, and may change from one (1) QHP to another QHP one (1) time per month, at the same time as the Indian;

(k) The qualified individual or enrollee or a dependent of the qualified individual or enrollee is no longer incarcerated;

(l) The qualified individual or enrollee, or a dependent of the qualified individual or enrollee:

1. Gains access to an individual Health Reimbursement Arrangement or HRA; or

2. Is newly provided a Qualified Small Employer Health Reimbursement Arrangement or QSEHRA [arrangement];

(m) The plan in which the enrollee or a dependent of the enrollee is enrolled is decertified by the division;

(n) The enrollee loses a dependent or is no longer considered a dependent through divorce or legal separation;

(o) The enrollee or a dependent of the enrollee dies;

(p) The qualified individual or enrollee:

1. Is a victim of domestic abuse or spousal abandonment as defined by 26 C.F.R. 1.36B-2, or a dependent of the qualified individual or enrollee, or an unmarried victim of domestic abuse or spousal abandonment residing within the same household as the qualified individual or enrollee;

2. Is enrolled in MEC; and

3. Sought to enroll in coverage separate from the perpetrator of abuse or abandonment;

(q) The qualified individual or enrollee:

1. Is a dependent of an individual described in paragraph (i) of this subsection;

2. Is on the same application as the individual described in paragraph (i) of this subsection; and

3. Enrolls at the same time as the individual described in paragraph (i) of this subsection;

(r) The qualified individual or enrollee:

1. Applies for coverage during:

a. An annual open enrollment period; or

b. If there is a qualifying event, a SEP; and

2. Is determined ineligible for Medicaid or the Kentucky Children's Health Insurance Program or KCHIP:

a. After open enrollment has ended; or

b. More than sixty (60) days after the qualifying event;

(s) The qualified individual or dependent of the qualified individual enrolls or fails to enroll in a QHP due to an error, misrepresentation, or inaction of an officer, employee, or representative of the KHBE;

(t) The enrollee or dependent of the enrollee demonstrates to the KHBE that the QHP in which the enrollee or the dependent of the enrollee is enrolled substantially violated a provision of its contract in relation to the enrollee or dependent;

(u) The qualified individual or enrollee, or a dependent of the qualified individual or enrollee, demonstrates to the KHBE that a material error related to a plan benefit, service area, or premium influenced the qualified individual's or enrollee's decision to purchase a QHP through KHBE. Material errors may include any incorrect premium, copay, co-insurance, or deductible amount, as well as services covered or providers included in network;

(v) The qualified individual:

1.

a. Was previously ineligible for APTC because of a household income below 100 percent of the FPL; and

b. Was ineligible for Medicaid due to living in a non-Medicaid expansion state during the same timeframe; and ~~either~~

2. Either:

a. Experiences a change in household income; or

b. Makes a permanent move to the Commonwealth of Kentucky resulting in the individual becoming newly eligible for APTC;

(w) The qualified individual or a dependent of the qualified individual:

1. Experiences a decrease in household income;

2. Is newly determined eligible by the KHBE for APTC; and

3. Had MEC for one (1) or more days during the sixty (60) days preceding the date of the change in household income; or

(x) The qualified individual or a dependent of the qualified individual meets other exceptional circumstances as defined by 45 C.F.R. 155.420(d)(9).

(3) The date of the triggering event for the loss of MEC [minimum essential coverage] shall be:

(a) For a decertification of a QHP as set forth in 900 KAR 10:115, the date of the notice of decertification;

(b) For an event described in subsection (2)(a)2. of this section, the last day of the plan year;

(c) For an event described in subsection (2)(a)5. of this section, the last day of the period for which COBRA continuation coverage is paid for, in part or in full, by an employer; or

(d) For all other cases, the date the qualified individual or dependent of the qualified individual loses eligibility for MEC [minimum essential coverage].

(4) Loss of MEC [minimum essential coverage] shall include those circumstances described in 26 C.F.R. 54.9801-6(a)(3)(i) through (iii).

(5) Loss of MEC [minimum essential coverage] shall not include termination or loss due to:

(a) Failure to pay premiums on a timely basis; or

(b) A situation allowing for a rescission as established by 45 C.F.R. 147.128.

(6) Except as established by subsection (7), (8), or (9) of this section, a qualified individual or enrollee who selects a QHP during a SEP shall have an effective date of coverage of:

(a) The first day of the following month for a selection made between the first and the fifteenth day of any month; or

(b) The first day of the second following month for a selection made between the sixteenth and last day of any month.

(7) A qualified individual or enrollee who selects a QHP:

(a) For a birth, adoption, placement for an adoption, placement in foster care, or child support or other court order, shall have an effective date of coverage of either:

1. The date of the birth, adoption, placement for adoption, placement in foster care, or effective date of court order; or

2. If the qualified individual or enrollee elects:

a. The first of the month following plan selection; or

b. In accordance with subsection (6) of this section;

(b) For a marriage, shall have an effective date of coverage of the first day of the month following plan selection;

(c) For a loss of coverage as described in subsection (2)(a) of this section, for a gain of access to a new QHP as a result of a permanent move as described in subsection (2)(h) of this section, or for being newly eligible for enrollment in a QHP as described in subsection (2)(c) or (2)(k) of this section, if:

1. The plan selection is made on or before the day of the triggering event, shall have a coverage effective date of the first day of the month following the triggering event; or

2. The plan selection is made after the date of the triggering event, shall have a coverage effective date in accordance with this subsection; or

(d) For a death as described in subsection (2)(o) of this section, shall have a coverage effective date:

1. Of the first day of the month following a plan selection; or

2. In accordance with paragraph (c) of this subsection.

(8) A qualified individual, enrollee, or dependent of the qualified individual or enrollee who selects a QHP as described in subsection (2)(g) of this section shall have a coverage effective date:

(a) If the plan selection is made before the day of the triggering event:

1. On the first day of the month following the triggering event; or

2. If the triggering event is on the first day of a month, on the

date of the triggering event; or

(b) If the plan selection is made on or after the day of the triggering event, on the first day of the month following plan selection.

(9) A qualified individual or enrollee who selects a QHP in accordance with subsection (2)(a)4.,(r), (s), (t), (u), or (v) of this section shall have a coverage effective date based on the circumstances of the SEP.

(10)

(a) An individual described in subsection (2)(g) of this section may access a SEP sixty (60) days prior to the end of the individual's qualifying coverage in the employer-sponsored plan.

(b) An individual who accesses a SEP as set forth in paragraph (a) of this subsection shall not be eligible for APTCs until the end of the individual's qualifying coverage through the eligible employer-sponsored plan.

(11) If an existing enrollee becomes newly eligible for CSRs and is not enrolled in a silver plan, the enrollee may choose a silver plan.

(12) If an enrollee and a dependent of an enrollee become newly ineligible for CSRs and are enrolled in a silver-level QHP, the enrollee may change to a QHP one (1) metal level higher or lower.

(13) If an enrollee gains a dependent due to marriage, birth, adoption, foster care, or court order, the enrollee shall:

(a) Not change plans; and

(b) Either:

1. Add the new dependent to the enrollee's current enrollment;

or

2. Enroll the new dependent in a plan of any plan category.

(14) Except for the qualifying events established by subsection (2)(i), (l), (p), (u), and (v) of this section and the events described in subsections (11), (12), and (13) of this section:

(a) If an enrollee qualifies for a SEP, the enrollee may change to a QHP within the same level of coverage;

(b) If a dependent of an enrollee qualifies for a SEP and the enrollee does not also qualify for a SEP, the enrollee shall add the dependent to the enrollee's current QHP; or

(c) If a qualified individual who is not an enrollee qualifies for a SEP and has a dependent who is an enrollee who does not qualify for a SEP, the qualified individual shall be added to the dependent's current QHP.

(15) For a qualified individual, enrollee, or dependent described in subsection (2)(l) of this section, the triggering event shall be:

(a) The first day on which coverage for the qualified individual, enrollee, or dependent under the individual coverage HRA can take effect; or

(b) The first day on which coverage under the QSEHRA takes effect.

(16) A qualified individual, enrollee, or dependent described in subsection (2)(l) of this section shall:

(a) Qualify for a SEP regardless of whether they were previously offered or enrolled in an individual HRA or previously provided a QSEHRA, if:

1. The qualified individual, enrollee, or dependent is not enrolled in the individual coverage HRA; or

2. The qualified individual, enrollee, or dependent is not covered by the QSEHRA on the day immediately prior to the triggering event; and

(b)

1. Have sixty (60) days before the triggering event to select a QHP; or

2. Have sixty (60) days before or after the triggering event if the HRA or QSEHRA was not required to provide the notice described in 45 C.F.R. 146.123(c)(6), 26 C.F.R. 54.9802-4(c)(6), and 29 C.F.R. 2590.702-2(c)(6) or 26 U.S.C. 9831(d)(4).

(17) A qualified individual or enrollee, or the dependent of a qualified individual or enrollee, who is eligible for advance payments of the premium tax credit, and whose household income, as defined in 26 C.F.R. 1.36B-1(e), is expected to be no greater than 150 percent of the Federal poverty level, may enroll in a QHP or change from one QHP to another one (1) time per month during periods of time when the applicable taxpayer's applicable percentage for purposes of calculating the premium assistance amount, as defined in 26 U.S.C. 36B(b)(3)(A), is set at zero.

(18) If a qualified individual, enrollee, or dependent of a qualified individual or an enrollee did not receive timely notice of an event that triggers eligibility for a SEP under this section, and otherwise was reasonably unaware that a triggering event described in this section occurred, the qualified individual, enrollee, or his or her dependent shall have sixty (60) days from the date that he or she knew, or reasonably should have known, of the occurrence of the triggering event.

(19) A qualified individual, enrollee, or dependent of a qualified individual or enrollee, described in 45 C.F.R. 155.420 as being eligible for a SEP not specified in this section of this administrative regulation shall be eligible for a SEP.

(20) For purposes of this section, a qualified individual, enrollee, or dependent of a qualified individual or enrollee shall be:

(a) Eligible for APTC if eligibility is for an amount greater than zero dollars per month; or

(b) Ineligible for APTC if eligible for a maximum of zero dollars per month.

Section 7. Verifications for Special Enrollment Periods.

(1) KHBE shall conduct pre-enrollment verification of newly enrolling individuals as established by this section.

(2) A QHP enrollment for an individual subject to verification shall not be submitted to the issuer pending verification for a SEP.

(3) For an enrollment subject to verification as described in this section, a new enrollee shall have thirty (30) days from the date of plan selection to provide requested documentation.

(4) A qualifying individual described in Section 6(2)(h) of this administrative regulation shall provide proof of:

(a) A permanent move during the past sixty (60) days; and

(b) Either:

1. Having had **MEC[minimum essential coverage]** for one (1) or more days during the sixty (60) days preceding the date of the qualifying event; or

2. Having:

a. Lived in a foreign country or in a US territory for one (1) or more days during the sixty (60) days preceding the qualifying event;

b. Lived in a service area where no qualified health plan was available through KHBE for one (1) or more days during the sixty (60) days preceding the qualifying event or their most recent open enrollment or SEP; or

c. Status as an Indian.

(5) For a marriage, as described in Section 6(2)(b) of this administrative regulation, a qualified individual shall provide proof of marriage during the past sixty (60) days.

(6) Other than as described in subsections (4) and (5) of this section, a qualified individual described in Section 6(2)(b) of this administrative regulation shall provide proof of:

(a) The qualifying event during the past sixty (60) days; and

(b) Either:

1. Having **MEC[minimum essential coverage]** as described in Section 6(2)(a) of this administrative regulation for one (1) or more days during the sixty (60) days preceding the date of the qualifying event; or

2. Meeting the requirements in subsection (4)(b) of this section.

(7) For a loss of **MEC[minimum essential coverage]** as described in Section 6(2)(a) of this administrative regulation, a qualified individual shall provide proof of coverage for one (1) or more days during the past sixty (60) days.

(8) SEP verification shall not impact an enrollee's effective date of coverage except as provided in 45 C.F.R. 155.400(e)(1)(iii).

Section 8. Eligibility Redetermination During a Benefit Year.

(1) Eligibility shall be redetermined for an enrollee during a benefit year if the KHBE receives and verifies:

(a) New information reported by an enrollee; or

(b) Updated information obtained in accordance with 45 C.F.R. 155.330(d).

(2) Except as established by subsection (3) of this section, an enrollee or an application filer, on behalf of an enrollee, shall report within thirty (30) days:

(a) A change related to an eligibility standard in Section 1, 2, 3, 9, or 10 of this administrative regulation; and

(b) Via a method described in Section 1(5) of this administrative regulation.

(3) An enrollee who did not request an eligibility determination for an insurance affordability program shall not report a change related to income.

(4) If new information provided by an enrollee in accordance with subsection (1)(a) of this section is verified:

(a) Eligibility shall be redetermined in accordance with the standards in Section 1, 2, 3, 9, or 10 of this administrative regulation;

(b) The enrollee shall be notified of the redetermination in accordance with the requirements in 45 C.F.R. 155.310(g); and

(c) If applicable, the enrollee's employer shall be notified in accordance with the requirement established by 45 C.F.R. 155.310(h).

(5) If updated information obtained in accordance with subsection (1)(b) of this section regarding death or related to eligibility not regarding income, family size, or family composition is identified, an enrollee shall:

(a) Be notified by the KHBE of:

1. The updated information; and

2. The projected enrollees' eligibility determination after consideration of the information; and

(b) Have thirty (30) days from the date of the notice in paragraph (a) of this subsection to notify the KHBE if the information is inaccurate.

(6) If an enrollee responds to the notice in subsection (5)(a) of this section, contesting the updated information in the notice, the KHBE shall proceed in accordance with 45 C.F.R. 155.315(f).

(7) If an enrollee does not respond to the notice in subsection (5)(a) of this section within the thirty (30) day timeframe specified in subsection (5)(b) of this section, the KHBE shall:

(a) Redetermine eligibility in accordance with the standard in Section 1, 2, 3, 9, or 10 of this administrative regulation; and

(b) Notify the enrollee regarding the determination in accordance with the requirements established by 45 C.F.R. 155.310(g).

(8) With the exception of information regarding death, if updated information regarding income, family size, or family composition is identified, an enrollee shall:

(a) Be notified by the KHBE of:

1. The updated information regarding income, family size, and family composition obtained in accordance with subsection (1)(b) of this section; and

2. The projected eligibility determination after consideration of the information; and

(b) Have thirty (30) days from the date of the notice to:

1. Confirm the updated information; or

2. Provide additional information.

(9) If the enrollee responds to the notice in subsection (8)(a) of this section by confirming the updated information, the KHBE shall:

(a) Redetermine the enrollee's eligibility in accordance with Section 1, 2, 3, 9, or 10 of this administrative regulation; and

(b) Notify the enrollee regarding the determination in accordance with the requirements established by 45 C.F.R. 155.310(g).

(10) If the enrollee does not respond to the notice in subsection (8)(a) of this section within the thirty (30) day timeframe established by subsection (8)(b) of this section, the KHBE shall maintain the enrollee's existing eligibility determination without considering the updated information in subsection (8)(a) of this section.

(11) If the enrollee responds with more updated information, the KHBE shall verify the updated information in accordance with 45 C.F.R. 155.315 and 155.320.

(12) The effective date of a change resulting from a redetermination pursuant to this section shall be in accordance with 45 C.F.R. 155.330(f).

(13) The amount of an APTC or eligibility for a CSR as a result of an eligibility redetermination in accordance with this section shall be recalculated in accordance with 45 C.F.R. 155.330(g).

Section 9. Annual Eligibility Redetermination.

(1) A qualified individual shall:

(a) Have an annual redetermination of eligibility; and

(b) Be sent a notice of the annual redetermination that includes:

1. The data obtained under subsection (2) of this section;

2. The data used in the qualified individual's most recent eligibility determination; and

3. The projected eligibility determination for the following year, after considering the information in subparagraph 1. of this paragraph.

(2)

(a) A qualified individual requesting an eligibility determination for an insurance affordability program shall authorize the release of updated tax return information, data regarding Social Security benefits, and data regarding MAGI-based income, as defined by 42 C.F.R. 435.603(e) and as described in 45 C.F.R. 155.320(c)(1), for use in the qualified individual's eligibility redetermination.

(b) Eligibility shall not be redetermined for a qualified individual requesting an eligibility determination for an insurance affordability program who does not authorize the release of updated tax return information.

(3) A qualified individual may authorize the release of tax return information for a period of no more than five (5) years based on a single authorization, if the authorization permits the qualified individual to:

(a)

1. Decline to authorize the release of updated tax return information; or

2. Authorize the release of updated tax return information for fewer than five (5) years; and

(b) Discontinue, change, or renew the authorization at any time.

(4) A qualified individual, an application filer, or an authorized representative, on behalf of the enrollee, shall report any changes with respect to the information listed in the notice described in subsection (1)(b) of this section:

(a) Within thirty (30) days from the date of the notice; and

(b) Via a method listed in Section 1(5) of this administrative regulation.

(5) Any information reported by a qualified individual under subsection (4) of this section shall be verified as set forth in Section 4 of this administrative regulation.

(6) For a qualified individual who fails to act on the notice described in subsection (1)(b) of this section within the thirty (30) day period established by subsection (4) of this section, eligibility shall be redetermined as set forth in subsection (7)(a) of this section.

(7)

(a) After the thirty (30) day period established by subsection (4) of this section:

1. Eligibility of a qualified individual shall be redetermined in accordance with the standards in Section 1, 2, 3, 9, or 10 of this administrative regulation using the information provided in the notice, as supplemented with any information reported by the qualified individual verified in accordance with Section 4 of this administrative regulation;

2. The qualified individual shall be notified in accordance with the requirements in 45 C.F.R. 155.310(g); and

3. If applicable, the qualified individual's employer shall be notified in accordance with 45 C.F.R. 155.310(h).

(b) If a qualified individual reports a change with respect to the information provided in the notice established by subsection (1)(b) of this section that has not been verified by the KHBE as of the end of the thirty (30) day period established by subsection (4) of this section, eligibility shall be redetermined after verification in accordance with Section 4 of this administrative regulation.

(8) The effective date of a redetermination in accordance with this section shall be the later of:

(a) The first day of the coverage year following the year in which the notice in subsection (1)(b) of this section is issued to the qualified individual; or

(b) The date determined in accordance with 45 C.F.R. 155.330(f)(1).

(9) If an enrollee remains eligible for coverage in a QHP upon annual redetermination and has not terminated coverage from the QHP in accordance with Section 10 of this administrative regulation, the enrollee shall:

(a) Remain in the QHP selected the previous year that may

include modifications that shall be approved by the Department of Insurance; or

(b) Be enrolled by KHBE in a QHP that is substantially similar that shall be approved by the Department of Insurance.

(10) Eligibility shall not be redetermined if a qualified individual was redetermined eligible in accordance with this section during the prior year, and the qualified individual was not enrolled in a QHP when the redetermination was made and has not enrolled in a QHP since the redetermination.

Section 10. Eligibility to Enroll in a QHP that is a Catastrophic Plan.

(1) In addition to the requirements in Section 1 of this administrative regulation, to enroll in a QHP that is a catastrophic plan, an applicant shall:

(a) Not have attained the age of thirty (30) before the beginning of the plan year; or

(b) Have a certificate of exemption from the shared responsibility payment issued by the KHBE or HHS for a plan year in accordance with:

1. 26 U.S.C. 5000A(e)(1); or
2. 26 U.S.C. 5000A(e)(5).

(2) Verification related to eligibility for enrollment in a QHP that is a catastrophic plan shall be in accordance with 45 C.F.R. 155.315(j).

Section 11. Special Eligibility Standards and Processes for Indians.

(1) An applicant who is an Indian, as defined by 25 U.S.C. 1603(13), shall be eligible for the special cost sharing described in 45 C.F.R. 155.350(b) if the applicant:

(a) Meets the requirements established by 45 C.F.R. 155.305(a) and (f);

(b) Is expected to have a household income that does not exceed the amount established by 45 C.F.R. 305(g)(3)(vi) for the benefit year for which coverage is requested; and

(c) Enrolls in a QHP through the KHBE.

(2) An applicant who is an Indian shall have an eligibility determination for the special cost sharing described in 45 C.F.R. 155.350(b) without requesting an eligibility determination for an insurance affordability program.

Section 12. Eligibility Determination and Notification Standards.

(1) Eligibility shall be determined in accordance with 45 C.F.R. 155.310(e).

(2) Notifications regarding eligibility determinations shall be made in accordance with 45 C.F.R. 155.310(g).

Section 13. Termination of Coverage.

(1) An enrollee, including an enrollee who has obtained other MEC[minimum essential coverage], may terminate coverage in a QHP by submitting a request:

- (a) Via the Web site at www.kynect.ky.gov;
- (b) By telephone;
- (c) To the QHP issuer;
- (d) By mail; or
- (e) In person.

(2) An enrollee in a QHP may choose to remain in a QHP without financial assistance if the enrollee:

- (a)
 1. Has been identified as eligible for other MEC[minimum essential coverage] through the data matching described in 45 C.F.R. 155.330(d); or
 2. Has been identified as eligible for Medicaid, KCHIP, or Medicare and has granted prior permission to KHBE; and
- (b) Does not request termination in accordance with subsection (1) of this section.

(3) The last day of coverage of an enrollee who terminates coverage in accordance with subsection (1) of this section shall be:

(a) The termination date requested by the enrollee if the enrollee provides reasonable notice in accordance with subsection (7) of this section;

(b) Fourteen (14) days after the termination is requested by the

enrollee, if the enrollee does not provide reasonable notice in accordance with subsection (7) of this section;

(c) A date determined by the issuer of an enrollee's QHP if the issuer is able to terminate coverage in fewer than fourteen (14) days and the enrollee requests an earlier termination effective date; or

(d) If the enrollee is newly eligible for Medicaid or KCHIP, the day before coverage in Medicaid or KCHIP begins.

(4) An enrollee's health coverage shall be terminated by an issuer if:

(a) The enrollee is no longer eligible for coverage in a QHP through the KHBE;

(b) The enrollee has failed to pay a premium and; ~~and~~

1. A three (3) month grace period required for an individual receiving an APTC has been exhausted as described in 45 C.F.R. 156.270(g); or

2. A thirty (30) day grace period required by KRS 304.17A-243 for an individual not receiving an APTC has been exhausted;

(c) The enrollee's coverage is rescinded in accordance with 45 C.F.R. 147.128 or KRS 304.14-110;

(d) The enrollee is enrolled in a QHP that:

1. Has been decertified pursuant to 900 KAR 10:115; or
2. Has withdrawn from participation in the KHBE; or

(e) The enrollee changes from one (1) QHP to another during an open enrollment period or SEP in accordance with Section 5 or 6 of this administrative regulation.

(5) The last day of coverage of an enrollee shall be:

(a) If terminated in accordance with subsection (4)(a) of this section, the last day of the month following the month in which the notice described in subsection (7) of this section is sent by KHBE, unless the enrollee requests an earlier termination date in accordance with subsection (3) of this section;

(b) If terminated in accordance with subsection (4)(b)1. of this section, the last day of the first month of the three (3) month grace period; or

(c) If terminated in accordance with subsection (4)(b)2. of this section, in accordance with KRS 304.17A-245.

(6) For an enrollee who is terminated in accordance with subsection (4)(e) of this section, the last day of coverage in an enrollee's prior QHP shall be the day before the effective date of coverage in the enrollee's new QHP.

(7) Reasonable notice shall be fourteen (14) calendar days from the requested date of termination of coverage.

Section 14. Authorized Representative.

(1) An individual may designate an authorized representative in accordance with 45 C.F.R. 155.227.

(2) An authorized representative shall comply with state and federal laws regarding:

- (a) Conflict of interest; and
- (b) Confidentiality of information.

(3) An applicant may authorize a representative to:

- (a) Sign an application on behalf of the applicant;
- (b) Submit an update or respond to a redetermination of eligibility for the applicant in accordance with Section 7 or 8 of this administrative regulation;
- (c) Receive a copy of a notice or communication from the KHBE;
- (d) Make an appeal request on behalf of an appellant; and
- (e) Act on behalf of the individual in a matter with the KHBE.

(4) An authorization for an authorized representative shall be valid until:

- (a) An applicant:
 1. Changes the authorization; or
 2. Notifies the KHBE and the authorized representative, through a method described in 45 C.F.R. 155.405(c), that the authorized representative is no longer authorized to act on behalf of the individual; or
- (b) The authorized representative informs the KHBE and the individual that the authorized representative is no longer acting as the authorized representative.

Section 15. SHOP Employer Eligibility.

(1) An employer shall be a qualified employer and eligible to purchase coverage through SHOP if the employer meets the

eligibility requirements established in 45 C.F.R. 155.710(b).

(2) An employer shall apply for an eligibility determination online to participate in SHOP at www.kynect.ky.gov.

(3) Upon application, an employer shall provide:

- (a) Employer name;
- (b) Address of employer location;
- (c) A valid federal employer identification number; and
- (d) A statement from the employer attesting that the employer

is:

- 1. A small employer; and
- 2. Offering at a minimum, all full-time employees coverage in a QHP through SHOP.

(4) Except as provided in 45 C.F.R. 147.104(b)(1)(i)(B), a qualified employer shall meet a minimum group participation rate of fifty (50) percent, calculated as described in 45 C.F.R. 155.706(b)(10)(i).

(5) A qualified employer may purchase coverage for its qualified employees at any time during the year.

(6) An employer's plan year shall be the twelve (12) month period beginning with the effective date of coverage.

(7) An employer shall enroll in a QHP or SADP certified by the division by contacting an issuer or a participating agent.

(8) A qualified employer who ceases to be a small employer by reason of an increase in the number of employees shall be eligible to participate in SHOP until the employer:

- (a) Fails to otherwise meet the eligibility criteria of this section; or
 - (b) Chooses to no longer purchase health coverage.
- (9) An employer that fails to meet the requirements in subsection (1) of this section, shall be denied eligibility to participate in SHOP.

Section 16. SHOP Right to Formal Review.

(1) An employer applicant may request a formal review of a:

- (a) Denial of eligibility as set forth in Section 15(9) of this administrative regulation; or
- (b) Failure of the KHBE to make an eligibility determination to participate in SHOP within fifteen (15) calendar days of receiving an application from an employer.

(2) Within ninety (90) days of receipt of a notice of denial of eligibility, an employer may submit a formal review request to the division by:

- (a) [By-]Telephone;
- (b) [By-]Mail; or
- (c) [By-]Email.

(3) A formal review request shall clearly state a reason for the formal review in accordance with subsection (1) of this section.

(4) If an employer is notified that a formal review request does not meet the requirements of this section, the employer may amend the request to satisfy the requirements.

Section 17. SHOP Dismissal of a Formal Review.

(1) A formal review by an employer shall be dismissed if the employer:

- (a) Withdraws the formal review request in writing; or
- (b) Fails to submit a formal review request that meets the requirements in Section 16 of this administrative regulation.

(2) If a formal review is dismissed in accordance with subsection (1) of this section, the division shall provide written notice to the employer:

- (a) Within three (3) business days of the dismissal; and
- (b) That includes the reason for dismissal.

(3) The division may reverse a dismissal under subsection (2) of this section if an employer makes a written request within thirty (30) days of the date of the notice of dismissal in subsection (2) of this section and provides new information supporting a reversal of the previous decision.

Section 18. SHOP Desk Review.

(1) An employer shall have the opportunity to submit evidence to the division for review of an eligibility determination.

(2) The division shall consider:

- (a) The information used to determine the employer's eligibility; and
- (b) Any additional evidence provided by the employer under subsection (1) of this section.

(3) An applicant's formal review request shall be desk reviewed by one (1) or more impartial division officials who have not been directly involved in the eligibility determination implicated in the formal review.

Section 19. SHOP Formal Review Decision.

(1) A desk review by an official of the division shall result in a final formal review decision.

(2) A final formal review decision shall:

- (a) Be in writing;
- (b) Be based on the eligibility requirements in Section 15 of this administrative regulation;
- (c) State the decision and the effect of the decision on the eligibility of the employer;
- (d) Summarize the facts relevant to the formal review;
- (e) Identify the legal and regulatory basis for the decision;
- (f) State the effective date of the decision; and
- (g) Be rendered within ninety (90) days of receipt by the division of an employer formal review request.

(3) The division shall issue written notice of the formal review decision to the employer within ninety (90) days of the date of receipt of a formal review request.

(4) If the formal review decision affects the employer's eligibility, the division shall implement the formal review decision.

Section 20. SHOP Formal Review Record. The formal review record shall be available and accessible to an employer:

- (1) In a convenient format; and
- (2) During regular business hours, which shall:
 - (a) Be Monday through Friday from 8:00 a.m. to 4:30 p.m.; and
 - (b) Exclude holidays.

Section 21. Incorporation by Reference.

(1) "Kentucky QHP/APTC Eligibility Verification Plan", Revised May 2022[March, 2024], is incorporated by reference.

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

CONTACT PERSON: Krista Quarles, Policy Advisor, 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.

VOLUME 49, NUMBER 6— JANUARY 1, 2023

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. Other statutes or legislation may affect a regulation's actual end date.

NONE

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. Other statutes or legislation may affect a regulation's actual end date.

NONE

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

EDUCATION AND LABOR CABINET
Office of Adult Education (KYAE)
(As Amended at ARRS, December 13, 2022)

13 KAR 3:050. GED® eligibility requirements.

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

STATUTORY AUTHORITY: KRS 151B.403

NECESSITY, FUNCTION, AND CONFORMITY: KRS 151B.403(1) requires the Office of Adult Education (Kentucky Adult Education)(Kentucky Skills-U-Program) within the Education and Labor Cabinet(Education and Workforce Development Cabinet) to promulgate administrative regulations to establish programs that, upon successful completion, result in the award of a high school equivalency diploma. KRS 151B.403(2) requires that at least one (1) of these programs shall include a test aligned with the College and Career Readiness Standards for Adult Education, or any other standards adopted by the federal Office of Career, Technical, and Adult Education (OCTAE), which upon passing, shall entitle students to receive a high school equivalency diploma. This administrative regulation establishes the eligibility requirements for taking a High School Equivalency Diploma test as defined in this administrative regulation.

Section 1. Definitions.

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

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

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

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

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

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

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

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

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

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

or

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

1. ~~[(b)]~~ Is considered a state agency child, as defined by KRS 158.135(1)(a); ~~or~~~~and~~

2. Is enrolled in a district-operated alternative program, is not on track to graduate (as defined by the local board of education), and has passed at least one (1) section of the GED® Ready test;~~[(c)]~~ and

~~[(b)]~~~~[(c)]~~ Is approved for the GED® test by the local school superintendent.

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

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

CONTACT PERSON: Gloria Gardner, Coordinator, Office of Adult Education (Kentucky Adult Education), 500 Mero Street Mail Stop 5SC, Frankfort, Kentucky 40601; phone 502-892-3509; email Gloria.Gardner@ky.gov.

KENTUCKY INFRASTRUCTURE AUTHORITY
(As Amended at ARRS, December 13, 2022)

200 KAR 17:111. Guidelines for Kentucky Infrastructure Authority Drinking Water and Wastewater Grant Program.

RELATES TO: KRS 45.031, 151.601, 151.605, 224A.011, 224A.020, 224A.035, 224A.040, 224A.050 -224A.314, Pub.L. 117-2, 31 C.F.R. Part 35

STATUTORY AUTHORITY: KRS 224A.040, 224A.070(1), 224A.113, 224A.300, 2021 Ky Acts ch. 195, 2022 Ky Acts ch. 199

NECESSITY, FUNCTION, AND CONFORMITY: On March 11, 2021, the American Rescue Plan Act, Pub.L. 117-2, was signed into law, and established the Coronavirus State Fiscal Recovery Fund and Coronavirus Local Fiscal Recovery Fund, which together make up the Coronavirus State and Local Fiscal Recovery Funds ("SLFRF") program. This program is intended to provide support to State, territorial, local, and Tribal governments in responding to the economic and public health impacts of COVID-19 and in their efforts to contain impacts on their communities, residents, and businesses. Effective April 1, 2022, the United States Department of the Treasury issued its final rule for the funds, 31 C.F.R. Part 35, which necessitates withdrawal of the existing emergency regulation and the promulgation of a new and substantially different emergency regulation. KRS 224A.040 authorizes the Kentucky Infrastructure Authority to make grants as funds are available, and KRS 224A.070(1) authorizes the Kentucky Infrastructure Authority to promulgate administrative regulations that shall define with specificity conditions precedent under which applications for loans or grants may be made and the order of priority upon which applications shall be acted upon. 2021 Ky Acts ch. [Senate Bill 36, 2021 Regular Session Acts of the General Assembly, Chapter] 195, requires the authority to promulgate administrative regulations to ensure that project approvals are based on rational criteria and include a project's readiness to proceed and the project's social, economic, and environmental benefits. This administrative regulation establishes procedures for governmental agencies to request and receive~~the application for and provision of~~ financial assistance ~~to governmental agencies~~ for the construction of drinking water and wastewater infrastructure projects from funds available to the Kentucky Infrastructure Authority.

Section 1. Definitions.

(1) "Applicant" means a governmental agency that has submitted a request~~an application~~ to the authority for a grant from authority funds.

(2) "Application" means the project information contained within the Water Resource Information System Project Profile and designated by an applicant as applying for a grant from the Drinking Water and Wastewater Grant Program funds.

(3) "Authority" is defined by KRS 224A.011(6)~~means the Kentucky Infrastructure Authority, which is created by KRS Chapter 224A.~~

(4) ~~[(4)]~~ "Conditional commitment letter" means a letter delivered to the applicant stating the authority's commitment to provide a grant under specifications and subject to the satisfaction of certain conditions by the applicant.

(5) ~~[(5)]~~ "Kentucky State Clearinghouse" means the project review mechanism, attached to the Department for Local Government, established in KRS 45.031.

~~(5)~~~~(6)~~ "Kentucky Uniform System of Accounting" means the elements of a basic accounting system established in KRS 224A.306, which is used by a water or wastewater system seeking or using funds of the authority if an alternative accounting system has not been approved by the authority.

~~(6)~~~~(7)~~ "Project" means an infrastructure project related to drinking water or wastewater.

~~(7)~~~~(8)~~ "Unserved" means a customer who does not have access to publicly available potable drinking water or a properly functioning wastewater system.

Section 2. Eligible Costs Timeline.

(1) Applicants may use funds to cover costs incurred for eligible projects planned or started prior to March 3, 2021, ~~if provided that~~ the project costs covered by the funds were incurred by the applicant after March 3, 2021.

(2) Applicants may use funds to cover eligible costs incurred during the period that begins on March 3, 2021 and ends on December 31, 2024, ~~if as long as~~ the award funds for the obligations incurred by December 31, 2024 are expended by December 31, 2026.

Section 3. Eligible Projects.

(1) Funds available to the authority shall be used to fund projects that make necessary investments in water or sewer infrastructure as defined in 31 ~~C.F.R. 35.6(e)(1)~~~~CFR Part 35~~.

(2) Only water or wastewater projects addressing one (1) or more of the conditions established in paragraphs (a) through (h) of this subsection shall be eligible for funding:

(a) The proposed project shall provide drinking water services to unserved rural customers.

(b) The proposed project shall address provisions in a federal consent decree related to water or wastewater.

(c) The proposed project shall address the provisions of KRS 224A.300 - 224A.314.

(d) The proposed project shall address an emergency situation.

(e) The proposed project shall alleviate existing conditions that pose a serious and immediate threat to the health and welfare of the community.

(f) The proposed project shall promote social, economic, or environmental benefits; but with respect to industrial sites funds may only be awarded if the site has committed occupants.

(g) Funds are needed to complete a funding package previously awarded by the authority.

(h) Funds are needed to cover cost overrun for a project previously awarded by the authority.

(3) Project applications meeting the guidelines established in subsection (2) ~~of this section~~ shall be funded based on the project's:

(a) Readiness to proceed;

(b) Social, economic, and environmental benefits; and

(c) Receipt of a project approval from a water management planning council as created in KRS 151.601.

Section 4. Funding Request~~Applications~~.

(1) Each applicant shall ~~request~~~~submit an application to the authority by requesting~~ that the water service coordinator, as established in KRS 151.605, designate the project for funding. If a water service coordinator is not available, the request may be made directly to the authority in writing and mailed.

(2) The authority shall request additional information about the project or the applicant if needed to comply with local, state, or federal laws.

(3) Only a completed Water Resource Information System project profile~~application~~, including all supporting documentation, shall be considered for financial assistance from the Drinking Water and Wastewater Grant Program.

Section 5. Project Priority. Eligible projects shall be funded subject to:

(1) A project's readiness to proceed;

(2) A project's social, economic, and environmental benefits;

(3) The water management council's approval; and

(4) The availability of funds.

Section 6. Additional Conditions to Project Funding.

(1) A water supply and distribution system seeking funding for a project shall agree, in writing, to adopt and utilize the Kentucky Uniform System of Accounting and to charge rates for services based on the actual cost of that service.

(2) Before funds shall be disbursed to an applicant whose project has been approved for funding, the applicant shall demonstrate to the authority that the project:

(a) Has been reviewed through the Kentucky State Clearinghouse process; and

(b) Is in compliance with applicable state and federal requirements.

Section 7. Terms of Financial Assistance.

(1) ~~A~~~~An application for~~ funding request shall be:

(a) Subject to financial viability review by authority staff; and

(b) Referred to the authority chair for final action.

(2) A project shall be funded if approved by the authority chair and reviewed by the Legislative Research Commission's Capital Projects and Bond Oversight Committee.

(3) Upon approval of ~~a~~~~an application for~~ funding request~~of a project~~, the authority shall issue a conditional commitment letter to the applicant establishing the requirements to be satisfied by the applicant prior to execution of an assistance agreement, including:

(a) Accounting standards or financial reporting conditions;

(b) Rate covenants;

(c) Other federal or state legal requirements relating to the project or the applicant;

(d) Engineering or technical requirements; and

(e) Receipt of additional funding commitments from other sources.

(4) Financial assistance by the authority shall be made available only upon:

(a) Execution of an assistance agreement; and

(b) Satisfaction by the applicant of the conditions established in the conditional commitment letter.

(5) A grant amount may be adjusted by up to ten (10) percent from the principal amount approved without further action if:

(a) Requested by an applicant; and

(b) The staff of the authority finds that:

1. The additional requested amount is needed for the project; and

2. Adequate funds are available.

(6) The authority shall monitor the assistance agreements and require that financial reports be made available to the authority by the applicant.

(7) The authority may collect an administrative fee of one-half (1/2) of one (1) percent charged on the principal grant amount, as allowed by law. This fee shall be applied to the administrative processing servicing costs of the grants and necessary operating expenses of the program.

CONTACT PERSON: Matt Stephens, Executive Director, Department for Local Government, 100 Airport Road, 3rd Floor, Frankfort, KY 40601; phone 502-564-0318; fax 502-227-8691; email Matt.Stephens@ky.gov.

FINANCE AND ADMINISTRATION CABINET
Commonwealth Office of Technology
Division of Geographic Information Systems
(As Amended at ARRS, December 13, 2022)

200 KAR 041:010. The Kentucky State Plane Coordinate System.

RELATES TO: KRS 1.020, 42.630, 42.650, 42.740

STATUTORY AUTHORITY: KRS 1.020(2), 42.650(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 42.650(5) authorizes the Division of Geographic Information Systems within the Commonwealth Office of Technology (COT) to promulgate

administrative regulations to implement that statute. KRS 1.020 (2) requires the Commonwealth Office of Technology (COT) to establish and publish a series of layered zones covered by geodetically referenced mapping projections adopted and supported by the National Geodetic Survey (NGS) as a component of the National Spatial Reference System (NSRS).

Section 1. Definitions.

(1) "COT" means Commonwealth Office of Technology.

(2) "Customary foot" ~~means~~~~[refers to]~~ the foot as a linear unit of measure in a generic sense outside the context of a specific conversion regimen.

(3) "Geodetic datum~~[,]~~" ~~[as referenced herein,]~~ means a geometric model representing the earth's size and shape. The mathematical surface of a geodetic datum is an oblate spheroid, called a reference ellipsoid, generally designed to best fit mean sea level either globally or for a stated region. In the context of a geometric framework in which horizontal coordinates are expressed in angular units as latitude and longitude, a geodetic datum is also referred to as a terrestrial reference frame, or simply, reference frame.

(4) "Geodetically referenced mapping projection" means a planar surface mathematically associated with a geodetic datum, or terrestrial reference frame, such that unique positions relative to that datum or terrestrial reference frame can be converted to and from commensurately unique positions on that plane.

(5) "GIAC" means Geographic Information Advisory Council.

(6) "NGS" means National Geodetic Survey.

(7) "NOAA" means National Oceanic and Atmospheric Administration.

(8) "KSPCS" means Kentucky State Plane Coordinate System and is the collection of all series applicable to the Commonwealth of Kentucky.

(9) [The "KSPCS" is the collection of all series applicable to the Commonwealth of Kentucky.

~~(10)~~ "NSRS" means National Spatial Reference System.

~~(10)~~~~(11)~~ "SPCS" means State Plane Coordinate System.

~~(11)~~~~(12) A-~~ "State plane layer" ~~means~~~~[is]~~ a collection of one ~~(1)~~ or more zones, all defined on a common geodetic datum or terrestrial reference frame and designed to achieve, in aggregate, a common theme based on similar performance characteristics that may cover the Commonwealth in part or in whole.

~~(12)~~~~(13) A-~~ "State plane series" ~~means~~~~[is]~~ a collection of one ~~(1)~~ or more layers defined on a common and unique geodetic datum or terrestrial reference frame representing a complete implementation of the national State Plane Coordinate System (SPCS) for the Commonwealth on that datum or terrestrial reference frame.

~~(13)~~~~(14) A-~~ "State plane zone", or "zone," is a geographic region covered by a uniquely defined geodetically referenced mapping projection and generally comprised of a collection of mutually adjacent whole counties such that all included counties lie completely within a given zone. In special cases a zone may partially cover a county or parts of mutually adjacent counties ~~[in order]~~ to represent a geographic area of specific interest. A zone may cover the Commonwealth either in part or in whole.

Section 2.

(1) The KSPCS shall be based on a series of layered zones covered by geodetically referenced mapping projections adopted and supported by the NGS as a component of the NSRS.

(2) The KSPCS shall consist of the following plane series:

(a) Series 1: North American Datum of 1927 (NAD 27);

(b) Series 2: North American Datum of 1983 (NAD 83);

(c) Series 3: North American Terrestrial Reference Frame of 2022 (NATRF2022), except that this series shall not be utilized until the terrestrial reference frames defining SPCS2022 have been officially adopted and are supported by the National Geodetic Survey; and

(d) Additional series based on new datums or terrestrial reference frames as they are officially adopted and supported by NGS as part of the NSRS.

(3) The Commonwealth Office of Technology (COT), as advised

by the Geographic Information Advisory Council (GIAC), shall develop and maintain the Kentucky State Plane Coordinate System Standards and Specifications Document, ~~[hereinafter]~~ referred to as the KSPCS Standards and Specifications Document.

(4) The KSPCS Standards and Specifications Document shall describe, in detail, the standards and specifications for each series of layered zones adopted in subsection (2) of this section. Anticipated series based on new datums or terrestrial reference frames under development by the National Geodetic Survey may be addressed within the KSPCS Standards and Specifications Document but shall not be implemented or utilized until officially adopted and supported by NGS as part of the NSRS.

(5) The KSPCS Standards and Specifications Document shall provide pertinent information and narratives required to adequately describe implementation of the KSPCS, including historical context, underlying concepts, and policy. Additional information not specifically required ~~[herein]~~ but deemed necessary to facilitate greater understanding of the KSPCS may also be included within the document.

(6) The KSPCS Standards and Specifications Document shall reconcile or otherwise clarify nomenclature and terminology adopted ~~[and/or]~~ refined by NGS when ~~the~~~~[such]~~ adaptations result in ambiguities relating to similar terms and language utilized within KRS 1.~~[,]~~010, ~~[KRS—]~~1.~~[,]~~020, ~~[and/or]~~ this administrative regulation~~[KAR]~~.

(7) For each state plane series adopted in subsection (2) of this section, the KSPCS Standards and Specifications Document shall provide a detailed description containing:

(a) The series name~~[,]~~

(b) The datum or terrestrial reference frame upon which the series is defined, including the reference ellipsoid and its defining parameters~~[,]~~ and

(c) The linear units of measure used to define the series and, when applicable, the forward and reverse conversion factors to be used for converting between the meter and customary foot when representing linear measurements.

(8) For each layer within a KSPCS series, a detailed description shall be provided containing:

(a) The name of the layer~~[,]~~ and

(b) The purpose of the layer.

(9) For each zone within a KSPCS layer a detailed description shall be provided containing:

(a) The zone name.

(b) The conformal projection type utilized for that zone.

(c) The Central Parallel, expressed as degrees and whole minutes of latitude including the North direction indicator from the equator. When implementing the double standard parallel definition of the Lambert Conformal Conic projection type, the North Standard Parallel and South Standard Parallel, both expressed as degrees and whole minutes including the North direction indicator from the equator shall be provided in lieu of the Central Parallel.

(d) The Central Meridian, expressed as degrees and whole minutes of longitude including the East or West direction indicator from the prime meridian.

(e) When implementing the double standard parallel definition of the Lambert Conformal Conic projection type, the Base Parallel is provided, expressed as degrees and whole minutes of latitude including the North direction indicator from the equator, representing the basis of the false northing and false easting coordinate values for establishing the location of the projected grid origin. For all other projection types, the Central Parallel shall be used as the basis for the false northing and false easting coordinate values for establishing the location of the projected grid origin.

(f) When defined by the transverse Mercator (TM) or oblique Mercator (OM) projection types, or implementing the single standard parallel definition of the Lambert Conformal Conic projection type, the projection axis scale factor shall be provided and expressed to six (6) full decimal places representing the nearest one (1) part per million increment.

(g) The False Northing value, including linear units of measure, to be applied on the projection grid at the intersection of the Central Meridian with the Base Parallel or Central Parallel as specified in paragraph~~[item]~~ (e) of this subsection~~[section]~~.

(h) The False Easting value, including linear units of measure, to be applied on the projection grid at the intersection of the Central Meridian with the Base Parallel or Central Parallel as specified in paragraph [item] (e) of this subsection [section].

(i) When the oblique Mercator conformal projection type is utilized, the Skew Azimuth of the projection axis, as measured clockwise from geodetic north and expressed in whole positive degrees. When expressed as a quadrant measure regardless of direction, the absolute value of the Skew Azimuth shall fall between five (5) degrees and eighty-five (85) degrees inclusively. The Skew Azimuth is defined at the intersection of the Central Meridian and Central Parallel.

(j) When the zone represents a portion of the Commonwealth, a list of the whole counties to which the zone shall exclusively apply. When the zone represents statewide coverage then a statement declaring so shall be provided.

(k) A zone may be utilized beyond its defined counties when doing so results in improved performance over the default zone applicable to an area of interest.

(10) The use of the KSPCS shall be mandatory for all Executive Branch Agencies and their contractors to manage geospatial data.

(11) The use of the KSPCS shall be voluntary for all private and non-executive branch uses or applications, but is strongly recommended as the desired method for referencing geographic positions and spatial data pertaining to the Commonwealth of Kentucky. However, an election to utilize KSPCS shall require compliance with this administrative regulation.

Section 3. Incorporation by Reference.

(1) ~~[The following material is incorporated by reference:~~

~~(a)] "The Kentucky State Plane Coordinate System Standards and Specifications Document," May 2021, is incorporated by reference.~~

~~[(b) The Kentucky State Plane Coordinate System Standards and Specifications Document is also referred to as the KSPCS Standards and Specifications Document.]~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Commonwealth Office of Technology, 101 Cold Harbor Drive Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at <https://geodesy.ky.gov/>.

CONTACT PERSON: Wm. Robert Long, Jr., Executive Director, Finance and Administration Cabinet, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622.

TOURISM, ARTS AND HERITAGE CABINET

Department of Tourism

(As Amended at ARRS, December 13, 2022)

300 KAR 1:021. Process for the distribution of tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

RELATES TO: KRS 91A.350, 148.522, 148.525, Ky Acts Ch. 199 (RS 2022 HB 1)

STATUTORY AUTHORITY: KRS 148.525(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Executive Branch Budget for the 2022-2024 biennium appropriates to the Tourism, Arts and Heritage Cabinet under the budget unit Office of the Secretary a total of \$75,000,000 in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021. KRS 148.522 provides that the Kentucky Department of Tourism, within the Tourism, Arts and Heritage Cabinet, shall have the authority and responsibility for the promotion, development, and support services for the tourism industry within the Commonwealth. KRS 148.525(3) authorizes the Commissioner of the Department of Tourism to promulgate administrative regulations to carry out the provisions of KRS 148.522. This administrative regulation establishes a uniform and consistent process for the distribution of the tourism recovery and investment funds appropriated by the

General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

~~Section 1. [As soon as the funding is available pursuant to the American Rescue Plan Act of 2021, the Kentucky Department of Tourism shall develop and administer the process for distributing tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to eligible recipients.~~

~~Section 2.] Definitions.~~

~~(1) [The "Cabinet" means[refers to] the Kentucky Tourism, Arts and Heritage Cabinet.~~

~~(2) [The "Department" means[refers to] the Kentucky Department of Tourism.~~

~~(3) A "tourism commission" means an organization defined as tourism and convention commission under KRS 91A.350, et. seq., and defined as a designated marketing organization or tourism region committee pursuant to 300 KAR 1:010.~~

~~(4) [The "State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 (SLFRF)" means the federal funding available as part of the Coronavirus State and Local Fiscal Recovery Fund established under the American Rescue Plan Act (ARPA), Public Law 117-2 (March 11, 2021), as implemented by the Final Rule issued by the U.S. Department of Treasury in 31 C.F.R. Part 35.~~

~~(5) "Tourism Marketing Incentive Program" means the Regional Marketing and Matching Funds Program [referred to] in KRS 91A.390 and 300 KAR 1:010.~~

~~(6) "Recipient" means a grantee, tourism commission[—as defined herein], or other entity eligible to receive funds from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021, as appropriated by the General Assembly in the 2022 Regular Session.~~

~~(7) "Program Year" means fiscal year 2022-2023 and fiscal year 2023-2024. Funding allocations shall[will] be split between the two (2) fiscal years unless a recipient requests and receives approval to receive the allocation all in one (1) fiscal year.~~

~~(8) "Tranche 1 funding" means the \$15,000,000 appropriated by the General Assembly in Acts Chapter 199 (RS 2022 HB 1) L.1.(3)(a) in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for marketing and promoting tourism in Kentucky.~~

~~(9) "Tranche 2 funding" means the \$25,000,000 appropriated by the General Assembly in Acts Chapter 199 (RS 2022 HB 1) L.1.(3)(b) in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for marketing communities in Kentucky.~~

~~(10) "Tranche 3 funding" means the \$25,000,000 appropriated by the General Assembly in Acts Chapter 199 (RS 2022 HB 1) L.1.(3)(c) in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for attracting meetings and conventions in Kentucky.~~

~~(11) "Tranche 4 funding" means the \$10,000,000 appropriated by the General Assembly in Acts Chapter 199 (RS 2022 HB 1) L.1.(3)(d) in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for multi-jurisdiction collaborative destination marketing in Kentucky.~~

~~(12) "Matching funds" means monies received from a funding source other than federal funds.~~

~~**Section 2. As soon as the funding is available pursuant to the American Rescue Plan Act of 2021, the Kentucky Department of Tourism shall develop and administer the process for distributing tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to eligible recipients.**~~

Section 3. Eligibility. Eligibility for allocations of federal funds available as part of the Coronavirus State and Local Fiscal Recovery Fund established under the American Rescue Plan Act shall[will] depend upon which tranche of money a recipient qualifies for in

accordance with the parameters set forth in this administrative regulation.

(1) To qualify for Tranche 1 funding, a grant recipient shall/will be eligible for consideration if it markets and promotes Kentucky as a travel destination.

(2) To qualify for Tranche 2 funding, a grant recipient shall/will be eligible for consideration if it is a tourism commission ~~[, as defined herein,]~~ who markets communities and provides ten (10) percent or more in Matching funds per application and amount awarded.

(3) To qualify for Tranche 3 funding, a grant recipient shall/will be eligible for consideration if it is a tourism commission ~~[, as defined herein,]~~ whose counties include arenas, conference centers, or other meeting venues with a minimum of 5,000 square feet or outdoor spaces used for sporting events, if it provides a plan for recruiting and attracting meetings and conventions.

(4) To qualify for Tranche 4 funding for the competitive grant program, a grant recipient shall/will be eligible for consideration if at least five (5) tourism commissions, through a designated primary grantee, submit a marketing plan and budget for multi-jurisdiction collaborative destination marketing and can provide at least ten (10) percent in matching funds per project.

Section 4. Applications.

(1) Applications submitted by tourism commissions shall be/as defined herein are subject to the following schedule for submission:

(a) Tranche 2 funding applications open on August 1, 2022, and shall/must be received by September 30, 2022;

(b) Tranche 3 funding applications open on August 8, 2022, and shall/must be received by October 7, 2022; and

(c) Tranche 4 funding applications open September 12, 2022, and shall/must be received by November 4, 2022.

(d) If additional funding remains following this first round of funding, then a second round of applications shall/will issue in FY 2023-2024 pursuant to a schedule that shall/will be posted on the department's Web site.

(2) Applications for funds appropriated in Tranches 2, 3, and 4 shall/must include ~~[documentation of the following at a minimum]:~~

(a) Documentation to establish the entity qualifies as a ~~["tourism commission" "as defined herein"] (i.e.,)~~ proof of non-profit status, letter from fiscal court that organization is part of city or county government, or ordinance establishing commission);

(b) ~~[Provide]~~ JA W-9 (showing Federal ID number and entity name);

(c) Documentation to demonstrate that the tourism commission was in business before the COVID-19 pandemic on March 6, 2020, and show the economic impact of the COVID-19 pandemic to be eligible to receive recovery and investment funds;

(d) Evidence that applicant is a Kentucky based organization such as proof of registration with the Kentucky Secretary of State or as a Special Purpose Governmental Entity through the Department of Local Government; and

(e) Complete Affidavit for Bidders, Offerors and Contractors.

(3) Applications for Tranche 2 and 4 funding shall/must also include a notarized copy of each applicant's most recent fiscal year budget approved by the applicable governing body identifying the funds being used for the ten (10) percent or more in Matching funds.

(4) Applications for Tranche 2 funding shall describe how the funds will be used to market communities.

(a) Eligible expenses for Tranche 2 funding shall include:

1. Tourism publications and videos;
2. Media advertisements if fifty (50) miles from destination;
3. Press kits;
4. New billboards and signage if twenty (20) miles from destination;
5. Brochure distribution services;
6. Meeting and convention advertising expenses;
7. Group tour marketplace, meeting and conventions, and consumer travel show expenses;
8. Sponsorship or a bid fee of tourism trade shows, conventions, sporting events, and other events;
9. Web site design excluding hosting;

10. Research studies and analysis;
 11. Photography;
 12. Content that is paid to a business for advertising purposes;
 13. Influencers' assistance with social media; and
 14. Other expenses if consistent with the purpose of the Regional Marketing and Matching Funds Program.
- (b) Ineligible expenses for Tranche 2 funding shall include:
1. Billboards and signage that does not consist solely of language welcoming a visitor to a community or region;
 2. Costs associated with construction of any permanent signage structure;
 3. Previously existing signs or maintenance of signs;
 4. Postage and freight;
 5. Booth space or expenses for county fair or festivals;
 6. Booth space or registration expenses at industrial solicitation events;
 7. Expenses to attend a conference or meeting without promoting your destination unless expenses are for professional development or hospitality training;
 8. Web sites that contain paid advertisements;
 9. Sponsorship or bid fees of tourism trade shows, conventions, and other events;
 10. Expenditures for in-kind amenities or hospitality events that include alcohol, gratuities, service charges, and tips;
 11. Tourism industry events involving Kentucky Tourism Industry Association, Kentucky Association of Convention & Visitor Bureaus, in-state or local events and conferences, and Kentucky association meetings and conferences;
 12. Research related to future capital projects;
 13. Industrial incentive brochures;
 14. General community relocation and development brochures;
 15. City or county maps or directories that list businesses and services;
 16. Programs, playbills, posters, table tents;
 17. Membership and subscription solicitations;
 18. Registration and entry forms;
 19. Event and contest category or regulation material;
 20. Quick print materials such as flyers, handbills, and circulars;
 21. Entertainment;
 22. Bumper stickers, banners, flags, postcards, lapel pins, or bags;
 23. Prizes, trophies, plaques, decorations, paint supplies, and poster board;
 24. Items for resale;
 25. Amounts paid for Kentucky sales tax;
 26. Stationery, letterhead, envelopes, general office supplies and materials;
 27. Salaries or other compensation for the staff or personnel of a tourism commission;
 28. General operating and administrative costs;
 29. Finance charges or late payment fees;
 30. In-kind contributions, which also shall not be included as part of an applicant's match;
 31. Expenditures in violation of law; and
 32. Other expenses deemed ineligible by the Department if inconsistent with the Regional Marketing and Matching Funds Program.
- (5) Applications for Tranche 3 funding shall specify:
- (a) The counties within the tourism commission's jurisdictions that include arenas, conference centers, or other meeting venues with a minimum of 5,000 square feet or outdoor spaces used for sporting events; and
- (b) How the funds shall/will be used to attract professionally organized meetings, conventions, conferences, exhibitions, expositions, and trade shows that involve:
1. New events not held in the destination or venue for at least three (3) years;
 2. Multi-day events contracted on or after July 1, 2022;
 3. Competitive bidding of events; and
 4. Attendees from outside the area (100 miles or more).
- (c) How the funds shall/will be used to attract amateur and professional competitive sporting events or tournaments that involve:

1. New events not held in the destination or venue for at least three (3) years;
2. Multi-day events contracted on or after July 1, 2022;
3. Competitive bidding of the event;
4. Athletes from outside the area (100 miles or more); and
5. A minimum size of the event of 100 or more[+] athletes and coaches.

(d) For outdoor spaces used for sporting events, grant applications shall be event specific and not related to the overall square footage used.

(e) Local festivals, in-state association meetings that rotate on an annual basis, weddings, fraternal events (unless a national conference), social events, and motor coach or [/]group tours (unless a national conference) shall[are] not be eligible for Tranche 3 funding.

(f) Eligible expenses for the Tranche 3 funding shall include:

1. Marketing and advertising such as video, print, digital, sponsorships, on-site events, and other expenses related to promoting the destination as a meeting or [/]conference destination;
2. Underwriting incentives for offsetting event expenses such as venue or room rental, transportation costs during events, audio visual rental and services, discount on food and beverage, pipe, drape, tables, and chairs;
3. Per room night confirmed incentives for selection;
4. New research and consultants to build sales strategies;
5. Familiarization trips for meeting planners or board meetings with intent to host larger event;
6. Sales missions for recruiting meetings or conventions;
7. New third party lead generation fees;
8. Refundable bid or RFP fees tied to hosting industry events and conferences;
9. Retention incentives due to increased costs (specifically six (6) percent sales tax on meeting room rentals) for events already contracted but occurring after July 1, 2022; and
10. Other expenses deemed eligible by the Department if consistent with the funding mandate of the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

(g) Ineligible expenses for the Tranche 3 funding shall include:

1. Funds used to replace an organization's tourism funding commitment for existing budgets, marketing, [and/]for staffing;
2. Non-refundable bid or RFP fees;
3. Renovations or building permanent structures at facility for event;
4. Expenses from an event that was contracted prior to December 7, 2021;
5. General operating or administrative expenses such as travel reimbursement and salaries;
6. Purchase of permanent equipment;
7. Purchase of alcohol for meetings, events, sponsorships, and related functions;
8. Hiring of permanent or temporary staff;
9. Purchase or production of promotional items; and
10. Other expenses deemed ineligible by the department if inconsistent with the funding mandate of the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

(6) Applications for Tranche 4 funding shall specify:

(a) The identity of the designated primary grantee, who shall[will] be the point of contact for plan and post-plan reporting, and at least four (4) tourist commissions applying for the grants;

(b) A multi-county marketing plan and budget that shows how the plan shall[will] assist in recover from the pandemic, with priority given to initiatives that have the potential for long-term transformational impacts;

(c) The requested dollar amount up to the maximum of \$500,000;

(d) Eligible expenses for the Tranche 4 funding shall include:

1. Tourism publications and videos;
2. Media advertisements if fifty (50) miles from destination;
3. Press kits;
4. New billboards and signage if twenty (20) miles from destination;
5. Brochure distribution services;
6. Meeting and convention advertising expenses;

7. Group tour marketplace, meeting and conventions, and consumer travel show expenses;

8. Sponsorship or a bid fee of tourism trade shows, conventions, sporting events, and other events;

9. Web site design excluding hosting;

10. Research studies and analysis;

11. Photography;

12. Content that is paid to a business for advertising purposes;

13. Influencers' assistance with social media; and

14. Other expenses deemed eligible by the department if consistent with the funding mandate of the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

(e) Ineligible expenses for the Tranche 4 funding shall include:

1. Billboards and signage that does not consist solely of language welcoming a visitor to a community or region;

2. Costs associated with construction of any permanent signage structure;

3. Previously existing signs or maintenance of signs;

4. Postage and freight;

5. Booth space or expenses for county fair or festivals;

6. Booth space or registration expenses at industrial solicitation events;

7. Expenses to attend a conference or meeting without promoting your destination unless expenses are for professional development or hospitality training;

8. Web sites that contain paid advertisements;

9. Sponsorship or bid fees of tourism trade shows, conventions, and other events;

10. Expenditures for in-kind amenities or hospitality events that include alcohol, gratuities, service charges, and tips;

11. Tourism industry events involving Kentucky Tourism Industry Association, Kentucky Association of Convention & Visitor Bureaus, in-state or local events and conferences, and Kentucky association meetings and conferences;

12. Research related to future capital projects;

13. Industrial incentive brochures;

14. General community relocation and development brochures;

15. City or county maps or directories that list businesses and services;

16. Programs, playbills, posters, table tents;

17. Membership and subscription solicitations;

18. Registration and entry forms;

19. Event and contest category or regulation material;

20. Quick print materials such as flyers, handbills, and circulars;

21. Entertainment;

22. Bumper stickers, banners, flags, postcards, lapel pins, or bags;

23. Prizes, trophies, plaques, decorations, paint supplies, and poster board;

24. Items for resale;

25. Amounts paid for Kentucky sales tax;

26. Stationery, letterhead, envelopes, general office supplies and materials;

27. Salaries or other compensation for the staff or personnel of a tourism commission;

28. General operating and administrative costs;

29. Finance charges or late payment fees;

30. In-kind contributions, which also shall not be included as part of an applicant's match;

31. Expenditures in violation of law; and

32. Other expenses deemed ineligible by the Department if inconsistent with the funding mandate of the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

Section 5. Approval of Applications.

(1) With respect to the Tranche 2 funding, the Commissioner of Tourism shall administer the grant program by reviewing each application and determining the applicant's eligibility for funding. Applicant's funding amount shall[will] be determined by the formula for each county's share of economic impact based on the department's 2019 Economic Impact of Tourism in Kentucky study conducted by Tourism Economics.

(2) With respect to Tranche 3 funding, the Commissioner of

Tourism shall administer the grant program by reviewing each application and determining the applicant's eligibility for funding. Eligible tourism commissions shall[will] be awarded grants up to a maximum amount according to the following:

- (a) 125,000 square feet and above up to a maximum \$5 million;
- (b) 75,000 to 124,999 square feet up to a maximum \$3 million;
- (c) 35,000 to 74,999 square feet up to a maximum \$1.5 million;
- (d) 15,000 to 34,999 square feet up to a maximum \$500,000;
- (e) 10,000 to 14,999 square feet up to a maximum \$200,000;
- (f) 5,000 to 9,999 square feet up to a maximum of \$100,000; or
- (g) For outdoor spaces used for sporting events, up to a maximum of \$100,000 per event.

(3) With respect to Tranche 4 funding, the Commissioner of Tourism shall develop and administer a competitive grant program that oversees a review committee comprised of state employees within the cabinet. The review committee shall[will] utilize a categorical scoring method that considers ~~the following~~:

- (a) The plan's ability to attract new visitors to Kentucky;
- (b) The plan's ability to assist in recovery from the COVID-19 pandemic;
- (c) The plan's potential for long-term transformational impacts and priority shall[will] be given to these initiatives;
- (d) The measurable economic impact to Kentucky;
- (e) The applicants' ability to execute and provide required reporting; and
- (f) New projects that demonstrate a level of creativity.

(4) Notification of all grant awards shall[will] be provided to each grantee or applicant by letter and then memorialized by a "Memorandum of Agreement" stating the amount and terms of the funding grant, which the grantee or applicant shall sign and return to the Kentucky Department of Tourism; or by a letter stating why an applicant's projects have been denied funding.

(5) All projects receiving funds from Tranche 1, 2, and 4 shall[must] be completed on or before December 31, 2024. Projects receiving funds from Tranche 3 shall[need to] be obligated by December 31, 2024 and the funds fully expended by December 31, 2026.

Section 6. Reporting. Recipients shall provide a report to the Department of Tourism and the Legislative Research Commission detailing expenditures and outcomes including return on investment for affected areas by September 1 of each year. The[Such] reports shall be in a format designed to allow the Commonwealth of Kentucky to comply with the U.S. Treasury's SLFRF Compliance and Reporting Guidance (treasury.gov), incorporated by reference herein.

Section 7. Forfeited and Unused Funds.

- (1) Funds allocated to an approved project shall be forfeited if:
 - (a) Documentation required by the provisions of this administrative regulation is not submitted timely;
 - (b) An approved project does not materialize; or
 - (c) A completed project did not remain in compliance with program requirement.

(2) Funds used in violation of the program may be subject to remediation and recoupment. The Department of Tourism may identify funds used in violation through reporting or other sources. Recipients shall[will] be provided with an initial written notice of recoupment and an opportunity to submit a request for reconsideration before the Department of Tourism provides a final notice of recoupment. If the recipient receives an initial notice of recoupment and does not submit a request for reconsideration, the initial notice shall[will] be deemed the final notice. The Department of Tourism may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.

(3) At the end of a program year, funds that are forfeited, subject to recoupment, or unused shall be available for additional rounds of application funding if obligated by December 31, 2024 and if spent by December 31, 2026.

Section 8. Audits. The department may request the State Auditor to audit a tourism project governed by this administrative regulation.

Section 9. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) U.S. Department of Treasury Final Rule for Coronavirus State and Local Fiscal Recovery Funds, 31 C.F.R. Part 35 (effective April 1, 2022);
- (b) U.S. Department of Treasury Compliance and Reporting Guidance for the SLFRF Program (June 17, 2022);
- (c) Kentucky Dept of Tourism/Tourism Recovery and Investment ARPA Application - Tranche 2 Application – tourism commissions (July 2022);
- (d) Kentucky Dept of Tourism/Tourism Recovery and Investment ARPA Application - Tranche 3 Application – Meetings and Conventions (July 2022);
- (e) Kentucky Dept of Tourism/Tourism Recovery and Investment ARPA Application - Tranche 4 Application – Multi-County (July 2022);

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, from the Department of Tourism, 500 Mero Street, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at the Department of Tourism's Web site at kentuckytourism.com/arpa www.kytourism.com/industry/Programs; or For Tranche 2 Grant (DMO) 502.778.92.3217 or TAH.KDTARPADMO@KY.GOV TAH.KDTARPAMEET@KY.GOV; Tranche 3 Grant (Meetings & Conventions) 502.778.92.3229 or TAH.KDTARPAMEET@KY.GOV; Tranche 4 Grant (Multi County) 502.778.92.3231 or TAH.KDTARPAMULTICO@KY.GOV TAH.KDTARPAMULTICO@KY.GOV.

CONTACT PERSON: Michael Mangeot, Commissioner, 500 Mero Street, 5th Floor, Frankfort, Kentucky 40601, phone (502) 564-4270, fax (502) 564-1079, email Michael.mangeot@ky.gov.

TOURISM ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (As Amended at ARRS, December 13, 2022)

301 KAR 2:185. Hunter education.

RELATES TO: KRS 150.010, 150.015, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish seasons for the taking of fish and wildlife, to regulate bag limits, creel limits, and methods of take, and to make these requirements apply to a limited area. This administrative regulation establishes the requirements for hunter education.

Section 1. Definitions.

(1) "Adult" means a person who is at least eighteen (18) years old.

(2) "Hunter education certification[card]" means a credential earned if/when ~~a card or similar document that verifies~~ a person has successfully completed the hunter education requirements. ~~a:~~

~~(a) Kentucky hunter education course; or~~

~~(b) Hunter education course from another state, province, or country that meets the standards established by the International Hunter Education Association.]~~

(3) "Hunter education exemption permit[certificate]" means a permit[certificate] issued by the department that allows a person who is required to obtain a hunter education certification[card] to hunt for a period of one (1) year from the date obtained.

Section 2. Hunter Education Certification[Card].

(1) Unless exempt pursuant to Section 3 of this administrative regulation or license-exempt pursuant to KRS 150.170, a person born on or after January 1, 1975 shall carry proof of a valid hunter education certification[card] while hunting in Kentucky.

(2) A person who is less than twelve (12) years old hunting without a hunter education certification[card] shall be accompanied by an adult who is in position to take immediate control of the firearm

or hunting equipment[~~weapon~~] and who:

- (a) Has a hunter education certification[~~card~~]; or
- (b) Is exempt from hunter education requirements.
- (3) An adult shall not accompany more than two (2) hunters under twelve (12) years old at any one (1) time.

Section 3. Hunter Education Exemptions.

(1) A person who is required to have ~~[a-]~~hunter education, ~~[card]~~ may obtain a temporary hunter education exemption permit, which shall be obtained[~~certificate~~] from the department.

(2) A person hunting with a valid temporary hunter education exemption permit[~~certificate~~] shall:

- (a) Carry the permit[~~certificate~~] while hunting; and
- (b) Be accompanied by an adult who is in position to take immediate control of the firearm or hunting equipment[~~weapon~~] and who:

- 1. Is carrying proof of[~~a~~] hunter education certification[~~card~~]; or
- 2. Was born before January 1, 1975.

(3) The department shall not issue more than one (1) hunter education exemption certificate to any individual.

Section 4. Hunter Education [Course-]Requirements.

(1) In order to obtain a Kentucky hunter education certification[~~card~~], a person shall:

(a) [Complete a hunter education course by:

1. Attending an entire department-sanctioned hunter education course; or

2. Obtain[~~Obtaining~~] and possess[~~possessing~~] a certificate of completion or its equivalent for course work meeting the standards of the International Hunter Education Association from another state, province, or country; or:

- a. An online hunter education course; or
- b. A CD-ROM course or its equivalent.]

(b) Complete a department sanctioned hunter education series by:

1. Attending an entire in-person or online department-sanctioned hunter education course;

2. Correctly answering[~~answer~~] at least eighty (80) percent of the questions on a department-sanctioned exam; and

3. [e)] Safely participating[~~participate~~] in department-sanctioned live fire exercise[~~exercises~~] unless exempted as established in clauses a. and b. of this subparagraph.

a. A person shall be/is exempted from a live fire exercise if he or she:

(i) Currently serves in the Armed Forces of the United States of America;

(ii) Is a Veteran of the Armed Forces of the United States of America; or

(iii) Is a Kentucky peace officer as established in KRS 15.380 and certified as established in KRS 15.404.

b. A person shall/must provide one (1) of the following documents to the department to verify eligibility for the live fire exercise exemption:

(i) Current front and back copy of his or her military identification card; or

(ii) Copy of an Armed Forces veteran's DD Form 214; or

(iii) Copy of an Armed Forces veteran's DD Form 256; or

(iv) A letter from the certified peace officer's employer on an official letterhead stating the individual is employed by the agency and is a peace officer as established in KRS 15.380 and certified as established in KRS 15.404.

(2) A person shall be at least nine (9) years old ~~[in order]~~ to take the department-sanctioned exam and department-sanctioned live fire exercise.

CONTACT PERSON: Jenny Gilbert, Legislative Affairs, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (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, December 13, 2022)

301 KAR 2:225. Dove, wood duck, teal, and other migratory game bird hunting.

RELATES TO: KRS 150.330, 150.340, 150.603

STATUTORY AUTHORITY: KRS 150.025(1), 150.360, 150.600(1), 50 C.F.R. 20, 21

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Department of Fish and Wildlife to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes the requirements for the taking of migratory game birds within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

Section 1. Definitions.

(1) "Dove" means mourning dove or white-winged dove.

(2) "Drawn hunter" means a hunter who applied for a quota hunt and was selected by the department to participate in the hunt.

(3) "Experienced hunter" means an adult hunter who/that has hunted during more than two (2) prior license years.

(4) "Guest hunter" means a hunter invited by a drawn hunter to participate in a quota hunt.

(5) "Mentored hunter" means a hunter who:/that

(a) Has hunted during no more than two (2) prior license years; and, who

(b) Hunts with experienced hunters on department sponsored dove hunts.

(6) "Migratory game bird" means mourning dove, white-winged dove, wood duck, teal, Canada goose, common gallinule, woodcock, snipe, purple gallinule, Virginia rail, or sora rail.

(7) [(3)] "Teal" means green-winged teal, blue-winged teal, or cinnamon teal.

(8) [(4)] "Wildlife Management Area" or "WMA" means a tract of land:

(a) Controlled by the department through ownership, lease, license, or cooperative agreement; and

(b) That has "Wildlife Management Area" or "WMA" as part of its official name.

(9) "Youth" means a person who has not reached his or her 16th birthday.

Section 2. September Goose Hunting Zones.

(1) The Western goose zone shall include/includes all counties west of and including Hardin, Nelson, Washington, Marion, Taylor, Adair, and Cumberland counties. [;]

(2) The Eastern goose zone shall include/includes Bullitt County in its entirety and all other counties not included in the Western goose zone. [;]

Section 3. Season Dates.

(1) A person shall not hunt a migratory game bird except during a season established in this administrative regulation, 301 KAR 2:221, or 301 KAR 2:228.

(2) The seasons established in paragraphs (a) through (g) of this subsection shall apply to migratory bird hunting.

(a) Dove, beginning on:

1. September 1 for fifty-six (56) consecutive days;

2. Thanksgiving Day for eleven (11) consecutive days; and

3. The Saturday before Christmas for twenty-three (23) consecutive days;

(b) Woodcock, beginning on the fourth Saturday in October for forty-seven (47) consecutive days, except that the season shall be closed during the first two (2) days of modern gun deer season, as established in 301 KAR 2:172;

(c) Snipe, beginning on:

VOLUME 49, NUMBER 6— JANUARY 1, 2023

1. The third Wednesday in September for forty (40) consecutive days; and
2. Thanksgiving Day for sixty-seven (67) consecutive days;
 - (d) Wood duck, beginning on the third Saturday in September for five (5) consecutive days;
 - (e) Teal, beginning on the third Saturday in September for nine (9) consecutive days;
 - (f) Virginia rail, sora rail, common gallinule, and purple gallinule, beginning on September 1 for seventy (70) consecutive days; and
 - (g) Canada goose;

1. Eastern goose zone; beginning September 16 for fifteen (15) consecutive days; and

2. Western goose zone beginning September 1 for fifteen (15) consecutive days; except that the areas established in subparagraphs 1. and 2. of this paragraph shall be closed.]

[1.] [Public land in the Ballard Zone, as established in 301 KAR 2:224; and]

[2.] [Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, U.S. 60, and Highway 826.]

Section 4. [Section 3.] Bag and Possession Limits.

[(1)] A person shall not exceed the limits established in subsections [paragraphs] (1) [(a)] through (8) of this section [(h)] for seasons established in Section 2 of this administrative regulation [of this] [subsection].

(1) [(a)] Dove. There shall be a:

(a) [1.] Daily limit of fifteen (15); and

(b) [2.] Possession limit of forty-five (45).

(2) [(b)] Eurasian collared dove. There shall not be a limit, except that a hunter, if in the field or during transport, shall keep the head or a fully-feathered wing attached to the bird.

(a) [1.] The head; or

(b) [2.] A fully-feathered wing.

(3) [(c)] Woodcock. There shall be a:

(a) [1.] Daily limit of three (3); and

(b) [2.] Possession limit of nine (9).

(4) [(d)] Snipe. There shall be a:

(a) [1.] Daily limit of eight (8); and

(b) [2.] Possession limit of twenty-four (24).

(5) [(e)] Virginia and sora rail, singly or in aggregate. There shall be a:

(a) [1.] Daily limit of twenty-five (25); and

(b) [2.] Possession limit of seventy-five (75).

(6) [(f)] Common and purple gallinule, singly or in aggregate.

There shall be a:

(a) [1.] Daily limit of three (3); and

(b) [2.] Possession limit of nine (9).

(7) [(g)] Wood duck and teal. There shall be a:

(a) [1.] Daily limit of six (6), which shall not include more than two (2) wood ducks; and

(b) [2.] Possession limit of eighteen (18), which shall not include more than six (6) wood ducks.

(8) [(h)] Canada goose. There shall be a:

(a) For the Canada goose seasons beginning in September, there shall be a:

1. Daily limit of five (5); and

2. Possession limit of fifteen (15).

(b) Bag and possession limits for all remaining Canada goose seasons shall be as established in 301 KAR 2:221.

[(2)] [A hunter who possesses a migratory game bird other than a dove, in the field or during transport, shall keep the head or a fully-feathered wing attached to the bird.]

[(a)] [The head; or]

[(b)] [A fully-feathered wing.]

Section 5. [Section 4.] Shooting Hours. A person shall not take a migratory game bird except during the times established in this section.

(1) If hunting dove on WMA land, a person shall hunt:

(a) Between 11 a.m. and sunset during the September and October portion of the season, as established in Section 2 of this administrative regulation; and

(b) Between one-half (1/2) hour before sunrise and sunset

during the remainder of the season, as established in Section 2 of this administrative regulation.

(2) If hunting dove on private land, a person shall hunt:

(a) Between 11 a.m. and sunset on September 1; and

(b) Between one-half (1/2) hour before sunrise and sunset during the remainder of the season, as established in Section 2 of this administrative regulation.

(3) Other species listed in this administrative regulation shall be taken between one-half (1/2) hour before sunrise and sunset.

~~[Section 5.] [Shot Requirements. A person hunting waterfowl shall not use or possess a shotgun shell:]~~

~~[(1)] [Longer than three and one-half (3 1/2) inches; or]~~

~~[(2)] [Containing:]~~

~~[(a)] [Lead shot;]~~

~~[(b)] [Shot not approved by the U.S. Fish and Wildlife Service pursuant to 50 C.F.R. Parts 20 and 21 for waterfowl hunting; or]~~

~~[(c)] [Shot larger than size "T";]~~

Section 6. Hunter Orange. A person shall be exempt from hunter orange requirements pursuant to 301 KAR 2:132 and 2:172 if:

(1) Hunting waterfowl or doves; or

(2) Accompanying a person hunting waterfowl or doves.

Section 7. Exceptions to Statewide Migratory Game Bird Seasons ~~[on Specified Wildlife Management Areas].~~

(1) A person shall not:

(a) Hunt wood duck or teal on an area closed to waterfowl hunting as established in 301 KAR 2:222;

(b) Hunt in an area marked by a sign as closed to hunting; ~~or]~~

(c) Enter an area marked by a sign as closed to the public; or:]

(d) Hunt geese during September on:

1. Public land in the Ballard Zone, as established in 301 KAR 2:221; and

2. Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, U.S. 60, and Highway 826.

(2) A person hunting migratory birds on any of the areas established in paragraphs (a) through (k) of this subsection shall only use or possess nontoxic shot approved by the U.S. Fish and Wildlife Service pursuant to 50 C.F.R. Parts 20 and 21:

(a) Ballard WMA;

(b) Boatwright WMA;

(c) Doug Travis WMA;

(d) Duck Island WMA;

(e) Kaler Bottoms WMA;

(f) Kentucky River WMA;

(g) Ohio River Islands WMA;

(h) Sloughs WMA;

(i) South Shore WMA;

(j) Yatesville Lake WMA; and

(k) A WMA wetland management unit that is posted by sign.

(3) At Ballard WMA and the Swan Lake Unit of Boatwright WMA, a person shall not hunt:

(a) Dove, Virginia rail, sora rail, common gallinule, purple gallinule, or snipe after October 13; or

(b) Woodcock.

(4) At Miller Welch - Central Kentucky WMA, a person shall not hunt:

(a) Dove or snipe after October 13; or

(b) Woodcock.

(5) At Grayson Lake WMA, a person shall not hunt:

(a) Within three-quarters (3/4) of a mile from the dam including the no-wake zone of the dam site marina;

(b) On Deer Creek Fork; or

(c) On Camp Webb property or the state park, except for participants drawn for any department-sponsored quota dove hunt on Camp Webb property in September.

(6) At Land Between the Lakes National Recreation Area, a person shall not hunt a migratory game bird between the last Saturday in September and November 30.

(7) At West Kentucky WMA, a person shall not hunt Canada geese during the September season.

(8) At Yatesville Lake, the following areas shall be closed to

waterfowl hunting, unless authorized by Yatesville Lake State Park:

- (a) The Greenbrier Creek embayment; and
 - (b) The lake area north of the mouth of the Greenbrier Creek embayment to the dam, including the island.
- (9) At Robinson Forest WMA, a person shall not hunt a migratory game bird on the main block of the WMA.

Section 8. Youth and Mentored Hunter~~[Youth-Mentor]~~ Dove Hunts.

(1) There shall be department-sponsored youth and mentored hunter~~[youth-mentor]~~ dove hunts ~~[on the first Saturday in September]~~ in which participants shall be selected by a random computerized drawing.

(2) A youth or mentored hunter shall:

- (a) Apply on the department's Web site at fw.ky.gov between the first Monday in August and the third Friday in August; and
- (b) Carry a department provided selection notification letter on the day of the hunt.

(3) Each youth or mentored hunter shall be accompanied by an experienced hunter~~[adult who is eighteen (18) years or older]~~.

(4) At the youth or mentored hunter~~[youth-mentor]~~ hunts:

- (a) Each youth or mentored hunter shall not be accompanied by more than one (1) experienced hunter~~[adult]~~;
- (b) One (1) experienced hunter~~[adult]~~ may accompany two (2) youths or mentored hunters; and

(c) A maximum of two (2) shotguns are allowed per party.

(5) A person shall:

- (a) Hunt within fifteen (15) feet of the assigned location stake; and
- (b) Not change locations unless another location has been vacated by the assigned hunter.

(6) A person shall only discharge a firearm within fifteen (15) feet of the assigned location stake.

(7) A person shall leave their firearm at the assigned location stake when retrieving birds.

(8) A hunter participating in youth or mentored hunter~~[youth-mentor]~~ hunts shall:

- (a) Check-in prior to hunting;
- (b) Not begin hunting before 2 p.m.;
- (c) Cease hunting by 7 p.m.;
- (d) Exit the area by 7:30 p.m.; and
- (e) Check out before exiting the field.

Section 9. Dove Quota Hunts.

(1) A person applying to hunt doves on a department dove quota hunt shall:

(a) Apply on the department's web site at fw.ky.gov between the first Monday in August and the third Friday in August; and

(b) Not apply for more than one (1) quota hunt.

(2) A person drawn to hunt on a dove quota hunt may bring up to one (1) additional guest hunter.

(3)(a) A hunter need not apply for the quota hunt to participate as a guest.

(b) ~~Checking in; nor does checking-in~~ prior to or participating in the quota hunt ~~shall not~~ constitute applying for the quota hunt.

(4) A person hunting doves on department quota hunt shall:

(a) ~~Check in~~~~[Check-in]~~ prior to hunting;

(b) Not begin hunting before 1 p.m. in the Eastern Time Zone and by 12 p.m. in the Central Time Zone;

(c) Carry a copy of ~~his or her~~~~[their]~~ department provided selection notification letter on the day of the hunt, except a guest hunter~~[hunters]~~ shall carry a copy of ~~his or her~~~~[their]~~ host hunter's selection notification letter;

(d) Not hunt as a guest hunter unless the drawn hunter who invited them is present in field;

(e) Cease hunting and exit the field by 6 p.m. in the Eastern Time Zone and by 5 p.m. in the Central Time Zone;

(f) Check out of the area by accurately completing the **Dove Quota Post-hunt Hunter Survey** provided by the department and submitting the survey at the department designated drop point before exiting the field; and

(g) Not possess more than fifty (50) shotshells.

Section 10. Incorporation by Reference.

(1) "Dove Quota Post-hunt Hunter Survey". First Edition, 2022", is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. until 4:30 p.m.

(3) This material may also be found on the department's Web site at fw.ky.gov

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

**JUSTICE AND PUBLIC SAFETY CABINET
Kentucky State Corrections Commission
(As Amended at ARRS, December 13, 2022)**

500 KAR 10:040. Program review.

RELATES TO: KRS 196.700 - 196.736

STATUTORY AUTHORITY: KRS 15A.160, 196.035, 196.710

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.735 requires the Kentucky State Corrections Commission to evaluate each community corrections program on an annual basis. KRS 15A.160 and 196.035 authorize the secretary of the Justice and Public Safety Cabinet to promulgate administrative regulations necessary or suitable for the proper administration of the functions vested in the cabinet or any division in the cabinet. This administrative regulation provides for review of the community corrections program.

Section 1. Review Process.

(1) During each fiscal year, the administrator shall inspect and examine the fiscal and program records of each grant to determine compliance with the program plan and prepare a compilation of the reports for the commission. The administrator shall provide the compilation and the grant reports each quarter to the commission.

(2) Each fiscal year, the administrator shall compile the grant program results into an annual report. The commission shall review this report and may adopt all or portions of it for the annual evaluation required by KRS 196.735.

Section 2. Programmatic and Fiscal Reports.

(1) A grant recipient shall file a programmatic report and fiscal report regarding activity for the preceding period on a schedule provided in writing to a grant recipient by the administrator. Information for the programmatic and fiscal reports shall be input into the online electronic grants management system.

(a) The fiscal report shall outline the grant funds expended for the reporting period, including:

1. The total grant award;

2. The amounts expended in the reporting period. Expenditures shall be listed by budget category, including:

a. Personnel:

(i) Gross salary;

(ii) Fringe benefits; and

(iii) Employer costs;

b. Contractual services;

c. Travel;

d. Training;

e. Equipment costs; or

f. Operating expenses; ~~and~~;

3. The balance of remaining grant funds for the grant cycle.;
(b) The program report shall outline program outcomes for the reporting period, including:

1. Number of new program participants and total number of grant participants served;

2. Number of successful program completions and unsuccessful discharges from the program, with average length of time in the

program:

3. Number and type of program violations incurred;
4. Number and type of program services received;
5. Amount of restitution or child support paid by participants;
6. Participation in community service;
7. Number of drug tests administered with aggregate results;
8. Number of participant referrals to other agencies for services;
9. Participant demographics; and
10. Any other relevant information about program operation during the reporting period.

(2) The grantee shall maintain individual client files. Information supplied to the commission for report or statistical purpose shall be by client identification number or client initials.

(3) **Unless a grant recipient is instructed by the award contract to retain records for a longer period of time, a grant recipient shall retain:**

- (a) **Financial records for a minimum of seven (7) years after the close of the grant period;**
- (b) **Personnel records for a minimum of five (5) years after the close of the grant period; and**
- (c) **Information pertaining to offender records and the community corrections grant program files for a minimum of five (5) years after the close of the grant period. All records shall be retained in accordance with the retention schedule for Kentucky State Agencies published by the State Libraries, Archives, and Records Commission.**

Section 3. Additional Information.

(1) A grantee shall present the progress of its program and oversight by the board to the commission at its meeting upon request.

(2) The administrator shall obtain an annual independent audit of each grant recipient. The administrator shall provide a summary of the audit results to the commission.

Section 4. ~~Section 3.~~ Compliance Issues.

(1) If the administrator determines that there is reasonable cause to believe that a program or facility is not in substantial compliance with current requirements of the grant, or the program plan under which it was funded;~~;~~^f

(a) The administrator may:

1. Investigate compliance;
2. Request additional supporting documentation;
3. Engage in additional monitoring; or
4. Take other actions as needed to determine compliance; and

(b) A notice of the findings concerning compliance shall be submitted to the commission.

(2) If information concerning a compliance issue is received and the chair of the commission determines that there is a significant risk of dissipation of funds, the chair may suspend all or any portion a grant until the commission meets and considers the matter.

(3)(a) The commission may suspend all or any portion of a grant or revoke the grant if it is determined by the commission that the board is not in substantial compliance or has not made satisfactory progress in achieving substantial compliance.

(b)(a) Suspension.

1.(a) 1.-] Notice of the suspension shall be sent in writing to the grant recipient and board within five (5) business days of the decision to suspend funds.

2.(b) 2.-] The notice shall identify specific[provide specific actions for the grant recipient to correct] deficiencies and corrective steps necessary for the grant recipient to demonstrate[during the suspension and address] compliance with the grant requirements.

3.(c) 3.-] The grant recipient shall provide a corrective action plan to correct deficiencies during the suspension.

4.(d) The grant recipient shall provide [progress-]reports as indicated in the suspension notice to the administrator.

5.(e) 4.-] The administrator shall monitor the grant recipient's progress in correcting the deficiencies and shall provide a report to the commission of the grant recipient's progress.

6.(f) 5.-] The commission shall review the grant recipient's progress as soon as practicable, but not more than 120[ninety (90)] days, after the sending of the report by the administrator to

determine whether to:

a.(1) a.-] Continue the suspension with instructions to the grant recipient concerning correction of the deficiencies;

b.(2) b.-] End the suspension and resume the grant funding because the grant recipient has:

(i) a.-] (i) Sufficiently corrected the deficiencies; or

(ii) b.-] (ii) Put into place satisfactory steps to achieve compliance within a reasonable time; or

c.(3) c.-] Revoke the grant recipient's funding for that fiscal year.

Section 5. Termination of Grant Program.

(1) The commission shall terminate project funding for the following reasons:

(a) The application was made under false pretenses or information:

(b) The applicant is mishandling grant funds;

(c) The applicant is noncompliant with award conditions;

(d) The applicant fails to comply with reporting requirements; or

(e) The applicant is unable to carry out the project as described in the application.

(2) If the commission decides to revoke funding:

(a) The administrator shall notify the grant recipient and board in writing within five (5) business days specifying the reason for the revocation and giving the grant recipient a reasonable time to close out the grant or seek funding from other sources;^f

(b) Additional funds shall not be dispersed to the grant recipient for that fiscal year; and

(c) The commission may require the return of unexpended grant monies.

Section 6. Review Request.

(1) A grantee may request a review of the finding to suspend or revoke grant funding by filing a request in writing with the grant administrator no later than five (5) business days after receipt of the finding.

(a) A request for review shall be limited to consideration of information only if it appears that a material fact was overlooked or misinterpreted.

(b) A grant recipient shall not request review for any other matter.

(c) Requests for review shall be submitted to Department of Corrections, Attn: State Corrections Commission Grant Administrator, P.O. Box 2400, Frankfort, Kentucky 40602-2400.

(2) The chair of the commission or designee shall review the request and issue a written decision within thirty (30) days. The decision shall be final.

Section 7. End of Grant Close Out.

(1) Once the grant period expires or a project is terminated, the grantee shall submit a final fiscal report and programmatic report detailing activity for the entire grant period. The administrator shall provide the grantee a due date for the final reports for the grant period. The due date shall not surpass thirty (30) days after the grant period expiration or termination of funds.

(2) The project shall remain subject to an audit of the grant expenditures for that fiscal year.

(3) The commission may require the return of unexpended grant monies.

(a) If the grant recipient is instructed to return unexpended grant funds, the grant recipient shall provide a check made payable to the Kentucky State Treasurer as soon as practicable, but no later than thirty (30) days after receipt of the notice.

(b) If the grant recipient does not return funds as requested, the grantee may be subject to the following actions:

1. Withholding of future awards for the project, program, or board; or

2. Other actions that may be legally available, including civil remedies.

(b) [Revocation. If the commission decides to revoke funding:]

1.-]

a.-] [The administrator shall provide written notice to the grant

recipient and board within seven (7) days; and]

b.-] [Additional funds shall not be dispersed to the grant recipient

for that fiscal year; and]

2.-] [The commission may require the return of unexpended

grant monies.]

[4)] If the grant recipient is instructed to return the unexpended funds, the grant recipient shall provide a check made payable to the Kentucky State Treasurer as soon as practicable, but not later than thirty (30) days, after receipt of the notice.]

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, December 13, 2022)

501 KAR 6:080. Department of Corrections manuals.

RELATES TO: KRS Chapters 196, 197, 439

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.065, 197.110, 439.470, 439.640

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035, 197.020, 439.470, and 439.640 authorize the Justice and Public Safety Cabinet and Department of Corrections to promulgate administrative regulations necessary and suitable for the proper administration of the department or any of its divisions. This administrative regulation incorporates by reference the manuals that are referenced in policies and procedures for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Manuals," are incorporated by reference. Department of Corrections Manuals includes:

(a) Classification Manual (Amended 2/12/21[9/14/22] [Amended 2/12/24]); and

(b) Kentucky Department of Corrections Religion Reference Manual (Amended 12/13/22[9/14/22] [Added 3/10/08]).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site/website at <https://corrections.ky.gov/About/Pages/Ircfilings.aspx>.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(As Amended at ARRS, December 13, 2022)

501 KAR 6:130. Western Kentucky 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, 439.590 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 Western Kentucky Correctional Complex.

Section 1. Incorporation by Reference.

(1) "Western Kentucky Correctional Complex Policies and Procedures," December 13[September 14], 2022 [March 10, 2014],

are incorporated by reference. Western Kentucky Correctional Complex policies and procedures include:

WKCC 01-02-01	Public Information and Media Communication (Amended 9/14/22[4/14/14])
WKCC 02-01-01	Inmate Funds (Amended 9/14/22[4/14/14])
WKCC 02-01-02	Inmate Canteen (Amended 9/14/22[6/15/12])
WKCC 03-00-06	Confidentiality of Information by Consultants, Contract Personnel, and Volunteers (Amended 9/14/22[11/14/06])
WKCC 06-00-01	Offender Records and Information Access (Amended 9/14/22[8/14/12])
WKCC 06-00-02	Administrative Process for Inmate Court Orders (Amended[Added]9/14/22[6/15/12])
WKCC 08-02-01	Fire Safety Plan (Amended <u>12/13/22</u> [9/14/22] [8/14/12])
WKCC 09-11-01	Tool Control (Amended 9/14/22[6/15/12])
WKCC 10-02-02	Special Management Unit (SMU) Operating Procedures, Living Conditions and Classification (Amended 9/14/22[4/14/14])
WKCC 11-00-01	Food Service General Requirements[Guidelines] (Amended 9/14/22[6/15/12])
[WKCC 11-02-00]	[Food Service Budgeting and Purchasing (Added 6/15/12)]
WKCC 11-03-01	Food Service Meals[, Menus, Nutrition] and Special Diets (Amended 9/14/22[8/14/12])
WKCC 12-00-02	Housekeeping, Sanitation, and Waste Removal (Amended 9/14/22[8/14/12])
WKCC 13-01-01	Use of Pharmaceutical Products (Amended 9/14/22[6/15/12])
WKCC 13-02-01	Health Care Services (Amended <u>12/13/22</u> [9/14/22] [6/15/12])
WKCC 13-02-02	Mental Health Services (Amended 9/14/22[8/14/12])
WKCC 14-02-01	Inmate Clothing and Personal Hygiene Provisions (Amended 9/14/22[6/15/12])
WKCC 14-04-01	Legal Services Program (Amended 9/14/22[6/15/12])
WKCC 15-01-01	Hair and Grooming Standards (Amended <u>12/13/22</u> [9/14/22] [6/15/12])
WKCC 16-01-01	Visiting Policy and Procedures (Amended 9/14/22[3/10/14])
WKCC 16-02-01	Inmate Correspondence (Amended 9/14/22[6/15/12])
WKCC 16-03-01	Inmate Access to Telephones (Amended <u>12/13/22</u> [9/14/22] [10/14/05])
WKCC 16-04-01	Inmate Packages (Amended 9/14/22[4/14/14])
WKCC 17-01-01	Inmate Personal Property (Amended 9/14/22[8/14/12])
WKCC 17-02-01	Inmate Reception and Orientation (Amended 9/14/22[8/14/12])
WKCC 19-04-01	Assignment to and Safety Inspections of Inmate Work Program Areas (Amended 9/14/22[8/14/12])
WKCC 19-04-02	Farm Management and Production [Guidelines] (Amended 9/14/22[Added 6/15/12])
WKCC 20-01-01	Education [Program] (Amended <u>12/13/22</u> [9/14/22] [8/14/12])
WKCC 21-00-01	Library Services (Amended 9/14/22[8/14/12])
WKCC 22-00-01	Inmate Recreation and Leisure Time Activities (Amended <u>12/13/22</u> [9/14/22] [8/14/12])
WKCC 22-00-02	Inmate Organizations (Amended 8/14/12)
WKCC 23-00-01	Religious Services (Amended 9/14/22[8/14/12])
WKCC 24-00-01	Social Services (Amended 9/14/22[8/14/12])
WKCC 25-02-01	Inmate Release Process (Amended 9/14/22[6/15/12])
[WKCC 25-03-01]	[Prerelease Programs (Amended 6/15/12)]
WKCC 26-01-01	Volunteer Services Program (Amended 9/14/22[6/15/12])

(2) This material may be inspected, copied, or obtained, subject

to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site at <https://corrections.ky.gov/About/Pages/lrcfilings.aspx>.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 13, 2022)**

503 KAR 3:130. Online Basic and In-Service Training.

RELATES TO: KRS 15A.070, 15.440

STATUTORY AUTHORITY: KRS 15A.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1)(a) requires the Department of Criminal Justice Training to establish, supervise, and coordinate training programs and schools for law enforcement personnel. **KRS 15A.070(1)(b) requires the department to establish procedures and participation requirements for basic training and annual in-service course instruction to be offered electronically and online through remote learning.** KRS 15A.070(5) authorizes the Department of Criminal Justice Training to promulgate administrative regulations. This administrative regulation establishes requirements for basic training and annual in-service course instruction to be offered electronically and online through remote learning.

Section 1. Definitions.

(1) "Asynchronous learning" means online instruction that allows students to access content or participate in learning, but does not require students and instructors to participate at the same time or in the same place.

(2) "Blended learning" means a course of study that includes both traditional in person classroom instruction and synchronous learning or asynchronous learning.

(3) "Online learning" means instruction that takes place through electronic technologies and media over the internet.

(4) "Recruit" is defined by 503 KAR 3:005, **Section 1(9).**

(5) "Student" means a trainee or recruit as defined by 503 KAR 3:005.

(6) "Synchronous learning" means online instruction that occurs between students and instructors at the same time, but not in the same place, using video technology.

(7) "Trainee" is defined by 503 KAR 3:005, **Section 1(12).**

Section 2. Implementation.

(1) By no later than January 1, 2024, at least ten percent (10%) of the total hours of course instruction required to be completed for basic training under KRS 15.440(1)(d) shall be made available electronically and online for candidates to complete through remote learning.**;**

(2) By no later than January 1, 2025, at least thirty percent (30%) of the total course offerings required to be completed by an officer for annual in-service training under KRS 15.440(1)(e) that is offered or sponsored by the Department of Criminal Justice Training shall be made available electronically and online to complete through remote learning.**;**

(3) The instruction provided by the Department of Criminal Justice Training under this section shall not be in the subject areas that require the demonstration **or** use of physical skill for the purposes of evaluating the participant's proficiency.**;** **and**

(4) The course offerings and instruction required to be provided under subsection (2) of this section shall be available throughout the entire calendar year and spread out over a reasonable period of time so as not to require attendance or participation for the entirety of a

single work week.

Section 3. Instruction Offered. Online and blended **learning available****[courses]** shall be identified annually through the department's Web site at <https://www.docjt.ky.gov/> in the training area including through the registration system and course listings. The schedule of classes shall state whether a course is synchronous or asynchronous and identify any software and hardware requirements for participation in online class sessions.

Section 4. Online Learning.

(1) A student participating in online learning through the department shall:

(a) Actively participate in class learning activities regardless of the delivery method;

(b) Successfully complete and submit all assignments for the online learning event within the deadline set for the specific online training event including:

1. Electronic documents;
2. Discussion boards;
3. Blogs;
4. Polls;
5. Group assignments; and
6. Any other assigned work from the instructor.**;**

(c) Complete assignments, online lessons, and tests only in a location conducive to learning, free of distraction, that ensures the safety of the student.**;**

(d) Comply with all course requirements within the time required as described in the Kentucky Law Enforcement Council approved curriculum or schedule book on the department's Web site at <https://www.docjt.ky.gov/> in the training area;

(e) Have equipment that meets the minimum requirements for the course;

(f) Have an approved internet browser as well as a stable internet connection and sufficient internet speed capable of meeting course requirements, including the ability to:

1. Stream online video;
2. Engage in web conferencing;
3. Receive information and documents; and
4. Use software programs required within the course; and

(g) Test equipment that will be used for the online course pursuant to individual course requirements at least five (5) days prior to the start of the online training.

(2) If a student is unable to meet technology requirements for the course or the student's testing indicates a problem for participation, the student shall contact the department at least five (5) days prior to the start of the online training to try to address the issue.

(3) If a student is unable to correct the issue prior to the start of the course, the student shall be removed from the course roster and may reenroll in another course at a later time.

(4) A student shall comply with 503 KAR Chapter 3.

Section 5. Synchronous Learning.

(1) A student shall be:

(a) Viewed and able to be heard online by the instructor and other students; and

(b) Present online with appropriate equipment pursuant to individual course requirements.

(2) A student shall acknowledge as requested the student's attendance at all attendance checks during an online learning event.

Section 6. Asynchronous Learning.

(1) For asynchronous learning that is not performed on the department campus, a trainee shall be exempt from the:

(a) Attendance requirement in 503 KAR 3:020, Section 5(8);

(b) Grooming and uniform requirements in 503 KAR 3:020, Section 5(3); and

(c) Tobacco products usage and consumption of food or drink prohibitions in 503 KAR 3:020, Section 5(10)(b).

(2) For asynchronous learning that is not performed on the department campus, a recruit shall be exempt from the:

(a) Attendance requirement in 503 KAR 3:010, Section 6(9);

(b) Grooming and uniform requirements in 503 KAR 3:010, Section 6(3); and

(c) Tobacco products usage and consumption of food or drink prohibitions in 503 KAR 3:010, Section 6(11)(c). 503 KAR 3:130. Online Basic and In-Service Training

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8207, fax (502) 564-6686, email Justice.RegContact@ky.gov.

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 13, 2022)**

503 KAR 7:010. On-site review of school security risk assessments and written approval of local board of education's noncompliance with KRS 158.4414(2).

RELATES TO: KRS 158.441, 158.4410, 158.4414, 158.443, ~~702 KAR 1:180~~

STATUTORY AUTHORITY: KRS 15A.070(5), 15A.160, 158.4410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 158.4410 requires the Office of the State School Security Marshal to monitor school safety and security initiatives, to conduct on-site reviews required for completion of the school security risk assessment tool incorporated by reference in 702 KAR 1:180, and to conduct school safety and security training. KRS 158.4414(2) requires a local board of education to obtain written approval from the State School Security Marshal if sufficient funds and qualified personnel are not available for assignment of a school resource officer to every campus in the district. KRS 15A.160 authorizes the secretary of the cabinet to adopt administrative regulations to administer the cabinet, and KRS 15A.070(5) authorizes the commissioner of the Department of Criminal Justice Training to promulgate administrative regulations. This administrative regulation establishes requirements for conducting on-site reviews for completion of the school security risk assessment tool, monitoring school safety, and conducting related training. This administrative regulation also establishes the written approval process if sufficient funds and qualified personnel are not available for assignment of a school resource officer to every campus.

Section 1. Definitions.

(1) "Compliance officer" means the person assigned by the OSSSM to conduct an on-site review for risk assessment of a school campus.

(2) "Office of the State School Security Marshal" or "OSSSM" means the office established by KRS 158.4410(1) that is managed by the State School Security Marshal.

(3) "School campus" means all areas, including school buildings where instruction and school activities take place during the regular school day, and properties adjacent to the[such] buildings, that[which] are under the control of the school district and accessible to students during the school day, including the following:

(a) A single building located on real property owned or leased by a school district for instruction to students and school activities during the regular school day on a continuous basis, including extracurricular activities; or

(b) Two or more school buildings located on real property owned or leased by a school district to deliver instruction to students on a continuous basis or conduct extracurricular activities.

(4) "School resource officer" or "SRO" is defined by KRS 158.441(5).

(5) "School safety coordinator" or "SSC" means a district employee appointed by the local school district superintendent to serve as the school district's school safety coordinator and primary point of contact for public school safety and security functions.

(6) "School security risk assessment tool" means the assessment tool developed by the State School Security Marshal pursuant to KRS 158.4410(5), approved by the board of directors

for the Center for School Safety pursuant to KRS 158.443(9)(b), and incorporated by reference in 702 KAR 1:180.

(7) "State School Security Marshal" or "SSSM" means the person appointed by the commissioner of the Department of Criminal Justice Training pursuant to KRS 158.4410(3) who also acts as the manager of the OSSSM.

Section 2. OSSSM Review of Risk Assessment.

(1) The OSSSM shall assign a compliance officer to conduct an on-site review for risk assessment of the following:

(a) All school campuses of district operated schools on district owned or leased property under the administrative control of a principal or head teacher; and

(b) Any school campus of a district or state operated school on district owned or leased property with:

1. Career and technical education;
2. Special education program;
3. Preschool program; or
4. Alternative education program.

(2) The OSSSM shall consider the following factors in determining whether school buildings are a single school campus or multiple school campuses:

(a) Whether the buildings:

1. Are connected by a sidewalk or a parking lot;
2. Are within a reasonable walking distance of each other; or
3. Are not separated by a physical barrier, including a fence, wall, waterway, roadway, or other obstruction, that prevents ready access from one building to another; or

(b) Other indices that the buildings constitute a single school campus or multiple school campuses.

(3) The OSSSM shall maintain a list of school campuses based on subsections (1) and (2) of this section.

(4) If the school district disagrees with the designation of a school campus in its district, it may appeal the school campus decision to the OSSSM by sending a written objection with an explanation of why the buildings should be considered to be a single school campus or multiple school campuses to the OSSSM. The OSSSM:

- (a) May request additional information from the school district;
- (b) Shall consider the information provided by the school district;
- (c) Shall make a determination concerning the school district objection; and

(d) Shall provide a written decision to the appropriate SSC.

(5) The OSSSM may conduct training on the school security risk assessment tool and the School Safety and Resiliency Act for:

- (a) Superintendents;
- (b) District school safety coordinators;
- (c) District-level school staff;
- (d) School resource officers; and
- (e) Other trainings as necessary to enhance school safety.

Section 3. On-site Review of the School Security Risk Assessment Tool.

(1) An OSSSM compliance officer shall conduct an on-site review for risk assessment of a school campus.

(2) The on-site review visit shall be:

(a) Unannounced; and

(b) Conducted during the school day, but not be started within two (2) hours of the end of the school day.

(3) The compliance officer shall wear an issued or OSSSM approved uniform when conducting on site reviews.

(4) The compliance officer may stop the on-site review and assessment if the school does not cooperate with the on-site review and assessment process or circumvents the process. If the on-site review and assessment is stopped, the school campus shall be deemed out of compliance.

(5) After on-site review and completion of the assessment[report completion], the assessment[report] shall be emailed to the appropriate district SSC. If required by the district, the SSC shall be responsible for forwarding the assessment to other district personnel.

Section 4. Closed and Locked-door Exemption for Risk

Assessment.

(1) Closed and locked-door exemption applications located within the school security risk assessment tool shall be completed onsite, or upon request by the school for the exemption, by the assigned compliance officer and forwarded to the State School Security Marshal for review.

(2) Exemption determinations shall be made on a case-by-case basis. The basis for an exemption shall include the following:

(a) A physical mechanism does not exist to secure the room. Examples may include a gymnasium with multiple doors or an open-air classroom;

(b) The room is used as a hallway, walkway, pathway, or easement to access another part of the building and a less restrictive alternative does not exist for access;

(c) 1. Locking the door to the room would:

a.[1.] Violate an existing fire code;

b.[2.] Infringe upon an individual student's Individual Education Plan (IEP) if that student is physically present in the room; or

c.[3.] Violate the Americans with Disabilities Act (ADA); and

2.[4.] A less restrictive alternative for access is not available;

(d) Existing renovations or physical structure issues within the building make locking the doors to the room impracticable and a less restrictive alternative does not exist; or

(e) Other reasonable grounds exist to grant an exemption.

(3) Approved closed and locked-door exemptions shall be valid for the school year in which the exemption was granted and shall expire on the 30th day of June.

(4) On or before June 1 of each year, and prior to the expiration of an approved closed and locked-door exemption on June 30th, a new application for an exemption shall be completed if an exemption remains necessary for the upcoming school year.

(5) Closed and locked-door exemption applications shall be reviewed by the State School Security Marshal for approval or disapproval.

Section 5. Noncompliant School Campus.

(1) The OSSSM shall notify an SSC of the reasons for a finding of noncompliance.

(2) After being determined to be noncompliant, a school campus shall take steps to remediate the identified problems and notify the OSSSM upon completion of the remediation.

(3) A school campus determined to be noncompliant shall be reassessed a minimum of one (1) time within the current school year using the school security risk assessment tool.

Section 6. SSSM Written Approval for Local Board of Education Noncompliance with Assignment of an SRO to Each Campus in the Local School District as Required Pursuant to KRS 158.4414(2).

(1) When sufficient funds and qualified personnel are not available to allow an SRO to be assigned to and working on-site full-time at each campus in a local school district, the local board of education shall request in writing for written approval from the SSSM permitting the district's noncompliance with KRS 158.4414(2).

(a) To receive written approval from the SSSM, the local board of education shall[must] aver, in writing, that sufficient funds and qualified personnel are not available to allow an SRO to be assigned to and working on-site full-time at each campus in the local school district.

(b) Upon receipt of a request for approval from a local board of education, the SSSM:

1. May request additional information or records from the local board of education;

2. Shall consider the local board of education's averment and other information, if any other information is requested by the SSSM;

3. Shall make a determination concerning the request; and

4. Shall provide a written approval or disapproval decision to the local board of education.

(2) The SSSM shall maintain a list of written approvals of requests granted pursuant to this section. The list shall be updated if the results of an on-site review of a risk assessment of a campus indicate an SRO has been assigned to and working on-site full-time at the campus.

Section 7. Commendation.

(1) The OSSSM may award a Certificate of Commendation to an individual, school, or district in recognition of an exemplary contribution to school safety within a school district or with statewide implications.

(2) A school or district may recommend an individual for this award by providing a written letter of recommendation to the OSSSM.

Section 8. Complaint Process.

(1) If the OSSSM receives a complaint regarding a school campus, OSSSM personnel, or other item related to the mission of the OSSSM, the process shall be as follows:

(a) An OSSSM supervisor shall review and require an investigation of the complaint; and

(b) The investigation shall be reviewed by the State School Security Marshal.

(2) After review by the State School Security Marshal:

(a) If the complaint is found to be substantiated and results in a school campus being out of compliance with KRS 158.4410(5) or KRS 158.162(3)(d), the OSSSM shall update the school's security risk assessment tool to reflect the school campus being out of compliance and notify the appropriate SSC; or

(b) If the complaint involves OSSSM personnel or other item related to the mission of the OSSSM, the State School Security Marshal shall send a written response to the complainant.

Section 9. Written submissions or notifications to the OSSSM. A written submission or notification to the State School Security Marshal or OSSSM shall be made by sending the writing to:

(1) 4449 Kit Carson Drive, Richmond, Kentucky 40475; or

(2) stateschoolmarshal@ky.gov.

CONTACT PERSON: Nathan Goens, Staff Attorney, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-8216, fax (502) 564-6686, email Justice.RegContact@ky.gov.

**EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(As Amended at ARRS, December 13, 2022)**

704 KAR 3:305. Minimum requirements for high school graduation.

RELATES TO: KRS 156.160(1)(a), (d), 158.140(6), 158.142, 158.645, 158.6451

STATUTORY AUTHORITY: KRS 156.070, 156.160(1)(a), (d), 158.140(6), 158.142

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations relating to the courses of study for the different grades and the minimum requirements for high school graduation. KRS 158.142(3)(b) requires the board to promulgate administrative regulations establishing requirements for early graduation from high school. The content standards for the courses of study are established in the Kentucky academic standards incorporated by reference in 704 KAR 3:303 and 704 KAR Chapter 8. This administrative regulation establishes the minimum requirements necessary for entitlement to a high school diploma.

Section 1. Definitions.

(1) "Continuity of services plan" means a plan that outlines the ways in which a student will receive access to essential services that will end if the student graduates early.""Graduate early" means a student is awarded a diploma from the district, in under four (4) academic years from the start of grade 9, based upon meeting the minimum credit requirements of this administrative regulation and additional requirements as may be imposed by a local board of education.]

(2) "Early Graduation Certificate" means a certificate,

awarded by the district and signed by the principal and superintendent, that shall qualify the recipient to be awarded a high school diploma and a scholarship award equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level, to be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools. "Early Graduation Program" or "EGP" means an optional, criteria-based program in which a student may receive a diploma from the school district, an Early Graduation Certificate, and a scholarship award upon proper notification of intent to participate and the successful completion of all program requirements provided in Section 5 of this administrative regulation in three (3) academic years or less. ["Early graduation" means meeting the competency-based criteria established in this administrative regulation in three academic years or less.]

(3) "Early Graduation Program" or "EGP" means an optional, criteria-based program in which a student may receive a diploma from the school district, an Early Graduation Certificate, and a scholarship award upon successful completion of all program requirements provided in Section 5 of this administrative regulation in three (3) academic years or less. ["Early graduation" means meeting the competency-based criteria established in this administrative regulation in three academic years or less.]

[(2)] ["Early Graduation Certificate" means a certificate, awarded by the district and signed by the principal and superintendent, that shall qualify the recipient to be awarded a high school diploma and be eligible for a scholarship award equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level, to be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools.]

(4) "Graduate early" means a student is awarded a diploma from the district, in under four (4) academic years from the start of grade 9, based upon meeting the minimum credit requirements of this administrative regulation and additional requirements as may be imposed by a local board of education. "Continuity of services plan" means a plan that outlines the ways in which a student will receive access to essential services that will end should the student graduate early.

(5) [(3)] "Individual Learning Plan" or "ILP" is defined in 704 KAR 19:002.

Section 2. (1) A district shall implement an advising and guidance process throughout the middle and high schools to provide support for the development and implementation of an individual learning plan for each student. The plan shall include career development and awareness and specifically address the content as provided in the Kentucky academic standards for career studies established in 704 KAR Chapter 8. The individual learning plan shall not be a substitute for the statement of transition service needs for students with disabilities as provided in 707 KAR 1:320.

(2) A district shall develop a method to evaluate the effectiveness and results of the individual learning plan process. The evaluation method shall include input from students, parents, and school staff. As part of the evaluation criteria, the district shall include indicators related to the status of the student in the twelve (12) months following the date of graduation.

(3) A feeder middle school and a high school shall work cooperatively to ensure that each student and parent receives information and advising regarding the relationship between education and career opportunities. Advising and guidance shall include information about financial planning for postsecondary education.

(4) A school shall maintain each student's individual learning plan. The individual learning plan shall be readily available to the student and parent and reviewed and approved at least annually by the student, parents, and school officials.

(5) Beginning with a student's eighth grade year, the individual learning plan shall set learning goals for the student based on academic and career interests and shall identify required academic courses, electives, and extracurricular opportunities aligned to the student's postsecondary goals. The school shall use information from the individual learning plans about student needs for academic and elective courses to plan academic and elective offerings.

(6) The development of the individual learning plan for each student shall be established within the first ninety (90) days [at] [begin by] [the beginning] [end] of the sixth grade year and shall be focused on career exploration and related postsecondary education and training needs.

Section 3. (1) For students entering grade 9 on or before the first day of the 2018-2019 academic year, each student in a public school shall have a total of at least twenty-two (22) credits for high school graduation.

(2) Those credits shall include the content standards as provided in the Kentucky academic standards, established in 704 KAR 3:303 and KAR Chapter 8.

(3) Additional standards-based learning experiences shall align to the student's individual learning plan and shall consist of standards-based content.

(4) The required credits and demonstrated competencies shall include the following minimum requirements:

(a) Language arts - four (4) credits (English I, II, III, and IV) to include the content contained in the Kentucky academic standards for this content area and comply with the following:

1. Language arts shall be taken each year of high school; and
2. If a student does not meet the college readiness benchmarks for English and language arts as established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take an English and language arts transitional course or intervention, which is monitored to address remediation needs, before exiting high school;

(b) Social studies - three (3) credits to include the content contained in the Kentucky academic standards for this content area;

(c) Mathematics - three (3) credits to include the content contained in the Kentucky academic standards for this content area and include the following minimum requirements:

1. Algebra I, Geometry, and Algebra II. An integrated, applied, interdisciplinary, occupational, or technical course that prepares a student for a career path based on the student's individual learning plan may be substituted for a traditional Algebra I, Geometry, or Algebra II course on an individual student basis if the course meets the content standards in the Kentucky academic standards, established in 704 KAR 3:303 and 704 Chapter 8;
2. A mathematics course or its equivalent as determined by the district shall be taken each year of high school to ensure readiness for postsecondary education or the workforce;

3. Any mathematics course other than Algebra I, Geometry, or Algebra II shall be counted as an elective; and
4. If a student does not meet the college readiness benchmarks for mathematics as established by the Council on Postsecondary Education in 13 KAR 2:020, the student shall take a mathematics transitional course or intervention, which is monitored to address remediation needs, before exiting high school;

(d) Science - three (3) credits that shall incorporate lab-based scientific investigation experiences and include the content contained in the Kentucky academic standards for this content area;

(e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic standards for this content area;

(f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky academic standards for this content area;

(g) Visual and performing arts - one (1) credit to include the content contained in the Kentucky academic standards for this content area or a standards-based specialized arts course based on the student's individual learning plan;

(h) Academic and career interest standards-based learning experiences - seven (7) credits including four (4) standards-based learning experiences in an academic or career interest based on the student's individual learning plan; and

(i) Demonstrated performance-based competency in technology.

Section 4. (1) Beginning with students who enter grade 9 on or after the first day of the 2019-2020 academic year, in order to receive a high school diploma, each student in a public school shall earn a total of at least twenty-two (22) credits for high school graduation.

(2) The required credits shall include the content standards as provided in the Kentucky academic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8.

(3) Additional standards-based learning experiences shall align to the student's individual learning plan and shall consist of standards-based content.

(4) Each student shall be required to complete the following foundational credits and demonstrated competencies, consisting of ten (10) credits:

(a) English/language arts - two (2) credits (English I and II) to include the content contained in the Kentucky academic standards for this content area;

(b) Social studies - two (2) credits to include the content contained in the Kentucky academic standards for this content area;

(c) Mathematics - two (2) credits (Algebra I and Geometry) to include the content contained in the Kentucky academic standards for this content area;

(d) Science - two (2) credits that shall incorporate lab-based scientific investigation experiences and include the content contained in the Kentucky academic standards for this content area;

(e) Health - one-half (1/2) credit to include the content contained in the Kentucky academic standards for this content area;

(f) Physical education - one-half (1/2) credit to include the content contained in the Kentucky academic standards for this content area; and

(g) Visual and performing arts - one (1) credit to include the content contained in the Kentucky academic standards for this content area or a standards-based specialized arts course based on the student's individual learning plan.

(5) In addition to the foundational requirements established in subsection (4) of this Section, every student shall earn a minimum of twelve (12) personalized credits in order to receive a high school diploma. These twelve (12) personalized credits shall include:

(a) Two (2) additional English/Language Arts credits that include the content contained in the Kentucky academic standards for this content area and are aligned to the student's individual learning plan;

(b) Two (2) additional mathematics credits that include the content contained in the Kentucky academic standards for this content area and are aligned to the student's individual learning plan;

(c) One (1) additional science credit that includes the content contained in the Kentucky academic standards for this content area and is aligned to the student's individual learning plan;

(d) One (1) additional social studies credit that includes the content contained in the Kentucky academic standards for this content area and is aligned to the student's individual learning plan;

(e) Academic and career interest standards-based learning experiences - six (6) credits including four (4) standards-based learning experiences based on the student's individual learning plan;

(f) Demonstrate performance-based competency in technology as approved by the Kentucky Department of Education;

(g) Pass a civics test as required by KRS 158.141; and

(h) Beginning with students entering grade 9 on or after the first day of the 2020-2021 academic year, successfully complete one (1) or more courses or programs that meet the financial literacy requirements pursuant to KRS 158.1411 and standards as established in 704 KAR Chapter 8.

Section 5. (1) Only students who meet the criteria established in this section shall be eligible for the Early Graduation Program:

(a) Students wishing to participate in the EGP shall indicate that intent to the school principal in writing at the beginning of grade 9 or as soon as the intent is known to the student, but no later than the first thirty (30) school days of the

academic year in which the student intends to graduate;~~Those students who meet the criteria and requirements of the EGP]for early graduation][shall receive from the school district a diploma and an Early Graduation Certificate;]~~

(b) Schools and districts shall not prohibit a student from completing the EGP if [in the event] the student meets all EGP requirements provided in this section:

(c)(b) Those Students who enroll in the EGP and meet the criteria provided in this section shall receive from the school district a diploma and an early graduation certificate~~Students wishing to participate in the EGP]graduate early][shall indicate that intent to the school principal at the beginning of grade 9 or as soon as the intent is known, but within the first thirty (30) school days of the academic year in which they wish to graduate;]~~

(d)(e) The school or district shall enter the enrolled EGP student~~A student's intent to participate in the EGP]~~graduate early][shall be entered] into the student information system [by the school district] by October 15[4] of the year in which the student intends to graduate~~makes the declaration;]~~

(d) Students working toward early graduation and receipt of a corresponding Early Graduation Certificate shall be supported by development and monitoring of an individual learning plan to support their efforts;

(e) Students participating in the EGP shall complete all requirements set forth in this section applicable to the academic year in which the student intends to graduate; and

(f) A student who has indicated an intent to complete the EGP may participate in the state administration of the college entrance exam prior to the junior year, if needed.

(2) To participate in the EGP and graduate during the 2022-2023 school year, a student shall:

(a) Meet the requirements of subsection 1 of this section;

(b) Meet the college readiness exam benchmarks established by the Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation;

(c) Complete one (1) or more courses or programs that meet the financial literacy requirements pursuant to KRS 158.1411; and

(d) Obtain a passing grade on the civics test pursuant to KRS 158.141.

(2) To graduate early and earn an Early Graduation Certificate, a student shall:

(a) Score proficient or higher on the state-required assessments required by the Kentucky Board of Education in 703 KAR 5:200; and

(b) Meet the college readiness exam benchmarks established by the Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation.

(3) A student who has indicated an intent to graduate early may participate in the student's state administration of the college readiness exam prior to the junior year, if needed.]

(3)(2) By July 1, 2023, each school district shall provide each school within the district with the policy established by the local board of education for students wishing to participate in the EGP and earn an Early Graduation Certificate and scholarship. The district policy shall [provide for support in the development and monitoring of an individual learning plan that shall]include:

(a) Criteria for supporting the development and monitoring of the student individual learning plan, as provided in Section 2 of this administrative regulation;

(b) Goal planning related to the attainment of established district essential workplace ethics programs as provided in KRS 158.1413;

(c)(b) Completion of a professional resume; and

(d)(c) Completion of one (1) postsecondary admissions application that may be used at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or non-profit independent institution accredited by the Southern Association of Colleges and Schools in which the student is interested in applying.

~~(4)(3)~~ Beginning with the 2023-2024 academic year, each EGP participant, with the support of the comprehensive school counselor, or designee, shall:

(a) Identify all EGP requirements and develop a strategy within the individual learning plan for meeting those requirements, including the district's established workplace ethics program provided in KRS 158.1413; and

(b) Complete an entrance interview with the principal, or designee, to discuss postsecondary goals and career aspirations.

~~(5)(4)~~ Beginning with the 2023-2024 academic year, to successfully complete the EGP and earn an Early Graduation Certificate and scholarship, the student shall:

(a) Communicate intent to the principal as required in subsection (1) of this section;

(b) Meet the college entrance exam benchmarks established by the Council on Postsecondary Education in 13 KAR 2:020 for placement in credit-bearing courses without the need for remediation;

(c) Earn ten (10) foundational credits that shall include the content standards as provided in the Kentucky academic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8;

(d) Complete the essential workplace ethics program requirements established by the school district pursuant to KRS 158.1413; ~~and~~

(e) Complete one (1) or more courses or programs that meet the financial literacy requirements pursuant to KRS 158.1411; ~~and~~

~~(f) Obtain a passing grade on the civics test pursuant to KRS 158.141.~~

~~(6)(5)~~ By July 1, 2024, each local board of education shall establish a policy requiring high schools to determine performance descriptors and evaluation procedures for an EGP performance-based project, portfolio, or capstone required for ~~[those]~~ students who intend to complete the EGP beginning with the 2024-2025 academic year. Performance descriptors and evaluation procedures shall provide an opportunity for the student to demonstrate attainment of the following critical skills required for postsecondary and career success:

(a) Attainment of essential workplace ethics program components as established by the board of education pursuant to KRS 158.1413;

(b) Demonstration of an ability to apply the Kentucky academic standards, established in 704 KAR 3:303 and KAR Chapter 8, as a life-long learner and contributing member of society;

(c) Demonstration of written and verbal communication skills needed for postsecondary success; and

(d) Demonstration of an ability to think critically, synthesize information, and draw conclusions.

~~(7)(6)~~ Beginning July 1, 2024, the performance-based project, portfolio, or capstone shall be required for completion of the EGP.

~~(8)(7)~~ A school shall maintain and make readily available to the Kentucky Department of Education the EGP participant's performance-based project, portfolio, or capstone for a minimum of five (5) years.

Section 6. (1) A local board of education may substitute an integrated, applied, interdisciplinary, occupational, technical, or higher level course for a required course if the alternative course provides rigorous content.

(2) For students with disabilities, a local board of education may substitute a functional, integrated, applied, interdisciplinary, occupational, technical, or higher level course for a required course if the alternative course provides rigorous content. These shall be based on grade-level content standards and may be modified to allow for a narrower breadth, depth, or complexity of the general grade-level content standards.

Section 7. (1) A local board of education may award credit toward high school graduation for satisfactory demonstration of learning based on content standards described in the Kentucky academic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8, and a rigorous performance standards policy established by the local board of education. A school shall establish performance descriptors and evaluation procedures to determine if the content

and performance standards have been met.

(2) A local board of education shall award credit toward high school graduation based on:

(a) A standards-based Carnegie unit credit that shall consist of at least 120 hours of instructional time in one (1) subject; or

(b) A performance-based credit based on standards, regardless of the number of instructional hours in one (1) subject.

(3) A local board of education which has chosen to award performance-based credit shall award a standards-based credit earned by a student enrolled in grade 5, 6, 7, or 8 if:

(a) The content of the course is the same as that described in the Kentucky academic standards, established in 704 KAR 3:303 and 704 KAR Chapter 8; and

(b) The district has criteria in place to make a reasonable determination that the middle level student is capable of success in the high school course.

(4) A local board of education which has chosen to award performance-based credit shall establish a policy for a performance-based credit system that includes:

(a) The procedures for developing performance-based credit systems and for amending the system;

(b) The conditions under which each high school may grant performance-based credits and the related performance descriptors and assessments;

(c) Objective grading and reporting procedures;

(d) Content standards established in 704 KAR 3:303 and 704 KAR Chapter 8;

(e) The extent to which state-provided assessments will be used in the local performance-based credit system;

(f) The ability for students to demonstrate proficiency and earn credit for learning acquired outside of school or in prior learning; and

(g) Criteria to ensure that internships, cooperative learning experiences, and other learning experiences in the school and community are:

1. Designed to further student progress towards the individual learning plan;

2. Supervised by qualified instructors; and

3. Aligned with state and local content and performance standards.

(5) A board of education may award standards-based, performance-based credit toward high school graduation for:

(a) Standards-based course work that constitutes satisfactory demonstration of learning in any high school course, consistent with Sections 3 and 4 of this administrative regulation;

(b) Standards-based course work that constitutes satisfactory demonstration of learning in a course for which the student failed to earn credit when the course was taken previously;

(c) Standards-based portfolios, senior year, or capstone projects;

(d) Standards-based online or other technology mediated courses;

(e) Standards-based dual credit or other equivalency courses; or

(f) Standards-based internship, cooperative learning experience, or other supervised experience in the school or the community.

(6) Each local board of education shall maintain a copy of its policy on high school graduation requirements. This policy shall include a description of how the requirements address KRS 158.6451(1)(b)[~~and 703 KAR 4:060~~].

Section 8. (1) A student who satisfactorily completes the requirements of this administrative regulation and additional requirements as may be imposed by a local board of education or meets the requirements for the Early Graduation Program established in Section 5 of this administrative regulation shall be awarded a graduation diploma.

(2) A local board shall not adopt any high school graduation requirements that include achieving a minimum score on a statewide assessment as established in KRS 158.140.

(3) The local board of education shall award the diploma.

Section 9. This administrative regulation shall not be

interpreted as prohibiting a local governing board, superintendent, principal, or teacher from awarding special recognition to a student.

Section 10. (1) If the severity of an exceptional student's disability precludes a course of study that meets the high school graduation requirements established in Sections 3 and 4 of this administrative regulation leading to receipt of a high school diploma, an alternative course of study shall be offered.

(2) This course of study shall be based upon student needs and the provisions established in 704 KAR 3:303 and 704 KAR Chapter 8, and shall be reviewed at least annually.

(3) A student who completes this course of study shall receive an alternative high school diploma to be awarded by the local board of education consistent with the graduation practices for all students.

(4) A local board of education may establish policies to award an alternative high school diploma to a former student who has received a certificate or certificate of attainment.

Section 11. (1) Any student seeking to graduate early who receives services deemed essential by the local school district shall engage in meaningful consultation with a school-based mental health services provider, as defined by KRS 158.4416, on the creation of a continuity of services plan prior to graduation.

(2) School districts shall ensure the creation of a continuity of services plan for all students identified as a homeless child pursuant to 42 U.S.C. 11434, a migratory child pursuant to 20 U.S.C. 6399, or youth engaged in foster care pursuant to KRS 620.020(5).

(3) The completion of a transition plan for children aging out of foster care, as described by 42 U.S.C. 675(5)(H), shall meet the requirements outlined in this section.

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

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Epidemiology and Health Planning
(As Amended at ARRS, December 13, 2022)**

901 KAR 5:120. Abortion reporting.

RELATES TO: KRS 213.101, 213.106, 213.172, 311.595, 311.720, 311.774, 311.781, 311.782, 311.783

STATUTORY AUTHORITY: KRS 194A.050(1), 213.021, 213.101(1), ~~(10)(7)~~, 213.172(1), (7) 2022 Ky. Acts ch. 210

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of Kentucky citizens and to operate programs and fulfill the responsibilities vested in the cabinet. KRS 213.101(1) requires each abortion that occurs in the commonwealth to be reported to the Office of Vital Statistics. KRS 213.101 ~~(10)(7)~~ requires the Office of Vital Statistics to promulgate administrative regulations to assist in compliance with that statute. KRS 213.172(1) requires that each prescription dispensed for which the primary indication is the induction of abortion be reported to the Vital Statistics Branch within three (3) days after the end of the month in which the prescription was dispensed [2022 Ky. Act ch. 210 expanded the abortion reporting requirements to include the full name and address of the physician and facility, the age of the father, if known, the Rh-negative status of the patient, if the patient was treated for a sexually transmitted disease, the reason for the abortion, any follow-up treatment provided, and additional prescription information]. This administrative regulation establishes the reporting criteria for abortions.

Section 1. Definitions.

(1) "Abortion" is defined by KRS 311.720(1).

(2) "Probable post-fertilization age" is defined by KRS 311.781(6).

(3) "Reasonable medical judgment" is defined by KRS 311.781(7).

(4) "Serious risk of the substantial and irreversible impairment of a major bodily function" is defined by KRS 311.781(8).

Section 2. Reporting.

(1) A person or institution shall comply with the reporting requirements of KRS 213.101(1) and (2).

(2) The report shall be filed irrelevant of the gestational age or probable post-fertilization age of the fetus at the time of the abortion.

(3) The report shall be made within three (3) days after the end of the month in which the abortion was performed through the cabinet's electronic database or on VS-913, Report of Abortion.

(4) The report shall:

(a) Contain the information required to be certified in writing including the following:

1. The probable post-fertilization age of the unborn child;

2. Whether the abortion was necessary to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;

3. The available methods or techniques considered and the reasons for choosing the method or technique employed;

4. Whether the physician determined in his or her reasonable medical judgment that termination of the pregnancy in the manner selected provides the best opportunity for the unborn child to survive;

5. If the physician did not choose the method of abortion that provides the best chance of survival for the unborn child, whether the pregnancy termination in that manner would have posed a greater risk of death of the pregnant woman or a greater risk of substantial and irreversible impairment of a major bodily function of the pregnant woman than other available methods of abortion; and

6. Any complications known to the provider as a result of the abortion, as established[set forth] in KRS 311.774(3); and

(b) Not contain information that identifies the [physician,] woman[,] or man involved.

(5) Pursuant to KRS 213.106, a report shall be used in accordance with the provisions of KRS 213.101.

Section 3. Prescription Reporting.

(1) In accordance with KRS 213.101 ~~(5) and 213.172(1)(2)~~, each prescription for an abortion-inducing[a] drug ~~[or combination of drugs]~~ for which the primary indication is the induction of abortion shall be reported by the physician prescribing or dispensing the medication[and the pharmacy dispensing the medication] within three (3) ~~fifteen (15)]~~ days after the end of the month in which the prescription was issued.

(2) In accordance with KRS 213.172(1), a pharmacy shall report each drug or combination of drugs for which the primary indication is the induction of an abortion within three (3) days after the end of the month in which the prescription was dispensed.

(3) The report shall be made through the cabinet's electronic database or on VS-913P, Abortion Prescription Reporting Form.

(4)(3) The report shall:

(a) Contain the drug or combination or drugs prescribed or dispensed; [and]

(b) The information required by 2022 Ky. Acts ch. 210; and

(c) Not contain information that identifies the [physician,] woman[,] or man involved.

Section 4. Penalties.

(1) Failure to comply with the provisions of KRS 213.101(1) through (4) shall subject the reporting person or institution to the penalties provided in KRS 213.101(8)(5) and (9)(6).

(2) Failure to comply with the provisions of KRS 213.172(1) and (2) shall subject the reporting pharmacist or pharmacy to the penalties provided in KRS 213.172(5) and (6).

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form VS-913P, "Abortion Prescription Reporting Form", 10/2022~~6/2022~~[4/2020]; and

(b) Form VS-913, "Report of Abortion", 12/2022~~10/2022~~~~6/2022~~[4/2020].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Public Health, first floor, Health Services Building, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material may be obtained, subject to applicable copyright law, at <https://chfs.ky.gov/agencies/dph/dehp/vsb/Pages/abreqadr.aspx>.

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.

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health

**Division of Administration and Financial Management
(As Amended at ARRS, December 13, 2022)**

902 KAR 8:160. Local health department operations requirements.

RELATES TO: KRS 211.1751(1), 212.230, 212.240, 212.245, 212.890, 258.005, 7 C.F.R. 246.8

STATUTORY AUTHORITY: KRS 194A.050(1), 211.170, 211.180

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the Cabinet for Health and Family Services to promulgate administrative regulations necessary to protect, develop, and maintain the health, personal dignity, integrity, and sufficiency of the citizens of the commonwealth; to operate the programs and fulfill the responsibilities vested in the cabinet; or to comply with federal law. KRS 211.170(1) and (3) require the cabinet to establish policies and standards of operation for the local health departments of Kentucky. This administrative regulation establishes minimum administrative and operational requirements for Kentucky's local health departments.

Section 1. Definitions. (1) "Agency" is defined by KRS 211.1751(1).

(2) "Animal control officer" is defined by KRS 258.005(7).

(3) "Board" means the statutorily mandated governing body for local health departments in Kentucky.

(4) "Public health department director" means the administrative officer of the agency.

Section 2. Policies and Procedures. Internal policies and procedures for operations established by an agency shall comply with procedures and policies developed by the cabinet, in accordance with KRS 211.170(1), (2), (3), (4), and (6).

Section 3. Conflict of Interests. (1) An agency employee shall avoid situations that are or appear to be a conflict of interest.

(2) An agency employee shall not:

(a) Sell, recommend, or promote a specific brand of product or equipment ~~that~~which is subject to inspection or evaluation by an agency or its employees;

(b) Recommend or express to the public a preference for health-related professional services or products of an individual or firm;

(c) Be engaged in a business or have financial interests ~~that~~which affect the employee's professional relationship with the agency or cabinet or impair the effectiveness of the employee;

(d) Enter into a contract with or hold an additional full-time or part-time position in another agency unless approved by the cabinet in writing;

(e) Be an owner or part owner of a business that contracts with

or is regulated by the agency without prior review by the cabinet; or
(f) Accept appointment or be employed as an animal control officer.

(3) An agency employee shall not conduct the following services for the employee, the employee's spouse, parent, child, brother or sister or the spouse of either of them, grandparent, grandchild, mother or father-in-law, daughter or son-in-law:

(a) Determine eligibility for an agency service;

(b) Issue women, infants, and children food instruments or prescribe food packages; or

(c) Conduct an inspection or monitor compliance with the agency's medical or environmental standards and administrative regulations.

(4) An employee or former employee shall not receive severance pay in cash, benefits, goods, or services.

Section 4. Employee Tuition Assistance. (1) A public health department director may approve a tuition assistance agreement to specify the terms and conditions for a regular full-time or part-time 100 hour employee to attend a course of study provided by a college or university, correspondence school, vocational school, or other training institution, if the coursework is related to:

(a) 1. The work of the agency; and

2. [(b)] The employee's current position; or

[(b)] [(c)] An agency position to which the employee can reasonably aspire.

(2) The public health department director may approve tuition assistance from the agency budget for a nonrelated course if:

(a) The course is a requirement for a degree or certification program; and

(b) The degree is determined to be necessary to the function and purpose of the agency.

(3) The board may approve a tuition assistance request to be used by a public health department director for the director's course of study.

(4) Restricted funds used for payment of tuition assistance shall receive prior written approval from the funding authority.

(5) An employee approved to receive tuition assistance shall repay to the agency the tuition paid on the employee's behalf if the employee:

(a) Fails to provide the agency, or board, evidence of satisfactory completion of the training within thirty (30) working days after scheduled completion; or

(b) Receives a grade of:

1. Less than "C" in an undergraduate course;

2. Less than "B" in a graduate course;

3. "F" in a pass/fail course;

4. "U" in a satisfactory/unsatisfactory course;

5. "I" for incomplete; or

6. Fails to complete the training, regardless of cause, without prior approval of the public health department director or board.

(6) The employee shall maintain paid full-time or part-time 100 hour work status for the agency while taking courses.

(7) An employee shall continue employment with the agency for a period of at least one (1) month ~~[employment]~~ for each semester hour or equivalent of tuition paid by the agency, after completion of all courses~~[course completion]~~, unless directed by the agency to undertake the course work.

(8) The employee shall repay the agency for educational assistance funds expended on the employee's behalf if the employee resigns, retires, or is dismissed for cause prior to completion of the continued employment provisions of subsection (7) of this section.

(9) The repayment shall be:

(a) Prorated according to the portion of the continued employment provisions of subsection (7) of this section the employee has fulfilled; and

(b) Repaid within six (6) months following resignation, retirement, or dismissal.

(10) The employee may use accumulated annual leave or compensatory time as necessary to attend classes if requested by the employee.

(11) The maximum allowable course hours an employee may

take in a semester shall be determined by the public health department director as provided in their internal control manual.

(12) If approved, tuition assistance shall be granted for:

- (a) Tuition and routine registration fees;
- (b) Laboratory and examination fees; and
- (c) Required textbooks.

(13) Tuition assistance shall not be granted for:

- (a) Late registration;
- (b) Graduation fees;
- (c) Parking or transportation;
- (d) Records or transcripts;
- (e) Supplies;
- (f) Assessments; or
- (g) Courses taken prior to approval by the agency.

(14) Tuition and fees shall be paid directly to the college or training institution or reimbursed to the employee.

(15) An agency shall maintain records, subject to audit, to ensure the proper administration of the employee tuition assistance program.

Section 5. Educational Leave Program. (1) The public health department director may approve educational leave for a regular full-time or part-time 100 hour employee.

(2) Educational leave may be approved on a full-time or part-time basis with or without pay as determined by the public health department director.

(3) Educational leave shall be for the purpose of coursework or training related to the current or future duties and responsibilities of the employee.

(4) Payment for educational leave shall come from the agency budget.

(5) Restricted funds used for payment of educational leave shall receive prior written approval from the funding authority.

(6) Educational leave payment shall not be granted for:

- (a) Late registration fees;
- (b) Graduation fees;
- (c) Parking or transportation;
- (d) Records or transcripts;
- (e) Supplies;
- (f) Assessments; or
- (g) Courses taken prior to approval by the agency.

(7) To participate in educational leave with pay, the employee shall:

- (a) Be a regular full-time or part-time 100 hour employee;
 - (b) Enroll in an area of study with a clear and direct relationship to the work of the agency;
 - (c) Be formally accepted by the educational institution; and
 - (d) Be approved for educational leave by the agency.
- (8) An agency approving an employee for educational leave with pay shall:

- (a) 1. Place the employee on full-time or part-time educational leave at the employee's regular rate of pay; and
- 2. (b) Restore the employee to the position the employee formerly held, to a position of like status and pay, or promote the employee to a higher position upon the employee's successful completion of educational leave; or

(b) (c) Cancel the employee's educational leave and restore the employee to the same or like position if the academic standing of the employee falls below the requirement of Section 4(5) of this administrative regulation.

(9) An employee on full-time leave with pay shall be a full-time student as defined by the institution where [in which] the employee is enrolled.

(10) After satisfactorily completing the educational leave the employee shall:

- (a) Continue employment with the agency:
 - 1. At least one (1) day for each full day of leave used if tuition and other fees are not paid by the agency; or
 - 2. At least one and one-half (1 1/2) days for each full day of leave used if tuition and other fees are paid by the agency; or
- (b) 1. If the employee terminates employment with the agency, repay the agency at the rate of 100 percent of the employee's daily pay or an average of the employee's daily pay during leave,

multiplied by the number of obligated days remaining; and

2. (c) Forfeit all leave rights if the employee accepts public or institutional financial assistance other than that provided by the agency, unless the agency has granted prior approval.

(11) An agency directing an employee to be placed on full-time or part-time educational leave shall:

- (a) Pay the following:
 - 1. The employee's regular rate of pay;
 - 2. Tuition and routine registration fees;
 - 3. Required textbooks [and course supplies];
 - 4. Laboratory and examination fees;
 - 5. Dormitory or housing costs; and
 - 6. Transportation costs to and from the school once per semester;

(b) Restore the employee to the position the employee formerly held, to a position of like status and pay, or promote the employee to a higher position, if qualified, following completion of educational leave; and

(c) Cancel the employee's educational leave and restore the employee to the same or like position if the academic standing of the employee falls below the requirement of Section 4(5) of this administrative regulation.

(12) An employee approved for educational leave without pay shall not incur any service obligation to the agency.

(13) An agency shall maintain an educational leave file on each employee requesting or receiving educational leave.

Section 6. Employment of Relatives. (1) Except as provided in subsections (3) and (4) of this section, an agency shall not employ an individual that is immediately related to the public health department director or to an immediate supervisor.

(2) An individual immediately related to the public health department director or immediate supervisor shall include:

- (a) Spouse;
- (b) Parent;
- (c) Child;
- (d) Brother or sister or the spouse of either of them;
- (e) Grandparent;
- (f) Grandchild;
- (g) Mother[-] or father[-] in-law; or
- (h) Daughter[-] or son-in-law.

(3) If a current employee is in a supervisory relationship with an immediate relative, the employee shall be transferred to another site within the agency with the same job duties, or assigned a different supervisor.

(4) The cabinet may approve the employment of an immediate relative in a case determined to be in the public interest and approved by the board.

Section 7. Agency Facility Ownership. (1) An agency shall not pay rent to the fiscal court if the facility is owned by the fiscal court and was constructed with state funds, agency funds, or local public health tax appropriations.

(2) The agency shall be permitted to remain in the facility owned by the fiscal court rent free for a minimum of twenty (20) years or for the useful life of the facility, whichever is longer.

Section 8. Capital Construction Requirements. (1) An agency requesting state capital construction funds from the cabinet for new construction, building expansion, or renovation shall:

- (a) Submit a letter of request for the project to the cabinet, and if requested, submit one (1) copy of the plans and specifications for the project to the cabinet for review and approval;
- (b) Submit one (1) copy of the plans and specifications, if appropriate, to the Department of Housing, Buildings, and Construction to assure compliance with building and safety codes;
- (c) Provide written assurance to the cabinet that the facility will be constructed in accordance with approved plans and specifications;
- (d) Provide written assurance to the cabinet that a cost overrun or financial commitment above the state grant will be paid by the agency;
- (e) Submit architectural and contractor agreements or contracts

to the cabinet for review prior to implementation;

(f) Provide written assurance to the cabinet that the agency will be allowed to use the facility for a minimum of twenty (20) years rent free or for the useful life of the facility, whichever is longer;

(g) Provide written documentation to the cabinet that the board has approved the awarding of the architectural and contractor agreements;

(h) Provide quarterly progress reports to the cabinet on the status of the project;

(i) Submit a closing report upon completion or close-out of the project; and

(j) Maintain a comprehensive construction file for the useful life of the building which includes:

1. Documents and correspondence relative to the project;
2. Written contracts or agreements; and
3. Progress reports, and financial transactions.

(2) An agency's facilities, whether owned or leased by the agency, shall comply with applicable state and local building, fire and safety codes, and ordinances.

(3) Prior to construction or modification of an x-ray room, the plans and specifications for the construction or modification shall be evaluated by a qualified expert. The Radiation Health Branch of the department shall be contacted regarding compliance requirements.

Section 9. Agency Insurance Requirements. (1) An agency shall maintain current replacement value insurance on:

- (a) A building owned by the agency or board; and
- (b) On the contents of both owned and leased facilities.

(2) An agency shall maintain:

- (a) Public officials' liability insurance for board members;
- (b) General liability insurance for agency staff; and

(c) Fiduciary bonding on staff and board members who handle public funds.

(3) Contracted providers shall attest to current liability coverage under the terms of their contract with the agency.

(4) Contractors of capital construction projects shall:

- (a) Post bid and performance bonds; and
- (b) Carry appropriate liability insurance at levels approved by the board, to cover their contracted responsibilities.

Section 10. Identification of Local Needs. (1) A local needs assessment that describes the prevailing health status and health needs of the population within the local health department's jurisdiction shall be conducted at least once every five (5) years.

(2) The local needs assessment shall be submitted to the Department for Public Health.

(3) The local needs assessment shall include:

- (a) A statement of the health status of the community;
- (b) A description of the process used to determine the health status of the community, including stakeholder involvement throughout the local needs assessment;

(c) A summary of the data used to determine the health status of the community, including:

1. Quantitative data;
2. Qualitative data;
3. Community demographic data; and
4. Identification of health inequities; and

(d) An annual evaluation of the progress of evidence-based and promising practice strategies implemented to address the health status of the community.

(4) A community health assessment may be submitted as a local needs assessment *if provided* it meets the requirements of this section.

Section 11. Days and Hours of Operation. (1) An agency shall post the hours of operation near the main entrance to the agency. The posting shall be plainly visible from the outside.

(2) Except in an emergency situation, an agency shall publicize in advance if the agency is to be closed during regular working hours. The notice shall:

- (a) Be prominently displayed at the main entrance to the agency;
- (b) Indicate where and how staff may be reached; and
- (c) Indicate when offices are expected to reopen.

Section 12. Grievance Policies. (1) An agency shall establish an internal grievance procedure to assure the timely and equitable resolution of a complaint alleging discrimination, unfair, or inappropriate treatment ~~from[of]~~ a member of the public.

(2) In accordance with 7 C.F.R. 246.8, complaints alleging civil rights discrimination for United States Department of Agriculture (USDA) funded programs, such as the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), WIC Farmers Market Nutrition Program, and WIC Breastfeeding Peer Program, shall be referred to or filed with the Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; by fax: (833) 256-1665 or (202) 690-7442; or by email: program.intake@usda.gov. Complaints filed in accordance with this subsection shall be filed within 180 days of the alleged incident. Only the Secretary of the USDA or the secretary's designee *may[can]* waive this timeline for cause.

(3) For all other complaints from a member of the public, an agency grievance procedure shall:

- (a) Protect the rights of the complainant;
- (b) Meet due process requirements;
- (c) Assure compliance with applicable federal laws and administrative regulations governing equal opportunity;
- (d) Designate an employee to coordinate the grievance process; and

(e) Provide for methods of accepting written, verbal, or anonymous complaints.

(4)[(3)] A complaint shall be filed within sixty (60) days of the alleged incident.

(5)[(4)] An agency shall conduct an investigation of the complaint to afford interested or affected parties an opportunity to submit evidence or testimony relevant to the complaint.

(6)[(5)] A written description of the investigation and a description of the resolution shall be issued and a copy forwarded to the complainant and the agency director no later than forty-five (45) calendar days after receipt of the complaint.

(7)[(6)] An agency shall maintain files and records relating to complaints filed.

(8)[(7)] The complainant dissatisfied with the resolution may request reconsideration, within thirty (30) calendar days, by the public health department director or the board.

(9)[(8)] The complaint shall continue through the agency's grievance process even if the complainant is pursuing other state or federal remedies, unless otherwise advised by legal counsel.

(10) Complaints or grievances regarding employment shall be filed according to the agency's personnel policies.

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.

CABINET FOR HEALTH AND FAMILY SERVICES
Office of Inspector General
Division of Health Care
(As Amended at ARRS, December 13, 2022)

902 KAR 20:365. Kentucky abortion-inducing drug certification program and registration of qualified physicians.

RELATES TO: KRS 216B.015, 216B.105, 216B.200 - 216B.210, 311.720(1), 311.7731, 311.7733, 311.7734

STATUTORY AUTHORITY: KRS 216B.202(1), 216B.206

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216B.202(1) requires the cabinet to promulgate administrative regulations in accordance with KRS Chapter 13A to establish a certification program to oversee and regulate the distribution and dispensing of abortion-inducing drugs. KRS 216B.206 requires the cabinet to establish requirements for physicians who prescribe abortion-inducing drugs. KRS 311.7733 requires a physician to be registered with the cabinet before providing abortion-inducing drugs. This administrative regulation establishes requirements for

physicians, manufacturers, distributors, and abortion facilities that prescribe, transport, supply, dispense, or sell abortion-inducing drugs.

Section 1. Definitions.

- (1) "Abortion" is defined by KRS 311.720(1).
- (2) "Abortion facility" is defined by KRS 216B.015(1).
- (3) "Abortion-inducing drug" is defined by KRS 311.7731(2).
- (4) "Cabinet" is defined by KRS 311.7731(5).
- (5) "Distributor" is defined by KRS 311.7731(9).
- (6) "Hospital" is defined by KRS 311.720(7).
- (7) "Manufacturer" is defined by KRS 311.7731(9).
- (8) "Physician" is defined by KRS 311.720(12).
- (9) "Provide" is defined by KRS 311.7731(13).
- (10) "Qualified physician" is defined by KRS 311.7731(14).

Section 2. Physician registration.

- (1) In accordance with KRS 311.7733, only a qualified physician registered with the cabinet may provide abortion-inducing drugs to a pregnant person.
- (2) To be eligible for registration, a qualified physician shall:
 - (a) Demonstrate compliance with KRS 216B.206(1)(a), (c), (m), and (n); and
 - (b) Certify compliance with KRS 216B.206(1)(b), (d) - (l), (o), and (p).

Section 3. Certification of manufacturers, distributors, pharmacies, and abortion facilities.

(1) In accordance with KRS 216B.202 and 216B.204, the following entities shall be certified by the cabinet:

- (a) A manufacturer or distributor that transports, supplies, or sells abortion-inducing drugs;
 - (b) A pharmacy that dispenses abortion-inducing drugs; or
 - (c) A licensed abortion facility.
- (2)
- (a) To be eligible for certification, a manufacturer, distributor, or pharmacy shall:
 1. Demonstrate compliance with KRS 216B.204(2)(a) and (d); and
 2. Certify compliance with KRS 216B.204(2)(b), (c), (d), (e), and (f).

(b) In addition to complying with paragraph (a) of this subsection[above], a pharmacy shall also comply with KRS 216B.204(3) if the U.S. Food and Drug Administration (FDA) and drug manufacturers implement certification programs for pharmacies to dispense abortion-inducing drugs and compliance with KRS 216B.204(3) becomes possible. A pharmacy shall submit evidence of certification by the FDA within 180 days after creation and implementation of the FDA certification program and shall submit evidence of certification by the drug manufacturer within 180 days after creation and implementation of the manufacturer's certification program[to be eligible for certification].

Section 4. Application and fees.

(1) A qualified physician applicant for registration to provide abortion-inducing drugs shall submit to the Office of Inspector General:

(a) A completed Application for Registration to Provide Abortion-Inducing Drugs; ~~and~~

(b) A completed Physician Dispensing Agreement Form; and

~~(c) An accompanying fee in the amount of \$155, made payable to the Kentucky State Treasurer and sent to the Cabinet for Health and Family Services, Office of Inspector General, Division of Health Care, 275 East Main Street 5E-A, Frankfort, Kentucky 40621.~~

(2) A manufacturer, distributor, pharmacy, or abortion facility applicant for certification to transport, supply, sell, or dispense abortion-inducing drugs shall submit to the Office of Inspector General:

(a) A completed Application for Participation in the Abortion-Inducing Drug Certification Program; and

(b) An accompanying fee in the amount of \$155, made payable

to the Kentucky State Treasurer and sent to the Cabinet for Health and Family Services, Office of Inspector General, Division of Health Care, 275 East Main Street 5E-A, Frankfort, Kentucky 40621.

(3) As a condition of annual renewal, the application required by subsections (1) and (2) of this section and a renewal fee in the amount of \$155 shall be submitted to the cabinet at least thirty (30) days prior to the date of expiration of the registration or certification. Renewal fees shall be paid as set out in paragraph (2)(b) of this section.

Section 5. Operations.

(1) A manufacturer, distributor, physician, qualified physician, pharmacy, abortion facility, and any other person shall comply with KRS 311.7733(2) prohibiting the use of courier, delivery, or mail services.

(2) In accordance with KRS 216B.204(1)(c), no person or entity shall intentionally, knowingly, or recklessly ship abortion-inducing drugs to a physician unless the physician is registered with the cabinet pursuant to this administrative regulation and as shown on the Office of Inspector General's Web site: <https://chfs.ky.gov/agencies/os/oig/dhc/Pages/default.aspx>.

(3) In accordance with KRS 216B.204(1)(g), a pharmacy shall not intentionally, knowingly, or recklessly dispense or distribute abortion-inducing drugs directly to a patient in Kentucky.

(4) In accordance with KRS 216B.204(1)(h), manufacturers and distributors shall intentionally and knowingly distribute only to certified pharmacies and in-person dispensing clinics, medical offices, abortion facilities, and hospitals that are in compliance with the United States Federal Drug Administration's outlined Mifepristone Risk Evaluation and Mitigation Strategy in effect on July 14, 2022.

(5) A qualified physician registered with the cabinet shall maintain hospital admitting privileges or enter into a written associated physician agreement as required by KRS 311.7734(1)(b) and comply with all other provisions of KRS 216B.206(2) and 311.7734.

Section 6. Complaints. In accordance with KRS 216B.210, a complaint regarding potential violations of the Abortion-Inducing Drug Certification Program may be submitted on the Office of Inspector General's Web site: <https://chfs.ky.gov/agencies/os/oig/dhc/Pages/default.aspx>.

Section 7. Denial, Suspension, Revocation, and Fines.

(1) The cabinet shall deny an application for registration or certification if:

- (a) The applicant or existing agency knowingly misrepresents or submits false information on the application; or
- (b) The applicant or existing agency fails to provide the information required by the application.

(2) The cabinet shall revoke or suspend certification and impose fines:

(a) In accordance with KRS 216B.208(1)(a) - (e); or

(b) If the cabinet determines that there has been substantial failure to comply with the provisions of this administrative regulation.

(3) If the cabinet determines that there has been substantial failure to comply with the provisions of this administrative regulation, the cabinet shall:

(a) Revoke or suspend registration of a physician and impose fines as set out in KRS 216B.208(1)(e)3.; and

(b) Immediately report the violation to the Kentucky Board of Medical Licensure and local law enforcement in accordance with KRS 216B.208(1) ~~if the cabinet determines that there has been substantial failure to comply with the provisions of this administrative regulation~~.

Section 8. Notice of Adverse Action.

(1) Except as set out in KRS 216B.208(1)(e)[4-], OIG shall provide written notice of adverse action at least thirty (30) calendar days prior to the effective date of the denial or revocation.

(2) In accordance with KRS 216B.208(1)(e)1., the cabinet shall immediately notify a pharmacy, manufacturer, or distributor that its certification is suspended and will be permanently revoked ~~in~~

~~fifteen (15) days~~ if OIG determines that a certified entity has intentionally, knowingly, or recklessly violated KRS 216B.200 to 216B.210 ~~and fails to demonstrate compliance within ninety (90) days~~.

(3) A notice of adverse action issued in accordance with subsection (1) or (2) of this section shall:

(a) Explain the reason for the denial or revocation, and monetary penalty if applicable;

(b) Advise the individual or entity that the right to request an appeal prior to the effective date of the denial or revocation, and monetary penalty if applicable; and

(c) Specify that the adverse action shall be stayed if an appeal is requested.

Section 9. Appeals. An individual or entity that submits a written request for appeal within thirty (30) calendar days of ~~receiving the date the agency receives~~ a notice of adverse action, including revocation, shall be afforded a hearing in accordance with KRS 216B.105.

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form OIG 20-365A, "Application for Registration to Provide Abortion-Inducing Drugs", ~~November~~**[July]** 2022 edition;

(b) Form OIG 20-365B, "Application for Participation in the Abortion-Inducing Drug Certification Program", ~~November~~**[July]** 2022 edition; and

(c) Form OIG 20-365C, "Physician Dispensing Agreement Form", ~~November~~**[July]** 2022 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Inspector General, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the Office of Inspector General's Web site at: <https://chfs.ky.gov/agencies/os/oig/dhc/Pages/lcapplications.aspx>.

CONTACT PERSON: Krista Quarles, Policy Specialist, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES

Office of Inspector General

Division of Health Care

(As Amended at ARRS, December 13, 2022)

906 KAR 1:210. Health care services agencies.

RELATES TO: KRS 216.718 – 216.728, 216.785 – 216.793

STATUTORY AUTHORITY: KRS 216.720(2), 216.728(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 216.720(2) requires the cabinet to promulgate administrative regulations in accordance with KRS Chapter 13A to establish the application process for registration of health care services agencies. KRS 216.728(2) requires the cabinet to promulgate administrative regulations in accordance with KRS Chapter 13A to establish requirements for health care services agencies to submit quarterly reports. This administrative regulation establishes requirements for health care services agency registration and quarterly reporting.

Section 1. Definitions. (1) "Assisted-living community" is defined by KRS 216.718(1).

(2) "Cabinet" is defined by KRS 216.718(2).

(3) "Controlling person" is defined by KRS 216.718(3).

(4) "Direct care service" is defined by KRS 216.718(4).

(5) "Direct care staff" is defined by KRS 216.718(5).

(6) "Health care services agency" is defined by KRS 216.718.

(7) "Hospital" is defined by KRS 216.718(7).

(8) "Long-term care facilities" is defined by KRS 216.718(8).

Section 2. Registration. A health care services agency that refers direct care staff to assisted-living communities, long-term care

facilities, or hospitals in Kentucky shall register with the cabinet as required by KRS 216.720(1).

Section 3. Application and Fees. (1) An applicant for initial registration or annual renewal as a health care services agency shall submit to the Office of Inspector General:

(a) A completed Application for Registration to Operate a Health Care Services Agency; and

(b) In accordance with KRS 216.720(2)(f), an accompanying fee in the amount of \$3,000, made payable to the Kentucky State Treasurer.

(2) As a condition of annual renewal, the application required by subsection (1) of this section shall be submitted to the cabinet at least sixty (60) days prior to the date of expiration of the agency's registration.

(3) In accordance with KRS 216.720(1), each separate location of a health care services agency shall register and obtain a separate registration.

(4)(a) Name change. A health care services agency shall:

1. Notify the Office of Inspector General in writing within ten (10) calendar days of the effective date of a change in the agency's name; and

2. Submit a processing fee of twenty-five (25) dollars.

(b) Change of location. A health care services agency shall not change the location where a facility is operated until an Application for Registration to Operate a Health Care Services Agency accompanied by a fee of ~~\$100[one hundred (100) dollars]~~ is filed with the Office of Inspector General.

(c) Change of ownership.

1. In accordance with KRS 216.720(4), if a controlling person changes, the health care services agency is sold, or the management is transferred, the agency shall submit to the Office of Inspector General a completed Application for Registration to Operate a Health Care Services Agency accompanied by a fee of \$3,000 no later than thirty (30) calendar days from the effective date of the change.

2. A change of ownership shall be deemed to occur if more than twenty-five (25) percent of an existing health care services agency or capital stock or voting rights of the corporation is purchased, leased, or otherwise acquired by one (1) person from another.

Section 4. Scope of Operations. (1) ~~[In accordance with KRS 216.722(1),]~~ A health care services agency shall meet all of the minimum requirements as established in KRS 216.722(1)(a) through (f) relating to documentation, health and qualifications of personnel, professional and general liability insurance, an employee dishonesty bond, worker's compensation, and record retention:

~~(a) Retain documentation that each direct care staff contracted with or employed by the agency meets the minimum licensing, certification, training, and continuing education standards for his or her position;~~

~~(b) Comply with all pertinent requirements relating to the health and other qualifications of personnel employed in:~~

~~1. An assisted-living community;~~

~~2. A long-term care facility; or~~

~~3. A hospital;~~

~~(c) Carry all professional and general liability insurance coverage to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of direct care services by the health care services agency or any direct care staff;~~

~~(d) Carry an employee dishonesty bond in the amount of \$10,000;~~

~~(e) Maintain coverage for workers' compensation for all direct care staff; and~~

~~(f) Retain all records for five (5) calendar years and make all records immediately available to the cabinet upon request.~~

(2) A health care services agency shall demonstrate compliance with:

(a) KRS 216.724;

(b) KRS 216.789; and

(c) KRS 216.793.

Section 5. Quarterly Reports. (1) In accordance with KRS 216.728, a health care services agency shall submit quarterly reports to the cabinet on the Quarterly Report form that ~~includes~~include the following information:

(a) The name, professional licensure or certification, and assigned location for each direct care staff;

(b) The length of time the direct care staff person has been assigned to the assisted-living community, long-term care facility, or hospital and the total hours worked; and

(c) For all long-term care facilities or hospitals that participate in the Medicare and Medicaid programs:

1. Copies of all invoices submitted to the long-term care facility or hospital; and

2. Proof of payment by the long-term care facility or hospital.

(2) The quarterly reports shall be submitted to the cabinet for the preceding calendar quarter by February 1, May 1, August 1, and November 1 of each year.

Section 6. Complaints. In accordance with KRS 216.726, a complaint relating to a health care services agency or direct care staff may be made in accordance with the instructions provided in the complaint information document available for download from the Office of Inspector General's Web site: <https://chfs.ky.gov/agencies/os/oig/dhc/Pages/default.aspx>.

Section 7. Denial, Expiration, Revocation, and Fines. (1) The cabinet shall deny an Application for Registration to Operate a Health Care Services Agency if:

(a) The applicant or existing agency knowingly misrepresents or submits false information on the application;

(b) The applicant or existing agency fails to provide the information and fee required by Section 3(1) of this administrative regulation;

(c) The applicant or existing agency fails to comply with Section 4(1) of this administrative regulation; or

(d) A controlling person in the entity applying for registration was a controlling person in a previously registered health care services agency that had its registration revoked for noncompliance during the five (5) year period immediately preceding the filing of the application.

(2)(a) In accordance with KRS 216.720(4), a health care services agency's registration shall expire one (1) year from the date of issuance.

(b) If the health care services agency fails to renew its registration pursuant to Section 3(2) of this administrative regulation:

1. Its registration shall be cancelled effective one (1) day after the expiration date;

2. The Office of Inspector General shall document the agency's registration as inactive; and

3. The agency shall not continue to refer staff to an assisted-living community, long-term care facility, or hospital in Kentucky until its registration is renewed.

(3) Failure to comply with Section 4(1) of this administrative regulation shall result in the penalties as established in KRS 216.722(2):

~~(a) Revocation of registration; and~~

~~(b) A monetary penalty in the amount of \$25,000.~~

(4) The cabinet shall revoke registration ~~if~~:

(a) In accordance with KRS 216.722(3), ~~the cabinet determines that a health care services agency knowingly provided to an assisted-living community, a long-term care facility, or a hospital direct care staff who have illegally or fraudulently obtained or been issued a diploma, registration, license, certification, or criminal background check~~; or

(b) If the cabinet determines that there has been substantial failure by the health care services agency to comply with the provisions of this administrative regulation or KRS 216.718 – 216.728.

Section 8. Notice of Adverse Action. (1) Except for a violation of KRS 216.722(3), OIG shall provide written notice of adverse action

at least thirty (30) calendar days prior to the effective date of the denial or revocation.

(2) ~~[In accordance with KRS 216.722(3),]~~The cabinet shall immediately notify a health care services agency that its registration will be revoked in fifteen (15) days if the cabinet determines an~~that~~ the agency has knowingly engaged in the conduct described in KRS 216.722(3)~~provided to an assisted-living community, long-term care facility, or a hospital direct care staff who have illegally or fraudulently obtained or been issued a:~~

~~(a) Diploma, registration, license, or certification; or~~

~~(b) Criminal background check.~~

(3) A notice of adverse action issued in accordance with subsection (1) or (2) of this section shall:

(a) Explain the reason for the denial or revocation, and monetary penalty if applicable;

(b) Advise the health care services agency of the right to request an appeal prior to the effective date of the denial or revocation, and monetary penalty if applicable; and

(c) Specify that the adverse action shall be stayed if an appeal is requested.

Section 9. Closure of a Health Care Services Agency. If a health care services agency closes voluntarily or as the result of denial or revocation of the registration, the agency shall relinquish to the cabinet its registration to operate as a health care services agency immediately after the effective date of the closure.

Section 10. Appeals. A health care services agency that submits a written request for appeal within thirty (30) calendar days of the date the agency receives a notice of adverse action, including revocation pursuant to KRS 216.722(3), shall be afforded a hearing in accordance with KRS Chapter 13B.

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

(a) Form OIG 1:210, "Application for Registration to Operate a Health Care Services Agency", August 2022 edition; and

(b) Form OIG 1:210-A, "Quarterly Report", August 2022 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Inspector General, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the Office of Inspector General's Web site at: <https://chfs.ky.gov/agencies/os/oig/dhc/Pages/tcapplications.aspx>.

CONTACT PERSON: Krista Quarles, Policy Specialist, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Family Support
(As Amended at ARRS, December 13, 2022)

921 KAR 2:060. Delegation of power for oaths and affirmations.

RELATES TO: KRS 205.170(1), 42 U.S.C. 601-619

STATUTORY AUTHORITY: KRS 194A.050(1), [205:170(1);] 205.200[; 42 U.S.C. 601-619]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary [of the cabinet] to promulgate administrative regulations necessary under applicable state laws to protect, develop, and maintain the health~~welfare~~, personal dignity, integrity, and sufficiency of the citizens of the commonwealth~~Commonwealth~~ and to operate the programs and fulfill the responsibilities of the cabinet. KRS 205.200 requires the Cabinet for Health and Family Services to administer [the] public assistance titles~~Public Assistance Titles~~ of the Social Security Act, its amendments, and other federal acts and regulations, including

42 U.S.C. 601 to 619, and to provide supplemental payments to persons who are aged, blind, or have a disability. This administrative regulation establishes the designation of certain employees by the secretary of the cabinet to administer oaths and affirmations[.] in conformity with KRS 205.170(1).

Section 1. Specific Worker Designation. The following classifications of employees shall be designated as duly authorized representatives of the Secretary of the Cabinet for Health and Family Services to administer an oath or affirmation to an applicant or recipient:

- (1) Family support specialist[.];
- (2) Case management specialist;
- (3) Public assistance program specialist[Program specialist];
- (4) Field services supervisor;
- (5) Service region administrator associate (SRAA); and
- (6) Service region administrator (SRA).

Section 2. Purpose. An oath or affirmation shall be administered by a designated representative to an applicant or recipient to:

- (1) Obtain a sworn statement regarding a claim that a check issued through a cabinet program has been:
 - (a) Lost;
 - (b) Misplaced; or
 - (c) Stolen;
- (2) Request a replacement check; or
- (3) View a check endorsement.

Section 3. Process. (1) A "PAFS-60, Affidavit" form[.] shall be used if:

- (a) A check is reported lost or stolen to request a replacement check within twelve (12) months of intended receipt; or
- (b) A check endorsement is viewed when a reported lost or stolen check is cashed.
- (2) If the payee reports non-receipt, loss, or theft of a check, the payee shall come into the office to complete a PAFS-60 form within four (4) business[work] days of reporting non-receipt of the check in effort to place a stop payment on the check.
- (3) If the original check has been cashed, a photocopy of the cashed check shall be forwarded to the local office.
 - (a) The payee shall view the endorsement; and
 - (b) If the signature is not that of the payee, the payee shall sign the PAFS-60 form stating the:
 1. Signature on the photocopy is not the payee's signature; and
 2. Payee received no benefit from the cashing of the check.

Section 4. Incorporation by Reference. (1) The "PAFS-60, Affidavit", 12/22/09/22[12/28/15], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbcs/Pages/default.aspx>.

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.

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(As Amended at ARRS, December 13, 2022)**

922 KAR 1:290. Background checks for private child-caring or child-placing staff members.

RELATES TO: KRS 17.165, 17.500-17.580, 199.011, 199.642, Chapters 209, 506, 511, 515, 520, 525, 527, 529, 530, 336.220, 620.050-620.120, 34 U.S.C. 20921, 45 C.F.R. 98.43

STATUTORY AUTHORITY: KRS 194A.050(1), 199.640(5)(a), 199.642(8), 42 U.S.C. 671(a)(20)(D)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary to promulgate administrative regulations necessary to implement programs mandated by federal law, 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 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 the care of the facility or agency, the basic components for a quality program, and any other factors as may be necessary to promote the welfare of children cared for or placed by the agencies and facilities. KRS 199.642(8) requires the cabinet to promulgate an administrative regulation necessary to implement child-caring or child- placing staff member background checks in accordance with 42 U.S.C. 671(a)(20)(D). This administrative regulation establishes background check requirements for child-caring and child-placing staff members, reporting requirements, and appeals.

Section 1. Definitions. (1) "Address check" means a cabinet search of the Kentucky or National Sex Offender Registry to determine if a person's residence is a known address of a registered sex offender.

- (2) "Cabinet" is defined by KRS 199.011(3).
- (3) "Child-caring facility" is defined by KRS 199.011(5).
- (4) "Child-placing agency" is defined by KRS 199.011(6).
- (5) "Kentucky National Background Check Program" or "NBCP" means a background screening program administered by the cabinet in accordance with 906 KAR 1:190.
- (6) "Rap back system" is defined by KRS 199.011(14).
- (7) "Staff member" is defined by KRS 199.642(1).

Section 2. Applicability, Implementation, and Enforcement. (1) This administrative regulation shall apply to child-caring or child-placing providers and their prospective and current staff members.

(2) A person who is a child-caring or child-placing staff member prior to the effective date of this administrative regulation shall submit to and complete background checks in accordance with this administrative regulation no later than July 1, 2023.

(3) A prospective child-caring or child-placing staff member shall complete the background check process required in accordance with this administrative regulation and have been found to have no disqualifying offense prior to becoming a child-caring or child-placing staff member.

(4) To assure timely processing of background checks, the cabinet shall prioritize the processing of background checks for prospective child-caring and child-placing staff members.

(5) A current or prospective child-caring or child-placing staff member shall be subject to background checks in accordance with Sections 3 and 4 of this administrative regulation.

Section 3. Procedures and Payments. (1) To initiate the process of obtaining a background check on a prospective or current child-caring or child-placing staff member, the provider shall:

(a) Request that the staff member provide a copy of his or her driver's license or other government-issued photo identification and verify that the photograph clearly matches the staff member;

(b) Request that the prospective or current staff member complete and sign the:

1. DPP-500, Private Child-Caring or Child-Placing Staff Member Waiver Agreement and Statement; and

2. DPP-501, Disclosures to be Provided to and Signed by the Applicant Private Child-Caring or Child-Placing Staff Member; and

(c) Log on to the NBCP portal and enter the prospective or current staff member's demographic information for a check of the:

1. Child abuse and neglect central registry pursuant to 922 KAR 1:470;

2. National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; and

3. Sex Offender Registry established in accordance with KRS

17.500 through 17.580.

(2)(a) In accordance with KRS 199.642, ~~[KRS]~~336.220, and 42 U.S.C. 671(a)(20)(D), a child-caring or child-placing provider shall submit payment via credit or debit card for a state and national fingerprint-supported criminal history background check performed by the Department of Kentucky State Police (KSP) and the Federal Bureau of Investigation (FBI), including the rap back system. If a staff member is already enrolled in the NBCP and his or her[member's] rap back has not expired, a new fingerprint check shall not be required, but payment shall be required in order to receive a copy of the criminal history report.

(b) A child-caring or child-placing provider enrolled in the Kentucky NBCP shall pay a fee not to exceed twenty-five (25) dollars in addition to any fees charged in accordance with paragraph (a) of this subsection for the actual cost of processing a fingerprint-supported state and national criminal background check and for providing rap back services.

(3) Upon submission of payment in accordance with subsection (2) of this section, the staff member shall:

(a) Have no more than thirty (30) calendar days from the date of payment pursuant to subsection (2) of this section to submit his or her fingerprints at an authorized collection site for NBCP; and

(b) Present his or her driver's license or other government-issued photo identification to the designated agent at an authorized collection site prior to fingerprint submission.

(4) Upon completion of the background checks in accordance with this section and Section 4 of this administrative regulation, the cabinet:

(a) Shall provide notice to the provider within seven (7) business days in accordance with KRS 199.642(5) that the prospective or current staff member is:

1. Eligible for hire or continuation of employment; or

2. Not eligible for hire or continued employment if the prospective or current staff member is found by the cabinet to have a disqualifying background check result in accordance with Section 5 of this administrative regulation;

(b) May release any record of state criminal history found in the files of the Kentucky centralized criminal history record information system to the provider or another entity included on the waiver in accordance with subsection (1)(b) of this section; and

(c) Shall, upon receipt of written request from an applicant, send a copy of a KSP or FBI criminal history report to the prospective or current staff member by certified mail, restricted delivery service. The staff member shall show proof of identity and sign to receive his or her criminal history report from the local post office.

(5) A provider shall not be obligated to employ or offer employment to an individual who has been found by the cabinet to be eligible for hire pursuant to subsection (4)(a)1. of this section.

(6) A staff member may submit a request for a protection and permanency record in accordance with 922 KAR 1:510.

(7)(a) If the NBCP portal is not operational, the cabinet may request a federal waiver that would allow a prospective staff member to undergo a:

1. Child abuse and neglect central registry check pursuant to 922 KAR 1:470;

2. Criminal records check conducted by the Kentucky Justice and Public Safety Cabinet or Administrative Office of the Courts;

3. National Crime Information Center's National Sex Offender Registry check in accordance with 34 U.S.C. 20921; and

4. Sex Offender Registry check in accordance with KRS 17.500 through 17.580.

(b) A background check completed through the NBCP portal shall be required as soon as operational.

Section 4. Checks of Other States. (1) A prospective or current staff member who resides in or has resided in another state within the last five (5) years shall:

(a) Request from each state of current or prior residency, in accordance with the state's laws, policies, and procedures, with a courtesy notice to the cabinet:

1. An in-state criminal records check by:

a. Means of fingerprints for the state of residence; or

b. Any means accepted by a state of prior residency;

2. A check of the state's sex offender registry or repository; and
3. A check of the state-based child abuse and neglect registry and database; and

(b) Direct results of the checks required in paragraph (a) of this subsection to the Department for Community Based Services, Division of Protection and Permanency, 275 East Main Street, 3E-A, Frankfort, Kentucky 40621, or securely send results to privateagencyliaison@ky.gov.

(2) If the prospective or current staff member's current or prior state of residency participates in the FBI's National Fingerprint File Program, the staff member shall be exempt from the requirements of subsection (1)(a)1. of this section.

(3) In accordance with KRS 336.220, a child-caring or child-placing provider shall pay a fee charged by another state for a background check as permitted pursuant to 45 C.F.R. 98.43(f) for a prospective or current staff member.

(4) If another state fails to respond to a check submitted in accordance with subsection (1) of this section within thirty (30) calendar days from the date of the background check's request as verified by the staff member, the cabinet shall:

(a) Process a staff member's background checks and issue notice to the provider in accordance with Section 3(4) of this administrative regulation to ensure compliance with 45 C.F.R. 98.43(e); and

(b) Send notice in accordance with Section 3(4) of this administrative regulation if:

1. Another state provides requested background check results at a later date; and

2. A disqualifying background check result is identified.

Section 5. Disqualifying Background Check Results. (1) Unless a rehabilitative review pursuant to Section 8 of the administrative regulation determines the individual is eligible to be hired, an individual shall be ineligible to be hired or otherwise serve as a staff member if the individual:

(a) Meets a criterion specified in 45 C.F.R. 98.43(c);

(b) Has a felony conviction, entered an Alford plea, a plea of guilty, or a plea of nolo contendere, related to:

1. A spouse, a child, sexual violence, or death as established in 42 U.S.C. 671(a)(2); or

2. Physical abuse, battery, drugs, or alcohol within the five (5) year period prior to the check;

3. KRS Chapter 209, protection of adults;

4. KRS Chapter 506, inchoate offenses;

5. KRS Chapter 511, burglary and related offenses;

6. KRS Chapter 515, robbery;

7. KRS Chapter 520, escape and other offenses relating[offense-related] to custody;

8. KRS Chapter 525, riot, disorderly conduct, and related offenses;

9. KRS Chapter 527, offenses relating to firearms and weapons;

10. KRS Chapter 529, prostitution offenses; or

11. KRS Chapter 530, family offenses, excluding KRS 530.050;

(c) Has a criminal conviction relating to child abuse or neglect;

(d) Has a civil judicial determination related to child abuse or neglect;

(e) Has been found to have:

1. Committed sexual abuse or sexual exploitation of a child; or

2. Been responsible for a child fatality or near fatality related to abuse or neglect;

(f) Has been convicted of, or has entered an Alford plea, a plea of guilty, or a plea of nolo contendere to:

1. A sex or violent crime pursuant to KRS 17.165; or

2. An offense under a criminal statute of the United States or of another state similar to an offense specified in this paragraph;

(g) Is listed on the:

1. Central registry established in accordance with 922 KAR 1:470; or

2. Another state's state-based child abuse and neglect registry or database;

(h) Has an open warrant for a disqualifying offense established in this subsection; or

(i) Has a pending charge for a criminal offense specified in this

subsection.

(2) An individual who has received a pardon for a disqualifying offense, has had the record expunged, or has evidenced dismissal of a warrant or disqualifying charge may serve as a staff member.

(3) Unless there is a pending informal review, rehabilitative review, or appeal in accordance with Section 6 of this administrative regulation, a provider shall be subject to a cabinet action against the provider's license in accordance with 922 KAR 1:305, if the provider employs a staff member who is ineligible for employment pursuant to subsection (1) of this section.

Section 6. Notice of a Disqualifying Background Check Result and Appeals. (1) The cabinet shall notify each prospective or current staff member determined to have a disqualifying background check result in accordance with Section 5 of this administrative regulation.

(2) In addition to the cabinet's notification in accordance with subsection (1) of this section, a provider that receives notice from the cabinet that a prospective or current staff member has been determined to have a disqualifying background check result in accordance with Section 5 of this administrative regulation shall notify the staff member of the cabinet's determination within three (3) business days of receipt of the notice.

(3) A prospective or current staff member who receives notice of having a disqualifying background check result in accordance with Section 5 of this administrative regulation may:

(a) Challenge the accuracy of the cabinet's determination by submitting a written request for informal review, including any information the individual wishes to be considered, to the Department for Community Based Services, Division of Protection and Permanency, 275 East Main Street, 3E-A, Frankfort, Kentucky 40621, within ten (10) calendar days of the date of notice in accordance with subsection (1) of this section; or

(b) Request a rehabilitative review pursuant to Section 8 of this administrative regulation.

(4) Upon completion of an informal review upon request pursuant to subsection (3)(a) of this section, the cabinet shall provide written notice of the cabinet's decision to uphold or rescind the notice of disqualifying background check result to the prospective or current staff member.

(5) A prospective or current staff member may appeal the results of an informal review or a rehabilitative review pursuant to Section 8 of this administrative regulation, in accordance with 922 KAR 1:480.

(6) If a prospective or current staff member wishes to challenge the accuracy of a criminal background check, the cabinet shall refer the individual to the appropriate state or federal law enforcement agency.

(7) If a prospective or current staff member challenges the finding that he or she is the true subject of the results from a registry or repository check, the cabinet shall refer the individual to the agency responsible for maintaining the registry or repository.

Section 7. Termination ~~[or Relocation]~~ of a Staff Member upon Receipt of Notice of a Disqualifying Background Check Result. (1) If a prospective or current staff member has not requested an informal review or a rehabilitative review in accordance with Section 8 of this administrative regulation, the child-caring or child-placing provider shall:

(a) Terminate the staff member no later than ten (10) calendar days after receipt of notice of the cabinet's determination, including the disqualifying background check result; and

(b) Use the NBCP to provide electronic notification to the cabinet affirming the staff member's dismissal within three (3) business days of termination.

(2)(a) If a prospective or current staff member requests an informal review or a rehabilitative review in accordance with Section 8 of this administrative regulation, the child-caring or child-placing provider:

1. May retain the staff member pending resolution of the informal review or rehabilitative review; and

2. Shall ensure that the staff member:

a. Is subject to direct, onsite supervision; or

b. Does not have duties or proximity that involves one-on-one contact with a child in care.

(b) A provider shall terminate the staff member if the:

1. Informal review upholds the cabinet's determination of a disqualifying background check result, or the rehabilitative review committee does not grant a waiver; and

2. Staff member does not request an administrative hearing in accordance with Section 6(5) of this administrative regulation, in which the provider shall terminate the staff member no later than the thirty-first calendar day following written notice of the results of the informal review or rehabilitative review.

(c) If a staff member requests an administrative hearing in accordance with Section 6(5) of this administrative regulation to appeal the decision from an informal review or rehabilitative review, the provider:

1. May retain the staff member pending the appeal's resolution if the staff member:

a. Remains subject to direct, onsite supervision; or

b. Does not have duties or proximity that involves one-on-one contact with a child in care; and

2. Shall terminate the staff member no later than the thirty-first calendar day from the issuance of the final order if the staff member does not prevail.

(d) Using the NBCP, the provider shall provide electronic notification to the cabinet affirming the individual's dismissal within three (3) business days of the termination.

Section 8. Rehabilitative Review. (1)(a) A prospective or current staff member found to have a disqualifying background check result shall be eligible for consideration of rehabilitation under an independent review process.

(b) Consideration of a disqualifying background check result under the rehabilitative review process described in this section shall not apply to:

1. A disqualifying felony offense that occurred less than ten (10) years prior to the date of the criminal background check;

2. Any disqualifying felony or misdemeanor offense related to abuse, neglect, or exploitation of a child;

3. Registration as a sex offender under federal law or under the law of any state;

4. A sex or violent crime as defined by KRS 17.165; or

5. A child abuse and neglect substantiated finding that:

a. Occurred less than seven (7) ~~five (5)~~ years prior to the date of the registry check; or

b. Involved:

(i) Sex abuse or sex exploitation of a child;

(ii) A child fatality related to abuse or neglect; or

(iii) A near fatality of a child related to abuse or neglect.

(2)(a) A prospective or current staff member may submit a written request for a rehabilitative review to the cabinet no later than fourteen (14) calendar days from the date of the notice of the cabinet's determination issued pursuant to Section 3(4) or 6(4) of this administrative regulation regarding a determination of a disqualifying background check result.

(b) If a prospective or current staff member requests a rehabilitative review, the staff member:

1. May be retained by the provider pending the rehabilitative review; and

2. Shall be subject to restrictions and termination in accordance with Section 7 of this administrative regulation.

(3) The request for a rehabilitative review shall include the following information:

(a) A written explanation of each disqualifying background check result, including:

1. A description of the events related to the disqualifying background check result;

2. The number of years since the occurrence of the disqualifying background check result;

3. The age of the individual at the time of the disqualifying background check result; and

4. Any other circumstances surrounding the disqualifying background check result;

(b) Official documentation showing that all fines, including court-imposed fines or restitution, have been paid or documentation showing adherence to a payment schedule, if applicable;

(c) The date probation or parole was satisfactorily completed, if applicable;

(d) Employment and character references, including any other evidence demonstrating the ability of the individual to perform the employment responsibilities and duties competently; and

(e) Evidence that the individual has pursued or achieved rehabilitation with regard to a disqualifying background check result.

(4) A rehabilitative review shall be conducted by a committee of three (3) employees of the cabinet, none of whom were responsible for determining that the individual has a disqualifying background check result.

(5) The committee shall consider the information required under subsection (3) of this section, and shall also consider mitigating circumstances including:

(a) The amount of time that has elapsed since the disqualifying background check result;

(b) The lack of a relationship between the disqualifying background check result and the position for which the individual has applied; and

(c) Evidence that the applicant has pursued or achieved rehabilitation with regard to the disqualifying background check result.

(6) No later than thirty (30) calendar days from receipt of the written request for the rehabilitative review, the cabinet shall send the committee's determination on the rehabilitation waiver to the prospective or current child care staff member.

(7) The decision of the committee shall be subject to appeal in accordance with Section 6(5) of this administrative regulation.

(8) A provider shall not be obligated to accept an individual who is granted a waiver pursuant to this section as a staff member.

Section 9. Status of Employment. (1) A provider shall maintain the employment status of each staff member who has submitted to a fingerprint-based criminal background check by reporting the status using the NBCP Web-based system.

(2) The cabinet shall inspect a provider to verify conformity with this administrative regulation.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "DPP-500, Private Child-Caring or Child-Placing Staff Member Waiver Agreement and Statement", 04/2022; and

(b) "DPP-501, Disclosures to be Provided to and Signed by the Applicant Private Child-Caring or Child-Placing Staff Member", 04/2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbcs/Pages/default.aspx>.

MARTA MIRANDA-STRAUB, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: September 7, 2022

FILED WITH LRC: September 12, 2022 at 12:50 p.m.

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.

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Community Based Services

Division of Protection and Permanency

(As Amended at ARRS, December 13, 2022)

922 KAR 1:350. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.

RELATES TO: KRS 2.015, 61.870-61.884, 194A.005(1), [194A.050(1),] 194A.060, 199.011, [199.472(1),] 202A.011(12), [258.015, 258.035, 311.720(12), 311.840(3), 314.011(5), (7), (9), 527.100, 527.110, 600.020, 605.090, [605.100(4),] 610.110, 620.030, 620.050, 620.140(1)(d), 620.360, 620.363, Chapter 625, 16 C.F.R. 1219-1220, 1632-1633, 42 C.F.R. 435.407, 45 C.F.R. Parts 160, 164, 8 U.S.C. 1151, 1181, 42 U.S.C. 671, 672[677]

STATUTORY AUTHORITY: KRS 194A.050(1), 199.472(1), 605.100(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of [Secretary for] the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet and to implement programs mandated by federal law or to qualify for the receipt of federal funds. KRS 605.100(1) requires the cabinet to arrange programs designed to provide for classification, segregation, and specialized treatment of children according to their respective problems, needs, and characteristics. KRS 199.472(1) requires the cabinet to promulgate administrative regulations to establish the process of determining an applicant's capacity for foster or adoptive parenthood. This administrative regulation establishes criteria for public agency foster homes, adoptive homes, and respite care providers caring for foster or adoptive children.

Section 1. Definitions. (1) "Adoptive home" means a home in which a parent is approved by the cabinet to provide services as specified in Section 2(12) of this administrative regulation.

(2) "Applicant" means an individual or family subject to approval by the cabinet as a foster or adoptive home.

(3) "Cabinet" is defined by KRS 194A.005(1) and 600.020(7).

(4) "Care Plus" means a foster care program for a child who is determined to have specialized care needs as specified in Section 5 of this administrative regulation.

(5) "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.

(6) "Child specific foster home" means an individual or family subject to approval by the cabinet as a foster family home for a relative or fictive kin placement.

(7) "Child with medical complexity" means a child who has a medical condition in accordance with Section 4(1)(b) of this administrative regulation.

(8) "Commissioner" means commissioner of the Department for Community Based Services.

(9) "Department" means the Department for Community Based Services.

(10) "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) If referring to an individual, any individual approved as a foster parent by the cabinet to provide services as specified in Section 2(12) of this administrative regulation.

(11) "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.

(12) "Home study" means an assessment done on a prospective foster or adoptive home by a social services worker.

(13) "Independent living services" means services provided to an eligible child to assist the child in the natural progression from adolescence to adulthood~~[transition from the dependency of childhood to living independently]~~.

(14) "Placement" means the physical change in the location and living arrangement of a child in the custody of the cabinet removed from the child's home of origin.

(15) "Respite care" means temporary care provided by a provider, as specified in Section 17 of this administrative regulation, to meet the needs of the child or provide relief to the foster or adoptive parents with the expectation of a child's return to the current foster or adoptive home.

Section 2. General Requirements for a Foster or Adoptive Parent. (1)(a) Unless an exception is approved pursuant to paragraph (b) of this subsection by designated cabinet staff, a foster or adoptive parent applicant shall be at least twenty-one (21) years of age.

(b) A foster or adoptive parent applicant between eighteen (18) and twenty-one (21) years of age may be approved as a foster or adoptive parent if:

1. The foster or adoptive parent applicant is related to the child under the custodial control of the cabinet;
2. The foster or adoptive parent applicant can meet the needs of the child; and
3. Cabinet staff determines the placement is in the best interest of the child.

(2) A foster or adoptive parent applicant shall provide proof of the applicant's United States citizenship or legal immigrant status, as described in 8 U.S.C. 1151, 8 U.S.C. 1181, and 42 C.F.R. 435.407.

(3) A department employee who provides protection and permanency services may apply to adopt a child in the care and custody of the cabinet if the commissioner approves the employee to adopt and the adoption is in the best interest of the child.

(4)(a) A department employee who provides protection and permanency services shall be approved as a respite care provider or foster parent for a child in the care and 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 employment.

(b) If approval is granted, the department shall:

1. Ensure the employee completes pre-service training outside the region of employment;
2. Assign a social services worker outside of the applicant employee's region of employment to complete the home study;
3. Maintain the case outside of the applicant employee's region of employment; and
4. Ensure that the employee shall not accept the placement of a child from within the region of employment unless:
 - a. The employee is related to the child; or
 - b. 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.

(5) A married couple may apply to become foster or adoptive parents.

(6) A single, unmarried person may apply to become a foster or adoptive parent.

(7) The decision to foster or adopt a child shall be agreed to by each adult member of the applicant's household.

(8)(a) Each foster or adoptive applicant and adult member of the applicant's family shall submit a DPP-107, Health Information Required for Foster or Adoptive Parents, Applicants, or Adult Household Members, completed:

1. By a health professional who is not a member of the applicant's household, based upon health information within the past year, documenting:
 - a. 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; and

b. That there are no known health factors that would interfere with the applicant's ability to become a foster or adoptive parent;

2. As part of:

- a. The initial application;
- b. The reevaluation; or
- c. A foster or adoptive home review pursuant to Section 13 of this administrative regulation; and

3. By all household members in which the household member discloses mental health and substance abuse issues, including any history of drug or alcohol abuse or treatment.

(b) The department 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 in a household member.

(9) Each foster or adoptive parent applicant shall submit a DPP-108, Health Information Required for Foster or Adoptive Parents or Applicants Regarding Dependent Children, for each child member of the applicant family.

(10) A foster or adoptive parent applicant shall have a source of income:

- (a) Sufficient to meet the applicant's household expenses; and
- (b) Separate from:
 1. Foster care reimbursement; or
 2. Adoption assistance.

(11) Unless specified in a contract between the cabinet and a child welfare agency that provides foster care services, a foster or adoptive parent shall accept a child for foster care only from the cabinet.

(12) An approved foster or adoptive parent shall be willing to:

- (a) Provide foster care services for a child placed in out-of-home care by the cabinet;
- (b) Adopt a child:
 1. Whose parent's parental rights have been terminated; and
 2. Who is under the custodial control of the cabinet;
- (c) Provide respite care for a child under the custodial control of the cabinet; or
- (d) Provide any combination of the services described in paragraphs (a) through (c) of this subsection.

(13) A foster or adoptive applicant shall provide to the cabinet:

- (a) 1. The names of three (3) personal references including:
 - a. One (1) relative reference; and
 - b. Two (2) non-relative references.
2. The references required by subparagraph 1. of this paragraph shall:
 - a. Be interviewed by cabinet staff in person or by telephone; or
 - b. Provide letters of reference for the applicant; and
- (b) Two (2) credit references or a credit report.

(14) Unless a documented exception exists and is approved by designated cabinet staff due to inaccessibility, each adult child of the foster or adoptive parent applicant who does not live in the home shall be interviewed by cabinet staff in person or by telephone regarding the applicant's parenting history.

(15) If applicable, verification shall be obtained from the foster or adoptive parent applicant regarding:

- (a) Previous divorce;
- (b) Death of a spouse; and
- (c) Present marriage.

(16) A foster or adoptive parent applicant who does not have custody of his or her own child shall provide:

- (a) A copy of the visitation order, if applicable;
- (b) A copy of the child support order, if applicable; and
- (c) Proof of current payment of child support, if applicable.

(17) A foster or adoptive parent applicant and any member of the applicant's household shall submit to the background checks required by 922 KAR 1:490.

(18) The cabinet shall perform background checks in accordance with criteria established in 922 KAR 1:490.

Section 3. Home Environment. (1) The foster or adoptive parent shall request written approval from designated cabinet staff to provide services as a:

- (a) Certified provider of supports for community living in accordance with 907 KAR 12:010;

(b) Certified family child care home in accordance with 922 KAR 2:100; or

(c) Provider of child-care center services in accordance with 922 KAR 2:090.

(2) If the foster or adoptive home adjoins a place of business open to the public, potential negative impact on the family and the child shall be examined including the:

- (a) Hours of operation;
- (b) Type of business; and
- (c) Clientele.

(3) The foster or adoptive parent shall have access to:

(a) Reliable transportation **that meets the child's needs, including restraint requirements pursuant to KRS 189.125;**

- (b) School;
 - (c) Recreation;
 - (d) Medical care; and
 - (e) Community facilities.
- (4) A foster or adoptive parent who drives shall:
- (a) Possess a valid driver's license;
 - (b) Possess proof of liability insurance; and
 - (c) Abide by passenger restraint laws.

(5)(a) More than four (4) children, including the foster or adoptive parent's own children, shall not share a bedroom, with thorough consideration given to each child's age, gender, and background.

(b) Children of different genders over the age of five (5) shall not share a bedroom except as approved by designated department staff if:

1. Necessary to facilitate the placement of a sibling group or children who are related and share a sibling-like relationship, such as cousins; and

2. There are no high-risk behaviors.

(6) Each child shall have:

(a) A separate bed that is age and size appropriate for the child; or

(b) If the child is under age one (1), a crib that meets Consumer Products Safety Commission standards pursuant to 16 C.F.R. 1219-1220.

(7) A child's mattress shall:

(a) Meet current Consumer Products Safety Commission Standards in 16 C.F.R. Parts 1632 and 1633;

(b) Be in good repair; and

(c) Have a clean fitted sheet that shall be changed:

- 1. Weekly; or
- 2. Immediately if it is soiled or wet.

(8) Except as approved by designated cabinet staff, a foster or adoptive parent shall not share a bedroom with a child under the custodial control of the cabinet unless necessary due to the needs of the child.

(9) A bedroom used by a child under the custodial control of the cabinet shall be comparable to other bedrooms in the house.

(10) The physical condition of the foster or adoptive home shall:

- (a) Not present a hazard to the safety and health of a child;
- (b) Be well heated and ventilated;
- (c) Comply with state and local health requirements regarding water and sanitation;

(d) Provide access to indoor and outdoor recreation space appropriate to the developmental needs of a child placed in the foster or adoptive home;

(e) Provide functioning kitchen facilities; and

(f) Provide a functioning bathroom, including a:

- 1. Toilet;
- 2. Sink; and
- 3. Bathtub or shower.

(11) The following shall be inaccessible to a child:

(a) Medication, unless an exception is granted pursuant to subsection (12) of this section;

(b) Alcoholic beverage;

(c) Poisonous or cleaning material;

(d) Ammunition; and

(e) Firearms in accordance with KRS 527.100 and 527.110.

(12) An exception may be provided by designated cabinet staff to subsection (11)(a) of this section if:

(a)1. The child is approved by a health care professional to self-

administer medicine under the supervision of the foster or adoptive parent; 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

(b) Measures are taken to prevent unauthorized access by another child in the same home.

(13) Any household animal shall be vaccinated in accordance with KRS 258.015 and 258.035.

(14) A dangerous animal shall not be allowed near the child.

(15) First aid supplies shall be available and stored in a place easily accessible to an adult.

(16) A working telephone shall be accessible.

(17) The home shall be equipped with a working smoke alarm within ten (10) feet of each bedroom and on each floor of the home.

(18) A home with gas heating or appliances shall be equipped with a working carbon monoxide detector.

(19) Safety precautions related to an accessible swimming pool or body of water shall be documented, if applicable.

Section 4. Medically Complex Foster or Adoptive Home. (1) An applicant shall be approved by cabinet staff as a medically complex home if the foster or adoptive parent:

(a) Meets the requirements in Sections 2 and 3 of this administrative regulation, except for Section 2(10), which may be considered as an exclusion on a case-by-case basis by designated cabinet staff based on the best interests or needs of the child;

(b) Cares for a child in the custody of the cabinet who is determined to be medically complex by designated cabinet staff due to:

1. Significant medically oriented care needs related to a serious illness or condition diagnosed by a health professional that may become unstable or change abruptly, resulting in a life-threatening event;

2. A chronic condition that is expected to be life-long and progressive and to require extensive services;

3. An acute, time-limited condition requiring additional oversight; or

4. A severe disability that requires the routine use of medical devices or assistive technology to compensate for the loss of a vital body function needed to participate in activities of daily living and significant and sustained care to avert death or further disability;

(c) Is a primary caretaker who is not employed outside the home, except as approved by designated cabinet staff and based on the needs of the child;

(d) Completes training in accordance with 922 KAR 1:495, Section 4;

(e) Receives training with documentation of completion from a health professional or a previous caregiver that was trained by a health professional in how to care for the specific child with medical complexity who shall be placed in the foster or adoptive parent's care;

(f) Maintains current certification in:

- 1. Infant, child, and adult CPR; and
- 2. First aid; and

(g) Has a home within:

1. One (1) hour of a medical hospital with an emergency room; and

2. Thirty (30) minutes of a local medical facility.

(2) Except for a sibling group or unless approved by designated cabinet staff in accordance with Section 16 of this administrative regulation, more than four (4) children, including the foster or adoptive parent's own children, shall not reside in a medically complex foster or adoptive home.

(3) Unless an exception is approved pursuant to Section 16(2) of this administrative regulation and a medically complex foster or adoptive home has daily support staff to meet the needs of a child with medical complexity:

(a) A one (1) parent medically complex foster or adoptive home shall:

1. Not care for more than one (1) child with medical complexity; and

2. Demonstrate access to available support services; and

(b) A two (2) parent medically complex foster or adoptive home shall:

1. Not care for more than two (2) children with medical complexity; and

2. Demonstrate access to available support services.

(4) Unless an exception pursuant to Section 16(2) of this administrative regulation is approved, a child with medical complexity shall be placed in an approved medically complex foster or adoptive home.

(5) Unless the home is closed pursuant to Section 14 of this administrative regulation, an approved medically complex foster or adoptive parent shall receive reapproval by the cabinet as a medically complex home if the parent:

(a) Annually completes training specified in 922 KAR 1:495, Section 4; and

(b) Continues to meet the requirements of this section.

(6) An approved medically complex foster or adoptive parent shall cooperate in carrying out the child's health plan.

Section 5. Care Plus Home. (1) An applicant shall be approved by cabinet staff as a care plus parent if the foster or adoptive parent:

(a) Meets the requirements of Sections 2 and 3 of this administrative regulation, except for Section 2(10) which may be considered as an exclusion on a case-by-case basis by designated cabinet staff based on the best interests or needs of the child;

(b) Agrees to care for a child in the custody of the cabinet approved by cabinet staff as a care plus child because the child:

1. Has a diagnosed emotional or behavioral problem;
2. Is due to be released from a treatment facility;
3. Displays aggressive, destructive, or disruptive behavior;
4. Is at risk of being placed in a more restrictive setting;
5. Is at risk of institutionalization; or
6. Has experienced numerous placement failures;

(c) Is a primary caretaker who is not employed outside the home, unless the cabinet determines that the child's needs continue to be met;

(d) Completes training in accordance with 922 KAR 1:495, Section 6;

(e) Agrees to maintain a weekly record of the care plus child's activities and behaviors; and

(f) Agrees to attend case planning conferences.

(2) Unless an exception is approved pursuant to Section 16(2) of this administrative regulation and the care plus home parent can demonstrate access to available support services:

(a) No more than four (4) children, including the foster or adoptive parent's own children, shall reside in a care plus home;

(b) A one (1) parent care plus home shall not care for more than one (1) care plus child as described in subsection (1)(b) of this section; and

(c) A two (2) parent care plus home shall not care for more than two (2) care plus children as described in subsection (1)(b) of this section.

(3) Unless the home is closed pursuant to Section 14 of this administrative regulation, an approved care plus foster or adoptive parent shall receive reapproval by the cabinet as a care plus home, if the parent:

(a) Annually completes training in accordance with 922 KAR 1:495, Section 6;

(b) Submits to a review of the parent's:

1. Strengths and needs;
2. Records maintained on services provided to the child; and
3. Ability to meet the goals established for the child; and

(c) Continues to meet the requirements of this section.

Section 6. Preparation and Selection of a Foster or Adoptive Home. (1) The cabinet shall recruit a foster or adoptive home and approve the home prior to the placement of a child, except in the case of a child specific placement with a relative or fictive kin caregiver.

(2) Upon recruitment of a foster home, the cabinet shall register the foster home in the foster care registry within fourteen (14) days.

(3) Prior to approval as a foster or adoptive parent, the cabinet

shall check the foster care registry for information relating to a previous closure or corrective action.

(4) If an applicant previously approved to foster or adopt by a child-placing agency or the cabinet was:

(a) Closed pursuant to 922 KAR 1:310 or Section 14 of this administrative regulation, the home shall be reviewed by the cabinet, including reviewing agency records relating to the cause for closure, and may be approved[reopened] and operated as a cabinet foster home; or

(b) Under a corrective action plan issued by a child-placing agency or the cabinet prior to closure, the cabinet shall review and approve the home study prior to the home being approved[reopened].

(5) Prior to approval as a foster or adoptive parent, an applicant shall complete training requirements in accordance with 922 KAR 1:495.

(6)[(3)] If a new adult moves into an approved foster or adoptive home where a child is already placed by the cabinet, the child may remain and additional children may be placed if the new adult:

(a) Completes training in accordance with subsection (5)[(2)] of this section within six (6) months of entering the home; and

(b) Meets the requirements specified in Sections 2 and 3 of this administrative regulation.

(7)[(4)] An adult child or incapacitated person who resides in the foster or adoptive home shall not be required to complete training in accordance with 922 KAR 1:495 if that individual shall not be responsible for routine daily care of a child placed in the home by the cabinet.

(8)[(5)] The cabinet shall not be obligated to grant foster or adoptive home approval or placement of a specific child to an individual or family that completes pre-service training.

(9)[(6)] In addition to completion of training in accordance with 922 KAR 1:495, at least two (2) family consultations shall be conducted by cabinet staff in the home of an applicant, to include:

(a) Documentation that the requirements in Sections 2 and 3 of this administrative regulation have been met;

(b) Documentation that a personal interview with each member of the applicant's household has been completed;

(c) Discussion of the attitude of each member of the applicant's household toward placement of a child;

(d) Observation of the functioning of the applicant's household, including interpersonal relationships and patterns of interaction; and

(e) Assurance that the applicant is willing to accept a child's relationship with the child's family of origin.

(10)[(7)] An applicant approved as a foster or adoptive parent or respite care provider by another state or by a child-placing agency as defined in KRS 199.011(6) shall:

(a) Meet the requirements provided within Sections 2 and 3 of this administrative regulation;

(b) Be assessed by cabinet staff to ascertain the applicant's level of skill as a potential Kentucky foster or adoptive parent;

(c) Provide verification of the closure and a statement to indicate whether the closure was at the request of the foster or adoptive parent, the other state, or the agency; and

(d) Not be required to complete training in accordance with 922 KAR 1:495 for approval as a Kentucky foster or adoptive parent if cabinet staff:

1. Determine that the applicant possesses the necessary skills for fostering; and
2. Obtain records and recommendation from the other state or child-placing agency.

(11)[(8)] Following initial training as specified in 922 KAR 1:495, if cabinet staff determines that an applicant or adult household member lacks the necessary skills to become a foster or adoptive parent, an individualized training curriculum shall be developed to fulfill unmet training needs.

(12)[(9)](a) A foster or adoptive parent shall request the recommendation of cabinet staff prior to enrolling in training specified in 922 KAR 1:495, Section 4(1) or 6(1); and

(b) Cabinet staff may recommend the foster or adoptive parent to receive training specified in 922 KAR 1:495, Section 4(1) or 6(1), if the parent possesses the aptitude to care for a child described in Section 4(1)(b) or 5(1)(b) of this administrative regulation.

Section 7. Completion of the Foster or Adoptive Approval Process. (1) Designated cabinet staff in a supervisory role shall approve a foster or adoptive applicant if:

- (a) The applicant provides written and signed information pertaining to family history and background;
- (b) The applicant completes training requirements as required by 922 KAR 1:495;
- (c) The information required in Section 2(8) through (10) and (13) through (17) of this administrative regulation has been obtained, unless a waiver has been granted for a child specific placement with a relative or fictive kin caregiver;

(d) Background checks have been completed pursuant to 922 KAR 1:490 and did not result in a disqualifying background check result;

(e) Designated cabinet staff recommends approval; and
~~(f)(e)}~~ The applicant's ability to provide a foster, adoptive, or respite care service is consistent with the:

- 1. Cabinet's minimum foster or adoptive home requirements established in this administrative regulation; and
- 2. Needs of the families and children served by the cabinet.

(2) If the designated cabinet staff determines that an applicant does not meet the minimum requirements for approval as a foster or adoptive parent, the cabinet shall:

(a) 1. Recommend [recommend] that the applicant withdraw the application; or

2. Deny the application pursuant to Section 8 of this administrative regulation; and

(b) Document the recommendation or denial in the foster care registry [request].

Section 8. Denial of a Foster or Adoptive Home Application [Request]. (1) Designated cabinet staff shall notify an applicant, in writing, if the application [request] to become a foster or adoptive parent is not recommended or denied for one (1) of the following reasons:

(a) The applicant is unwilling to withdraw the application [request] to become a foster or adoptive parent after receiving a recommendation to withdraw; or

(b) The applicant desires to adopt, but is unwilling to adopt a child under the custodial control of the cabinet.

(2) If the foster or adoptive applicant disagrees with the cabinet's recommendation to not accept the applicant as a foster or adoptive home or denial, designated cabinet staff shall review the application[request] to become a foster or adoptive parent and issue a final written determination regarding the cabinet's recommendation or denial.

(3) Cabinet staff shall enter information regarding the recommendation, denial, and final determination, if written, into the foster care registry.

Section 9. Expectations of a Foster or Adoptive Home. A foster or adoptive home providing services for a child in the custody of the cabinet shall:

(1) Provide a child placed by the cabinet 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) Educational opportunities;
- (g) Nonmedical transportation;
- (h) Independent living services for a child age fourteen (14)[twelve (12)] and older;

(i) Opportunities for development consistent with their religious, ethnic, and cultural heritage;

(j) Adequate supervision; and

(k) Refraining from smoking in the direct presence of a child for whom the child's physician recommends, in writing, a smoke-free environment.

(2) Permit cabinet staff to visit;

(3) Share with cabinet staff pertinent information about a child placed by the cabinet;

(4) Comply with the general supervision and direction of the cabinet concerning the care of a child placed by the cabinet;

(5) Report immediately to the cabinet if there is a:

(a) Change of address;

(b) Hospitalization or life-threatening accident or illness of a child placed by the cabinet;

(c) Change in the number of people living in the home;

(d) Significant change in circumstances in the foster or adoptive home, such as income loss, marital separation, or other household stressor;

(e) Child placed in the home that is absent without official leave;

(f) Suicide attempt of a child placed by the cabinet; or

(g) Criminal activity by the child placed by the cabinet;

(6) Notify the cabinet if:

(a) Leaving the state with a child placed by the cabinet for more than twenty-four (24) hours; or

(b) A child placed by the cabinet is to be absent from the foster or adoptive home for more than twenty-four (24) hours;

(7) Cooperate with the cabinet if a contact is arranged by cabinet staff between a child placed by the cabinet and the child's birth family including:

(a) Visits;

(b) Telephone calls; or

(c) Mail;

(8) Surrender a child to the authorized representative of the cabinet upon request;

(9) Keep confidential all personal or protected health information as shared by the cabinet, in accordance with KRS 194A.060, 620.050, and 45 C.F.R. Parts 160 and 164 concerning a child placed by the cabinet or the child's birth family;

(10) Support an assessment of the service needs of a child placed by the cabinet;

(11) Participate in case-planning conferences concerning a child placed by the cabinet;

(12) Cooperate with the implementation of the permanency goal established for a child placed by the cabinet;

(13) Notify the cabinet at least fourteen (14) calendar days in advance of the home's intent to become certified to provide foster care or adoption services through a private child-placing agency in accordance with 922 KAR 1:310;

(14) Treat a child placed by the cabinet with dignity;

(15) Arrange for respite care services in accordance with Section 10(5) of this administrative regulation;

(16) Ensure that a child in the custody of the cabinet receives the child's designated per diem allowance;

(17) Facilitate the delivery of medical care to a child placed by the cabinet as needed, including:

(a) Administration of medication to the child and daily documentation of the medication's administration; and

(b) Physicals and examinations for the child;

(18) Report suspected incidents of child abuse, neglect, and exploitation in accordance with KRS 620.030;

(19) Comply with KRS 620.360(2);

(20) Be informed of and comply with KRS 620.363;

(21) Have appeal rights in accordance with 922 KAR 1:320; and

(22)[(24)] Demonstrate functional literacy.

Section 10. Reimbursements for Foster Homes. (1) Types of per diem reimbursement. The cabinet shall approve a foster home as specified in Sections 2 and 3 of this administrative regulation and authorize a per diem reimbursement as established in this subsection.

(a) A child specific per diem reimbursement shall be made to a foster home that:

1. Has been approved pursuant to Section 7 of this administrative regulation; and

2. Meets initial training requirements for a child specific foster home.

(b) A basic per diem reimbursement shall be:

1. Based on the age of a child placed by the cabinet in the foster home; and

2. Made to the foster home that meets annual training requirements in accordance with 922 KAR 1:495, Section 3.

(c) An advanced per diem reimbursement shall be:

1. Made to a foster home that has:

a. Been approved for two (2) years as a foster or adoptive parent; and

b. Met training requirements in accordance with 922 KAR 1:495, Section 3; and

2. Based on the age of the child placed by the cabinet.

(d) A basic medically complex per diem reimbursement shall be made to a foster parent who:

1. Meets criteria specified in Section 4 of this administrative regulation; and

2. Provides for the care of a child with medical complexity.

(e) An advanced medically complex per diem reimbursement shall be made to a foster parent who:

1. Meets criteria specified in Section 4 of this administrative regulation;

2. Has been approved for one (1) year~~[two (2) years]~~ as a medically complex foster or adoptive parent;

3. Has met training requirements in accordance with KRS 922 KAR 1:495, Section 3; and

4. Provides for the care of a child with medical complexity.

(f) A degreed medically complex per diem reimbursement shall be made to a foster parent who:

1. Meets criteria specified in Section 4 of this administrative regulation;

2. Maintains a current license as a health professional; and

3. Provides for the care of a child with medical complexity.

(g) A basic care plus foster home per diem reimbursement shall be made to a foster parent who:

1. Meets criteria specified in Section 5 of this administrative regulation; and

2. Provides for the care of a child described in Section 5(1)(b) of this administrative regulation.

(h) An advanced care plus foster home per diem reimbursement shall be made to a foster parent who:

1. Meets criteria specified in Section 5 of this administrative regulation;

2. Has been approved for one (1) year~~[two (2) years]~~ as a care plus foster or adoptive parent;

3. Has met training requirements in accordance with 922 KAR 1:495, Section 3(1); and

4. Provides for the care of a child described in Section 5(1)(b) of this administrative regulation.

(i) A specialized medically complex per diem reimbursement shall be made to a foster parent who:

1. Meets criteria specified in Section 4 of this administrative regulation; and

2. Provides for the care of a child with medical complexity determined by designated cabinet staff to meet specialized medically complex criteria due to a required higher level of medical care or oversight, which may also include behavioral or emotional needs related to the medical condition.

(j) A degreed specialized medically complex per diem reimbursement shall be made to a foster parent who:

1. Maintains a current license as a health professional;

2. Meets criteria specified in Section 4 of this administrative regulation; and

3. Provides for the care of a child with medical complexity determined by designated cabinet staff to meet specialized medically complex criteria due to a required higher level of medical care or oversight, which may also include behavioral or emotional needs related to the medical condition.

(k) Upon placement of a child by the cabinet, a per diem reimbursement shall:

1. Be specified in a contract between an approved foster home and the cabinet; and

2. Provide for the care of a child placed by the cabinet, to include:

- a. Housing expenses;
- b. Food-related expenses;
- c. Nonmedical transportation;

d. Clothing;

e. Allowance;

f. Incidentals;

g. Babysitting, excluding childcare authorized in subsection

(4)(b) of this section;

h. Sports, recreation, and school activities;

i. One (1) day of respite care per child per month; and

j. School expenses.

(2) Medical coverage.

(a) Cabinet staff may authorize payment for medical expenses for a child in the custody of the cabinet after verification is provided that the child is not covered by health insurance, Medicaid, or the Kentucky Children's Health Insurance Program (K-CHIP).

(b) Designated cabinet staff shall approve or deny authorization of payment for a medical treatment greater than \$500.

(3) Child care services.

(a) The cabinet shall review requests for child care services every six (6) months for a working foster parent.

(b) Designated cabinet staff may approve requests for child care services for a nonworking foster parent if:

1. A medical crisis affects the foster parent; or

2. The child care is appropriate to support the foster home or child.

(c) Designated cabinet staff shall review approved requests for child care services for a nonworking foster parent every three (3) months.

(d) Reimbursements shall not be made simultaneously to the same provider for foster care and child care services.

(e) A foster parent shall not simultaneously be used as a licensed or certified health care or social service provider for a child placed in the foster parent's care by the cabinet.

(4) Training. To the extent funds are available, the cabinet shall provide a reimbursement to an approved foster or adoptive home for ongoing training expenses commensurate with the foster or adoptive parent's training needs, including:

(a) Mileage;

(b) Babysitting; and

(c) Tuition or fees up to the amount of:

1. \$100 per parent per year; or

2. \$200 per parent per year for a:

a. Medically complex foster or adoptive home; or

b. Care plus foster or adoptive home.

(5) Respite care.

(a) Respite care shall be available for a child placed by the cabinet in a foster home.

(b) A foster home shall be eligible for one (1) day of respite care per month per child.

(c) A foster home that cares for a child in the custody of the cabinet and meets criteria established in Sections 4 and 5 of this administrative regulation shall be eligible for three (3) days of respite care per month per child.

(d) Designated cabinet staff may extend a foster parent's respite care use to fourteen (14) days if designated cabinet staff document that the:

1. Foster parent requires the additional respite care:

a. To stabilize the child's placement in the foster home; or

b. Due to unforeseen circumstances that may occur, such as:

(i) Death in the family;

(ii) Surgery; or

(iii) Illness; or

2. Child placed in the foster home requires additional respite care to allow for a period of adjustment.

(e) The cost of respite care shall not exceed the per diem for the child.

(f) A respite care provider shall be approved in accordance with Section 17 of this administrative regulation.

(6) Appeals. A foster or adoptive parent may appeal the timeliness of reimbursement in accordance with 922 KAR 1:320.

Section 11. Home Study Requests. (1) Upon receipt of a request from another state's Interstate Compact on the Placement of Children Administrator in the interest of a child in the legal custody of that state's public agency, the cabinet shall complete the foster or

adoptive home approval process as specified in Section 7 of this administrative regulation.

(2) The cabinet shall share a previously approved home study in accordance with the Kentucky Open Records Act, KRS 61.870-61.884, and 42 U.S.C. 671(a)(23).

(3) An individual may request an administrative hearing in accordance with 922 KAR 1:320 for failure of the cabinet to act in accordance with subsections (1) and (2) of this section.

Section 12. Foster or Adoptive Home Reevaluation. (1) Prior to or during the month of the anniversary date of the initial approval as a foster or adoptive parent, the foster or adoptive parent shall be required to complete annual training requirements as specified in 922 KAR 1:495.

(2)(a) Failure to meet training requirements specified in subsection (1) of this section shall lead to closure unless an exception is granted by the designated cabinet staff for a foster parent caring for a child in the custody of the cabinet and it is determined that it is in the best interest of a child placed in the foster home.

(b) If an exception is approved as specified in paragraph (a) of this subsection, a new or additional child shall not be placed in the home until the foster parent has met the training requirement.

(3) A cabinet staff member shall conduct a personal, in-home interview with a foster or adoptive parent prior to or during the month of the anniversary date of the third year of the initial approval as a foster or adoptive home. The interviewer shall assess:

(a) Any change in the foster or adoptive home;

(b) The ability of the foster or adoptive home parent to meet the needs of a child placed in the home; and

(c) Continuing compliance with the requirements of Sections 2 and 3 of this administrative regulation.

(4) The cabinet staff member shall document requirements of subsection (3) of this section to include:

(a) A list of persons residing in or frequently in the home since the initial approval or reevaluation;

(b) A list of all foster children placed in the home since the initial approval or reevaluation and exit reasons for the children no longer in the home;

(c) Use of formal and informal support systems including:

1. Respite;

2. Extended family support; and

3. Friends or community partners;

(d) Description of parenting and discipline strategies;

(e) Changes in the physical environment including:

1. Address change; and

2. School district change;

(f) Discussion of stressors within the home to include:

1. Pregnancy or birth;

2. Physical or mental health conditions;

3. Employment changes;

4. Financial changes;

5. Death, grief, or loss;

6. Childhood trauma; and

7. Divorce or personal relationship changes;

(g) Alcohol or drug use and any substance abuse treatment;

(h) Functioning of relationships within the household;

(i) Assessment of the family's ability to meet the needs of the children placed in the home;

(j) List of foster or adoptive home reviews;

(k) Areas of concern or actions to be addressed that may exist within the household; and

(l) Placement recommendations.

Section 13. Foster or Adoptive Home Reviews. (1) Upon notification of a factor that may place unusual stress on the foster or adoptive home or create a situation that may place a child at risk, cabinet staff shall:

(a) Immediately assess[-asses] the health and safety risk of the child; and

(b) Complete a review of the foster or adoptive home within thirty (30) calendar days.

(2) Factors that shall result in a review of a foster or adoptive

home shall include:

(a) Death or disability of a family member;

(b) Sudden onset of a health condition that would impair a foster or adoptive parent's ability to care for a child placed in the home by the cabinet;

(c) Change in marital status or home address;

(d) Sudden, substantial decrease in, or loss of, income;

(e) Childbirth;

(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 treatment plan;

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:

1. Is substantiated; or

2. Reveals concern relating to the health, safety, and well-being of the child;

(h) Termination of parental rights (including a voluntary action):

(i) If the foster or adoptive parent is cited with, charged with, or arrested due to a violation of law other than a minor traffic offense;

(j) [(h)] Other factor identified by cabinet staff that jeopardizes the physical, mental, or emotional well-being of the child; or

(k) [(j)] Failure to meet annual training requirements.

(3) The narrative of the review shall contain:

(a) Identifying information;

(b) Current composition of the household;

(c) Description of the situation that initiated the review;

(d) An evaluation of the foster or adoptive home's family functioning to determine if the child's needs are met; and

(e) A plan for corrective action that may include a recommendation for closure of the foster or adoptive home.

Section 14. Closure of an Approved Foster or Adoptive Home.

(1) A foster or adoptive home shall be closed if:

(a) Cabinet staff determines that the family does not meet the general requirements, as specified in Sections 2 and 3 of this administrative regulation, for a foster or adoptive home;

(b) A situation exists that is not in the best interest of a child;

(c) Sexual abuse or exploitation by the foster or adoptive parent or by another resident of the household is substantiated;

(d) Substantiated child abuse or neglect by a resident of the household occurs that is serious in nature or warrants removal of a child;

(e) A serious physical or mental illness develops that may impair or preclude adequate care of the child by the foster or adoptive parent; or

(f) The cabinet has not placed a child in the home within the preceding twelve (12) months, unless a written exception is provided by the service region administrator or designee[two (2)-year period].

(2) A foster or adoptive home may be closed according to the terms of the contract between the cabinet and the foster or adoptive home.

(3) If it is necessary to close an approved foster or adoptive home, the reason shall be stated by cabinet staff in a personal interview with the family, unless the family refuses or declines the personal interview.

(4) The cabinet shall:

(a) Confirm, in a written notice to the foster or adoptive parent, the decision to close a home;[and]

(b) Deliver the notice to the foster or adoptive home within fourteen (14) calendar days of the interview with a foster or adoptive parent; and

(c) Submit closure information, including the cause for closure pursuant to subsection (1) of this section, in the foster care registry.

(5) The written notice for closure of a foster or adoptive home shall include:

(a) Notice that the cabinet shall not place a child in the home;

and

- (b) The reason why the foster or adoptive home is being closed.

Section 15. Reapplication. (1) A former foster or adoptive home parent whose home was closed pursuant to Section 14(1)(a) through (f) of this administrative regulation may be considered for reapproval if the cause of closure has been resolved.

- (2) To reapply, a former foster or adoptive parent shall:

- (a) Attend an informational meeting; and
- (b) Submit the:

1. Names of references specified in Section 2(13) of this administrative regulation; and

2. Authorization for criminal records release specified in Section 2(17) of this administrative regulation.

(3) A reapplying former foster or adoptive parent shall reenroll and complete training requirements, as specified in Section 6 of this administrative regulation, unless:

(a) The former foster or adoptive parent has previously completed training requirements, as specified in Section 6(5)(2) of this administrative regulation; and

(b) An exception to reenrollment is provided by designated cabinet staff that [which] have ascertained that the former foster or adoptive parent otherwise meets the necessary skill level.

(4) The foster care registry requirements of Section 6 of this administrative regulation shall be met.

Section 16. Placement Considerations. (1) Unless an exception is approved pursuant to subsections (2) or (3) of this section because a placement is in the best interest of the child and specific support services shall be provided, the requirements established by this subsection shall apply to foster homes.

(a) More than six (6) children, including children under the custodial control of the cabinet and the foster parent's own children living in the home, shall not reside in a foster home.

(b) More than two (2) children under age two (2), including children under the custodial control of the cabinet and the foster parent's own children living in the home, shall not reside in a foster home.

(c) A child with medical complexity shall be placed in an approved medically complex home.

(2) To request an exception to the criteria established by subsection (1) of this section, cabinet staff shall submit the DPP-112A, DCBS Placement Exception Request, to designated cabinet staff prior to the proposed placement documenting:

(a) The reason the placement is in the best interest of the child; and

- (b) Specific support services to be provided.

(3) The number of foster children residing in a foster family home may exceed the limitation established in subsection (1)(a) of this section with documentation on the DPP-112A in order to allow:

(a) A parenting youth in foster care to remain with the child of the parenting youth;

- (b) Siblings to remain together;

(c) A child with an established meaningful relationship with the family to remain with the family;

(d) A family with special training or skills to provide care to a child who has a severe disability; or

(e) Other circumstances noted in the DPP-112A and approved by the service region administrator or designee.

(4) If an exception to subsection (1) or (2) of this section is necessary for a placement to occur outside of normal business hours:

(a) Cabinet staff shall verbally provide all information contained within the DPP-112A to designated cabinet staff prior to the placement;

(b) A verbal approval from designated cabinet staff shall be required prior to the placement occurring; and

(c) The completed DPP-112A shall be submitted on the first business day following placement.

(5) Cabinet staff shall inform the foster parent of conditions related to the child in accordance with:

- (a) KRS 605.090(1)(b); and
- (b) KRS 605.090(6).

(6) Cabinet staff shall place a child with higher level needs in an advanced level home or above if a relative or fictive kin placement has not been identified.

(7) A foster or adoptive parent may adopt a child for whom parental rights have been terminated if:

(a) Foster or adoptive parent adoption is determined by cabinet staff to be in the best interest of the child;

- (b) The child resides in the foster or adoptive home; and

- (c) Criteria in 922 KAR 1:100 are met.

(8) If a foster or adoptive parent expresses interest in adopting a foster child currently placed in the home and an alternative permanent placement is in the child's best interest, cabinet staff shall meet with the foster or adoptive parent prior to selection of an adoptive home to explain:

(a) Why an alternative permanent placement is in the child's best interest; and

(b) The foster or adoptive parent's right to submit a request to the cabinet to reconsider the recommendation.

Section 17. Requirements for Respite Care Providers. (1) A respite care provider shall:

- (a) Be:

- 1. An approved foster or adoptive home; or

2. Approved in accordance with subsection (2) of this section; and

(b) Receive preparation for placement of a child, including information in accordance with:

- 1. KRS 605.090(1)(b); and

2. Section 4(1)(e) through (g) of this administrative regulation, if the child is designated as medically complex.

(2) If a foster or adoptive parent chooses a respite care provider who is not an approved foster or adoptive home, the respite care provider shall:

(a)1. Meet criteria established in Sections 2(1), (2), (17), (18) and 3 of this administrative regulation if respite care is provided outside the home of the foster or adoptive parent; or

2. Meet criteria established in Section 2(1), (2), (17), and (18) of this administrative regulation if respite care is provided inside the home of the foster or adoptive parent; and

(b)1. If providing respite care for a child described in Section 5(1)(b) of this administrative regulation, have:

a. Child-specific training in the mental health treatment of children or their families; or

b. A certificate of completion for twelve (12) hours of care plus training specified in 922 KAR 1:495, Section 6(1); or

2. If providing respite care for a child with medical complexity or specialized medical complexity:

a. Meet training requirements in accordance with 922 KAR 1:495, Section 7;

- b. Hold a current certificate in first aid;

- c. Hold a current certificate in infant, child, and adult CPR; and

d. Receive child specific training from a health professional or a foster parent who has been trained by a health professional in how to care for the specific medical needs of the child.

- (3) A respite care provider:

(a) May attend pre-service training as specified in Section 6 of this administrative regulation; and

(b) Shall comply with Sections 16 and 17 of this administrative regulation.

Section 18. Waiver Review Process. (1) The department may waive requirements for a relative or fictive kin seeking approval as a child specific foster home if the removal of those requirements does not jeopardize the health, safety, or welfare of the child being placed.

(2) The department shall not grant a waiver to the requirements established in the following sections of this administrative regulation:

(a) Section 2, subsections (1)(a) through (7), (10) through (12), (16) through (18); or

(b) Section 3, subsections (1) through (5), (6)(b), (7) through (10)(c), (10)(e) through (10)(f), (11) through (18).

(3) An applicant may request a waiver of non-safety standards. A representative of the department shall submit a written request that states the:

- (a) Specific provision(s) for which a waiver is requested; and
- (b) Justification for the requested waiver.
- (4) A child specific foster home that seeks approval as a basic foster home or higher level shall complete all prior waived training and meet the requirements established in Sections 2 and 3 of this administrative regulation.

Section 19. Emergency Preparedness. Each foster home shall submit an emergency preparedness plan to the department that would allow the department to identify, locate, and ensure continuity of services to children who are in the custody of the cabinet.

Section 20. **Maintenance of a Foster Care Record.**

(1) The cabinet shall maintain a record on each foster home, including medically complex foster homes and care plus foster care homes, if applicable.

(2) A foster home's record shall be maintained in conformity with existing laws and administrative regulations pertaining to confidentiality, pursuant to KRS 199.430(3), 199.802, and 45 C.F.R. Parts 160 and 164.

(3) A foster home may request and receive documentation from their record.

Section 21. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "DPP-107, Health Information Required for Foster or Adoptive Parents, Applicants, or Adult Household Members", 10/15;
- (b) "DPP-108, Health Information Required for Foster or Adoptive Parents or Applicants Regarding Dependent Children", 10/15; and
- (c) "DPP-112A, DCBS Placement Exception Request", **11/22[07/22][4/19]**.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Community Based Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

MARTA MIRANDA-STRAUB, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: November 8, 2022

FILED WITH LRC: November 9, 2022 at 2:10 p.m.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-6746; fax 502-564-7091; email CHFSregs@ky.gov.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

FINANCE AND ADMINISTRATION CABINET
Kentucky Retirement Systems
(Amended After Comments)

105 KAR 1:451. Quasi-governmental employer reports on independent contractors and leased employees.

RELATES TO: KRS 61.5991, 61.510, 61.543, 61.552, 61.645, 61.675, 61.685

STATUTORY AUTHORITY: KRS 61.5991(1)(c), 61.645(9)(e)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.645(9)(e) requires the Board of Trustees of the Kentucky Retirement Systems to promulgate all administrative regulations necessary or proper in order to carry out the provisions of KRS 61.510 to 61.705 and 16.505 to 16.652, and to conform to federal statutes and regulations. KRS 61.5991 requires certain employers that participate in the Kentucky Employees Retirement System to report information to the Kentucky Public Pensions Authority on some persons providing services for the participating employer as an independent contractor, a leased employee, or via any other similar employment arrangement.

Section 1. Definitions.

(1) Unless otherwise defined in this section, the definitions contained in KRS 61.510 and the definition of “non-core services independent contractor” in KRS 61.5991 shall apply to this administrative regulation.

(2) “Complete” means all required sections of a form are filled out, the form has been fully executed by an agency head, appointing authority, or authorized designee (such as the reporting official), and all supporting documentation required by the form is included with the form.

(3) “Core services independent contractor” means a person, either personally or through a company or other legal entity, who provides services for a quasi-governmental employer as an independent contractor, other than as a non-core services independent contractor.

(4) “Core services leased employee” means a person who provides services for a quasi-governmental employer as a leased employee through a staffing company, other than as a non-core services independent contractor.

(5) “Direct employment” means employees reported by the quasi-governmental employer in accordance with KRS 61.675 and 105 KAR 1:140.

(6) “File” means a form has been received at the retirement office by mail, fax, secure email, or in-person delivery or via Employer Self Service on the Web site maintained by the agency (if available).

(7) “KPPA” means the administrative staff of the Kentucky Public Pensions Authority.

(8) “Other employment arrangement” means any written agreement between a quasi-governmental employer and a third party (including, but not limited to, a person, company, or other legal entity) for one (1) or more persons to provide services for the quasi-governmental employer in exchange for the third party receiving monetary compensation, remuneration, or profit. “Other employment arrangement” does not include direct employment, any written agreement for one (1) or more persons to provide services for a quasi-governmental employer as a non-core services independent contractor, or any written agreement for one (1) or more persons to provide services to a quasi-governmental employer if the persons would not be in a regular full-time position as defined in KRS 61.510(21) if the persons were directly employed by the quasi-governmental employer.

(9) “Prior fiscal year” means the fiscal year beginning July 1 that is immediately prior to the fiscal year in which the KPPA provides the report to the state budget director’s office and the Legislative Research Commission required by KRS 61.5991(3).

(10) “Quasi-governmental employer” means an employer participating in the Kentucky Employees Retirement System that is

a local or district health department governed by KRS Chapter 212, state-supported university or community college, mental health/mental retardation board, domestic violence shelter, rape crisis center, child advocacy center, or any other employer that is eligible to voluntarily cease participation in the Kentucky Employees Retirement System as provided by KRS 61.522. For the purpose of this administrative regulation, “quasi-governmental employer” does not include county attorneys, the Council on State Governments (CSG), the Kentucky Educational Television (KET) Foundation, Association of Commonwealth’s Attorneys, the Kentucky High School Athletic Association (KHSAA), the Municipal Power Association of Kentucky, the Kentucky Office of Bar Admissions, the Nursing Home Ombudsman, the Kentucky Association of Regional Programs (KARP), and the Kentucky Association of Sexual Assault Programs.

(11) “Noncompliant” means the quasi-governmental employer falsifies, fails to provide, or withholds all, or a portion of, the required documentation or information within the time periods prescribed by this administrative regulation.

Section 2. Required Form for Annual Reporting.

(1)(a) For the fiscal year beginning July 1, 2021, quasi-governmental employers shall report all persons providing services as core services independent contractors, core services leased employees, or through any other employment arrangement by completing the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, and filing the Form 6756 at the retirement office on or before May 2, 2022.

(b) Effective with the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, quasi-governmental employers shall report all persons providing services as core services independent contractors, core services leased employees, or through any other employment arrangement by completing the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, and filing the Form 6756 at the retirement office. For each fiscal year beginning on or after July 1, 2022, the Form 6756 shall be filed at the retirement office on or before April 15 of the fiscal year in which the Form 6756 is required.

(c) If a quasi-governmental employer contracts for any additional persons to provide services as core services independent contractors, core services leased employees, or through any other employment arrangement after the submission of a completed Form 6756, Annual Employer Certification of Non-Contributing Service Providers, in accordance with paragraph (a) or paragraph (b) of this subsection, but prior to the end of the fiscal year, the quasi-governmental employer shall file at the retirement office a completed supplemental Form 6756 reflecting only those persons not previously reported on the initial Form 6756. The supplemental Form 6756 shall be filed at the retirement office on or before June 30 of the fiscal year in which the Form 6756 is required.

(2)(a) Persons exempted under Sections 5 and 6 shall not be required to be listed on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers.

(b) Persons providing services as core services independent contractors, core services leased employees, or through any other employment arrangement who would not qualify as an employee in a regular full-time position pursuant to KRS 61.510(21) if directly employed by the quasi-governmental employer shall not be listed on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers.

(c) Persons providing services as core services independent contractors, core services leased employees, or through any other employment arrangement who would be in a position reported to another state-administered retirement system if directly employed by the quasi-governmental employer shall not be listed on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers.

(d)1. Quasi-governmental employers may choose to report persons providing services as a non-core services independent contractor on an initial or supplemental Form 6756, Annual

Employer Certification of Non-Contributing Service Providers.

2. All persons providing services to a quasi-governmental employer as a non-core services independent contractor who are included on an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, shall be treated in the same manner as all other persons listed on the Form 6756, including determinations by the KPPA under Section 3 of this administrative regulation.

(3)(a) For the fiscal year beginning July 1, 2021, quasi-governmental employers that do not file at the retirement office a completed Form 6756, Annual Employer Certification of Non-Contributing Service Providers, on or before May 2, 2022 shall be reported as noncompliant to the state budget director's office and the Legislative Research Commission in accordance with KRS 61.5991(2)(c) and 61.5991(3)(d).

(b) For each fiscal year beginning on or after July 1, 2022, quasi-governmental employers that do not file at the retirement office a completed Form 6756, Annual Employer Certification of Non-Contributing Service Providers, as required by Section 2(1)(b) of this administrative regulation shall be reported as noncompliant to the state budget director's office and the Legislative Research Commission in accordance with KRS 61.5991(2)(c) and 61.5991(3)(d).

(4) If a quasi-governmental employer files at the retirement office an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, without the documentation required by the Form 6756, the Form 6756 shall not be complete and the quasi-governmental employer shall be noncompliant in accordance with KRS 61.5991(2)(c) and 61.5991(3)(d) unless a completed Form 6756 is later filed at the retirement office by the appropriate deadline set forth in subsections (1), (2), and (5) of this Section.

(5)(a) After receiving an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, the KPPA may notify the quasi-governmental employer that additional information is required.

(b) If additional information is required by the KPPA, the KPPA shall notify the quasi-governmental employer in writing to the attention of the agency head, appointing authority, or authorized designee, such as the reporting official, and shall include the following in its notification:

1. A detailed description of the additional information required, and

2. A deadline by which the additional information required must be filed at the retirement office, which shall not be less than fourteen (14) calendar days, but may be longer than fourteen (14) calendar days.

(c) An initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, shall not be considered complete until all additional information requested by the KPPA is on file at the retirement office.

(d) If a quasi-governmental employer fails to provide the additional information to the KPPA by the deadline listed in the notification described in paragraph (b) of this subsection or by the deadline agreed upon by the KPPA and the quasi-governmental employer, then the quasi-governmental employer shall be reported as noncompliant to the state budget director's office and the Legislative Research Commission in accordance with KRS 61.5991(2)(c) and 61.5991(3)(d).

(6) During an audit of the quasi-governmental employer conducted in accordance with KRS 61.675, 61.685, and 61.5991(2)(a)2.:

(a) If the KPPA discovers that a quasi-governmental employer has failed to list all persons on a Form 6756, Annual Employer Certification of Non-Contributing Service Providers, as required by this administrative regulation, then the quasi-governmental employer shall be reported as noncompliant to the state budget director's office and the Legislative Research Commission in accordance with KRS 61.5991(2)(c) and 61.5991(3)(d).

(b) If the KPPA discovers persons performing services as an independent contractor or leased employee for quasi-governmental employer in multiple part-time positions that,

when combined, constitute a "regular full-time position" as defined in KRS 61.510(21), then KPPA shall make a determination of employee or independent contractor status in accordance with Section 3 of this administrative regulation.

Section 3. Determination of Employee or Independent Contractor.

(1) The KPPA shall have the authority to determine which persons listed on initial and supplemental Form 6756s, Annual Employer Certification of Non-Contributing Service Providers, should be reported as employees in regular full-time positions in accordance with KRS 61.510(5) and 61.510(21) and which persons listed on the initial and supplemental Form 6756s, Annual Employer Certification of Non-Contributing Service Providers, are independent contractors.

(2) The KPPA shall apply common law factors used by the Internal Revenue Service (IRS), in accordance with IRS Publication 1779, to determine whether a person listed on the initial and supplemental Form 6756s, Annual Employer Certification of Non-Contributing Service Providers, is an employee of the quasi-governmental employer pursuant to KRS 61.510(5) or an independent contractor of the quasi-governmental employer.

(3)(a) If the KPPA determines that a person listed on an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, is an employee of the quasi-governmental employer in a regular full-time position pursuant to KRS 61.510(5) and 61.510(21), then the quasi-governmental employer shall remit all reports, records, contributions, and reimbursements for that person as an employee in a regular full-time position in accordance with KRS 61.675 and 105 KAR 1:140 effective the calendar month after the KPPA has notified the quasi-governmental employer of its determination in accordance with Section 4 of this administrative regulation.

(b) 1. If the KPPA determines that a person listed on an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, is an employee of the quasi-governmental employer in a regular full-time position pursuant to KRS 61.510(5) and 61.510(21), then the quasi-governmental employer shall be required to complete and file at the retirement office a Form 4225, Verification of Past Employment, for that person for all periods during which the person was providing services to the quasi-governmental employer.

2. If the KPPA determines that a person listed on an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, is an employee of the quasi-governmental employer in a regular full-time position pursuant to KRS 61.510(5) and 61.510(21), then the quasi-governmental employer also shall be required to submit all relevant contracts and other documentation demonstrating the relationship between the quasi-governmental employer and the person for all periods during which the person was providing services to the quasi-governmental employer.

(c) 1. After reviewing the information from the quasi-governmental employer required by paragraph (b) of this subsection, if the KPPA determines that the person was an employee in a regular full-time position pursuant to KRS 61.510(5) and 61.510(21) for previous periods that were not reported by the quasi-governmental employer in accordance with KRS 61.675, KRS 61.543, and 105 KAR 1:140, then the person shall be eligible to purchase omitted service in accordance with KRS 61.552(2) for the periods of their previous employment by the quasi-governmental employer in a regular full-time position.

2. After reviewing the information from the quasi-governmental employer required by paragraph (b) of this subsection, if the KPPA determines that the person was an employee in a regular full-time position pursuant to KRS 61.510(5) and 61.510(21) for previous periods that were not reported by the quasi-governmental employer in accordance with KRS 61.675, KRS 61.543, and 105 KAR 1:140, then the quasi-governmental employer shall be responsible for payment of delinquent omitted employer contributions in accordance with KRS 61.552(2) and 61.675(3)(b) for all periods of the person's previous employment by the quasi-governmental employer in a regular full-time position.

Section 4. Notification to Employers of Determination of Employment Relationship.

(1) Effective with the fiscal year beginning July 1, 2021, and for each fiscal year thereafter, quasi-governmental employers shall be notified by the KPPA of the determination of which persons should be reported as employees in regular full-time positions in accordance with KRS 61.510(5) and 61.510(21) no later than **September 30 of the subsequent fiscal year**~~[the submission of the report to the state budget director's office and the Legislative Research Commission required by KRS 61.5991(3)]~~.

(2)(a) The KPPA shall notify the quasi-governmental employer of the determination of which persons listed on an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, should be reported as employees in regular full-time positions in accordance with KRS 61.510(5) and 61.510(21) in one (1) notification letter.

(b) The notification shall be sent to agency head, appointing authority, or authorized designee, such as the reporting official.

(c) The notification shall include:

1. The name of each person who should be reported as an employee in regular full-time position in accordance with KRS 61.675 and 105 KAR 1:140;

2. A description of the contract or other documents pursuant to which each person who should be reported as an employee in a regular full-time position are providing or have provided services to the quasi-governmental employer; and

3. A statement that all other persons listed on the initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, should not be reported as employees in regular full-time positions.

Section 5. Contracts for Professional Services That Have Not Historically Been Provided by Employees.

(1) A quasi-governmental employer shall not be required to report a person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, if:

(a) The person is providing professional services as a core services independent contractor, core services leased employee, or through any other employment arrangement that have not been performed by direct employees of the quasi-governmental employer since January 1, 2000; and

(b) The professional services have been performed or are being performed for the quasi-governmental employer under a contract filed at the retirement office and determined by the KPPA or the Kentucky Retirement Systems to represent services provided by an independent contractor.

(2) Quasi-governmental employers may choose to report a person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, even if the person is providing professional services under a contract that have not historically been provided by employees.

Section 6. Original Contracts Entered Prior to January 1, 2021.

(1) A quasi-governmental employer shall not be required to report a person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, if the person is providing services to the quasi-governmental employer as a core services independent contractor, core services leased employee, or through any other employment arrangement under an original contract with the person or a company entered into prior to January 1, 2021, unless one of the exceptions in subsections (2), (3), or (4) of this Section applies.

(2) A quasi-governmental employer shall be required to report a person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, if the person is providing services to the quasi-governmental employer as a core services independent contractor, core services leased employee, or through any other employment arrangement under an original contract with the person or a company entered into prior to January 1, 2021 if the term of the original contract has expired and the contract has been renewed or continued.

(3) A quasi-governmental employer shall be required to report a

person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, if the person is providing services to the quasi-governmental employer as a core services independent contractor, core services leased employee, or through any other employment arrangement under an original contract with the person or a company entered into prior to January 1, 2021 if the contract has been modified to encompass different services.

(4) A quasi-governmental employer shall be required to report a person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, if the person is providing services to the quasi-governmental employer as a core services independent contractor, core services leased employee, or through any other employment arrangement under an original contract with a company entered into prior to January 1, 2021 if the person was not included in the original contract.

(5) Quasi-governmental employers may choose to report a person on the Form 6756, Annual Employer Certification of Non-Contributing Service Providers, even if the person is providing services to the quasi-governmental employer as a core services independent contractor, core services leased employee, or through any other employment arrangement under an original contract with the person or a company entered into prior to January 1, 2021.

Section 7. Report to the State Budget Director's Office and the Legislative Research Commission.

(1)(a) To determine the number of employees of the quasi-governmental employer reported for the prior fiscal year in accordance with KRS 61.5991(3)(a), the KPPA shall add together all employees in regular full-time positions reported by the quasi-governmental employer pursuant to KRS 61.675 and 105 KAR 1:140 in the prior fiscal year.

(b) Persons listed on an initial or supplemental Form 6756, Annual Employer Certification of Non-Contributing Service Providers, for the prior fiscal year who are ultimately determined by the KPPA to be employees of the quasi-governmental employer in regular full-time positions shall not be included in the number of employees of the quasi-governmental employer for the prior fiscal year. Such persons may be included in the number of employees of the quasi-governmental employer for a subsequent fiscal year if the person is reported by the quasi-governmental employer in the subsequent fiscal year as an employee in a regular full-time position in accordance with KRS 61.675 and 105 KAR 1:140.

(2) To determine the number of persons providing services to the quasi-governmental employer who were not reported for the prior fiscal year in accordance with KRS 61.5991(3)(b), the KPPA shall use the total number of persons listed on initial and supplemental Form 6756s, Annual Employer Certification of Non-Contributing Service Providers, for the prior fiscal year.

(3) The KPPA shall report the following information for each quasi-governmental employer determined to have falsified data or been noncompliant in accordance with KRS 61.5991(3)(d):

(a) The name of the quasi-governmental employer;

(b) A description of the type of data falsified and the support the KPPA has for believing the data to be falsified, if applicable; and

(c) A description of the nature of the noncompliance, if applicable.

Section 8. Incorporation by Reference. (1) The following materials are incorporated by reference:

(a) Form 6756, "Annual Employer Certification of Non-Contributing Service Providers", September 2021.

(b) Internal Revenue Service Publication 1779, "Independent Contractor or Employee", March 2012.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Kentucky Public Pensions Authority's Web site at kyret.ky.gov.

JOHN CHILTON, Chief Executive Officer

APPROVED BY AGENCY: December 14, 2022

FILED WITH LRC: December 14, 2022 at 10:35 a.m.

CONTACT PERSON: Jessica Beaubien, Policy Specialist, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, phone (502) 696-8570, fax (502) 696-8801, email Legal.Non-Advocacy@kyret.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jessica Beaubien

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the forms, procedures, and requirements for certain quasi-governmental employers in the Kentucky Employees Retirement System that must provide information to the Kentucky Public Pensions Authority (KPPA) on some independent contractors, leased employees, and other persons providing services for the quasi-governmental employer under similar arrangements.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the forms, procedures, and requirements for certain quasi-governmental employers in the Kentucky Employees Retirement System that must provide information to the KPPA on some independent contractors, leased employees, and other persons providing services for the quasi-governmental employer under similar arrangements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statute by establishing the forms, procedures, and requirements for certain quasi-governmental employers in the Kentucky Employees Retirement System that must provide information to the KPPA on some independent contractors, leased employees, and other persons providing services for the quasi-governmental employer under similar arrangements in accordance with KRS 61.5991 and 61.645(9)(e). In particular, KRS 61.5591(1)(c) authorizes the promulgation of an administrative regulation to implement KRS 61.5991.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing the forms, procedures, and requirements for certain quasi-governmental employers in the Kentucky Employees Retirement System that must provide information to the KPPA on some independent contractors, leased employees, and other persons providing services for the quasi-governmental employer under similar arrangements.

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

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: One (1) entity that provides day-to-day operations for the Kentucky Employees Retirement System: the KPPA. One (1) public pension system: the Kentucky Employees Retirement System. Approximately 100 quasi-governmental employers, including local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges, mental health/mental retardation boards, domestic violence shelters, rape crisis centers, child advocacy centers, and other employers that are eligible to voluntarily cease participation in the Kentucky Employees Retirement System as provided by KRS 61.522 (excluding county attorneys, the Council on State Governments, the Kentucky Educational Television Foundation, Association of Commonwealth's Attorneys, the Kentucky High School Athletic Association, the Municipal Power Association of Kentucky, the Kentucky Office of Bar Admissions, the Nursing Home Ombudsman, the Kentucky Association of Regional Programs, and the Kentucky Association of Sexual Assault Programs). The number

of individuals affected by this administrative regulation is 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: The affected quasi-governmental employers will be required to provide the KPPA with information concerning some persons that are providing services for the quasi-governmental employer as independent contractors, leased employees, or through another similar arrangement. If such persons are determined to be employees in regular full-time positions under KRS 61.510(5) and 61.510(21), the affected quasi-governmental employers will be required to prospectively treat the persons as "employees" in accordance with KRS Chapter 61, including reporting employee and employer contributions as required by KRS 61.675 and 105 KAR 1:140. Additionally, in the event of such a determination, the affected employers may be required to remit past delinquent employer contributions as required by KRS 61.552 and 61.675. Finally, the information provided by the KPPA to the state budget director's office and the Legislative Research Commission on the affected quasi-governmental employers may affect subsidies for retirement costs that a quasi-governmental employer may receive pursuant to KRS 61.5991(5) and 61.5991(6).

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of compliance with this administrative regulation for regulated entities is unknown.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities are eligible to receive subsidies for retirement costs pursuant to KRS 61.5991(5) and 61.5991(6).

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

(a) Initially: The costs associated with the implementation of this administrative regulation should be minimal.

(b) On a continuing basis: The costs associated with the implementation of this administrative regulation should be negligible.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the KPPA, which will carry out the implementation and enforcement of this regulation pursuant to KRS 61.505 and 61.5991, are paid from the Retirement Allowance Account (trust and 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: There is no increase in fees or funding required to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied. All affected quasi-governmental employers are subject to the same processes and procedures.

FISCAL NOTE

(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 approximately 100 quasi-governmental employers, including local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges, mental health/mental retardation boards, domestic violence shelters, rape crisis centers, child advocacy centers, and other employers that are eligible to voluntarily cease participation in the Kentucky Employees Retirement System as provided by KRS 61.522 (excluding county attorneys, the Council on State Governments, the Kentucky Educational Television Foundation, Association of Commonwealth's Attorneys, the Kentucky High

School Athletic Association, the Municipal Power Association of Kentucky, the Kentucky Office of Bar Admissions, the Nursing Home Ombudsman, the Kentucky Association of Regional Programs, and the Kentucky Association of Sexual Assault Programs). Additionally, this administrative regulation impacts the KPPA and the Kentucky Employees Retirement System.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.5991 and 61.645.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The effect of this administrative regulation on the expenditures and revenues of state government agencies in the first full year the administrative regulation is to be in effect is unknown. Local government agencies are not affected by this administrative regulation.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The effect of this administrative regulation on revenues of state government agencies in the first year the administrative regulation is to be in effect is unknown. Local government agencies are not affected by this administrative regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The effect of this administrative regulation on revenues of state government agencies in subsequent years the administrative regulation is to be in effect is unknown. Local government agencies are not affected by this administrative regulation.

(c) How much will it cost to administer this program for the first year? The cost to the KPPA to administer this administrative regulation in the first year should be minimal.

(d) How much will it cost to administer this program for subsequent years? The cost to the KPPA to administer this administrative regulation in subsequent years should be negligible.

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

Revenues (+/-): Unknown

Expenditures (+/-): Unknown

Other Explanation: As a result of this administrative regulation, all persons determined to be employees in regular full-time positions as defined by KRS 61.510(5) and 61.510(21) shall be treated prospectively from the determination as "employees" in accordance with KRS Chapter 61, including the required payment of employee and employer contributions to the KPPA on behalf of the Kentucky Employees Retirement System in accordance with KRS 61.675. Additionally, in the event of such a determination, affected employers may be required to remit past delinquent employer contributions as required by KRS 61.552 and 61.675.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect. The effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect is largely unknown. See subsequent responses for more details.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? Regulated entities that comply with this regulation and KRS 61.5991 are eligible to receive subsidies toward retirement costs pursuant to KRS 61.5991(6). The exact dollar amounts of the subsidies are unknown.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? Regulated entities that comply with this regulation and KRS 61.5991 are eligible to receive subsidies toward retirement costs pursuant to KRS 61.5991(6). The exact dollar amounts of the subsidies are unknown.

(c) How much will it cost the regulated entities for the first year? The cost to regulated entities in the first year this administrative regulation is to be in effect is unknown.

(d) How much will it cost the regulated entities for subsequent years? The cost to regulated entities in the subsequent years this administrative regulation is to be in effect is unknown.

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

Cost Savings (+/-): Unknown

Expenditures (+/-): Unknown

Other Explanation: As previously stated, the exact dollar amounts of cost savings through subsidies that eligible regulated entities may receive are not known because the subsidies are at the discretion of the General Assembly and percentage-based. See KRS 61.5991(6). Additionally, the exact dollar amounts of expenditures by regulated entities as a result of this administrative regulation are unknown at this time. All persons determined to be employees in regular full-time positions as defined by KRS 61.510(5) and 61.510(21) shall be treated prospectively from the determination as "employees" in accordance with KRS Chapter 61, including the required payment of employer contributions to the KPPA on behalf of the Kentucky Employees Retirement System in accordance with KRS 61.675. Furthermore, in the event of such a determination, regulated entities may be required to remit past delinquent employer contributions as required by KRS 61.552 and 61.675.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have an overall negative or adverse economic impact on regulated entities (quasi-governmental employers), as the regulated entities that comply with this administrative regulation and KRS 61.5991 are eligible to receive subsidies for retirement costs.

BOARDS AND COMMISSIONS

Board of Pharmacy

(Amended After Comments)

201 KAR 2:380. Board authorized protocols.

RELATES TO: KRS 315.010(25), 315.191(1)(a), (f)

STATUTORY AUTHORITY: KRS 315.010(25), 315.191(1)(a),

(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.010(25) defines a prescription drug order, which includes orders issued through protocols authorized by the board. KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations necessary to regulate and control all matters pertaining to pharmacists, pharmacist interns, pharmacy technicians, and pharmacies. KRS 315.191(1)(f) authorizes the board to promulgate administrative regulations that are necessary to control the dispensing of prescription drug orders. This administrative regulation establishes procedures for board authorized protocols by which pharmacists may initiate the dispensing of noncontrolled medications or other professional services.

Section 1. Definitions[Definition].

(1) **"Fully executed" means a protocol has been signed and dated by the prescriber and the pharmacist(s) party to the protocol agreement as required by Section 3 of this document.**

(2) **"Prescriber" means any Kentucky licensed physician or advanced practice nurse practitioner[individual authorized to prescribe a legend drug].**

(3) **"Protocol registry" means the records maintained by the board of pharmacy of any fully executed protocol that is being utilized to initiate the dispensing of noncontrolled medications, over-the-counter medications, or other professional services.**

Section 2. Procedures. A pharmacist or pharmacists **utilizing a protocol** may initiate the dispensing of noncontrolled medications, over-the-counter medications, or other professional services under

the following conditions:

~~(1) [A prescriber-approved protocol that meets the minimum requirements in Section 3 of this administrative regulation is in place, and is dated and signed by the prescriber and pharmacist authorized to initiate the dispensing of noncontrolled medications, over-the-counter medications, or other professional services. A pharmacist not party to the executed protocol has no authority to utilize the protocol for medication dispensing or other professional service provision.];~~The protocol:

(a) Meets the minimum requirements in Section 3;

(b) Directs the care, based on current clinical guidelines, for acute self-limiting conditions and other minor ailments, preventative health services, and disease state monitoring and management as deemed appropriate by the board;

(c) Must state the permit number of the Kentucky permitted pharmacy where the protocol will be utilized;

(d) Has been reviewed and authorized by the board prior to its execution;

(e) Has been fully executed and submitted to the board for inclusion in the protocol registry, which shall be made available to the prescriber's licensing board upon request.

~~(2) [The protocol directs the care, based on current clinical guidelines, for acute self-limiting conditions and other minor ailments, preventative health services, and disease state monitoring and management as deemed appropriate by the board]~~conditions listed in Section 5 of this administrative regulation.]

~~[(3) The protocol has been approved by the board, who provides notice to the prescriber's licensure board within ten (10) business days of approval by the board.];~~

[(4)] The pharmacist or pharmacists documents the dispensing event in the pharmacy management system, including:

(a) Documentation as required by 201 KAR 2:171[470] for the dispensing of prescription medication; and

(b) Documentation that the individual receiving the medication or other professional service was provided with education pursuant to

Section 3(4)[4] of this administrative regulation; and

[(3)][5] A pharmacist shall request the individual's primary care provider's information, provided one exists, and shall provide notification to the primary care provider within two (2) business days.

(4) Any pharmacist not party to the fully executed protocol shall not utilize the protocol;

(5) A pharmacist utilizing the protocol shall be employed by or contracted with the permit holder;

(6) No fully executed protocol shall be used to initiate the dispensing of medications or to provide other professional services until it has been submitted to the board for inclusion in the protocol registry; and

(7) The pharmacist-in-charge shall be responsible for:

(a) Submitting the fully executed protocol to the board for inclusion into the registry; and

(b) Submitting a written notification to the board to remove a protocol from the registry no later than thirty (30) days after discontinuing a protocol.

Section 3. Minimum Requirements of Protocol. Protocols shall contain the following elements:

(1) Criteria for identifying persons eligible to receive medication therapies or other professional services under the protocol, and referral to an appropriate prescriber if the patient is high-risk or treatment is contraindicated;

(2) A list of the medications, including name, dose, route, frequency of administration, and refills authorized to be dispensed under the protocol;

(3) Procedures for how the medications are to be initiated and monitored, including a care plan implemented in accordance with clinical guidelines;

(4) Education to be provided to the person receiving the dispensed medications, including aftercare instructions, if appropriate;

(5) Procedures for documenting in the pharmacy management system all medications dispensed, including notification of the

prescriber signing the protocol, if requested;

(6) Length of time protocol is in effect;

(7) Date and signature of prescriber approving the protocol;

(8) Dates and signatures of the pharmacist(s) authorized to initiate dispensing of medications or other professional services under the protocol.]; and

(9) The date, and education or training of the pharmacist as referenced in Section 4 of this administrative regulation.

~~Section 4. Pharmacist Education and Training Required. A pharmacist who dispenses medication pursuant to a prescriber-approved protocol shall first receive education and training in the subject matter of the protocol from a provider accredited by the Accreditation Council for Pharmacy Education or by a comparable provider approved by the board. Documentation of education shall be provided to the board upon request. Education shall be obtained prior to initiating care under the protocol.~~

~~Section 5. Authorized Conditions. Board-authorized protocols may be established for the following conditions:~~

~~(1) Acute influenza infection pursuant to recommendations by the Centers for Disease Control and Prevention (CDC);~~

~~(2) Acute streptococcal pharyngitis infection;~~

~~(3) Acute, uncomplicated urinary tract infection;~~

~~(4) Acute cutaneous or mucocutaneous fungal infection;~~

~~(5) Alcohol use disorder utilizing naltrexone-based therapy pursuant to recommendations from the American Psychiatric Association;~~

~~(6) Allergic rhinitis;~~

~~(7) Anaphylaxis;~~

~~(8) Colorectal cancer prevention and screening;~~

~~(9) HCV infection screening;~~

~~(10) HIV infection prophylaxis, pre-exposure and post-exposure pursuant to recommendations by the CDC;~~

~~(11) HIV infection screening pursuant to recommendations by the CDC;~~

~~(12) Nutritional supplementation with vitamins and minerals;~~

~~(13) Opioid use disorder pursuant to recommendations by the American Society of Addiction Medicine;~~

~~(14) Tobacco use disorder;~~

~~(15) Traveler's health pursuant to recommendations by the CDC;~~

~~(16) Tuberculosis prevention and control through skin testing, and referral as necessary, pursuant to recommendations by the CDC; and~~

~~(17) Self-care conditions appropriately treated with over-the-counter medications and products.]~~

Section 4. Protocol Review Committee.

(1) The board shall form a committee comprised of four (4) pharmacists and one (1) physician. This committee shall meet no less than quarterly to:

(a) Evaluate new protocols proposed for board approval to ensure compliance with Section 2(1)(b) and Section 3 of this administrative regulation; and

(b) Review previously authorized protocols no later than three (3) years from the authorization date to ensure alignment with current practice guidelines.

(2) The protocol review committee may consult with an expert with relevant practice experience.

(3) The pharmacists shall be appointed by the Board of Pharmacy and the physician by the Kentucky Board of Medical Licensure.

(4) Terms for the pharmacist and physician members on the committee shall be for a term of four (4) years.

(5) The chair of the committee shall be a pharmacist member.

CHRISTOPHER HARLOW, Pharm.D, Executive Director

APPROVED BY AGENCY: December 9, 2022

FILED WITH LRC: December 12, 2022 at 2:15 p.m.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State

VOLUME 49, NUMBER 6– JANUARY 1, 2023

Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Christopher Harlow

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures for board authorized protocols by which pharmacists may initiate the dispensing of noncontrolled medications or offer other professional services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary for pharmacists to provide a high level of care to their patients, in accordance with protocols that have been provided from the prescriber and approved by the Board of Pharmacy. This will allow for discretion by the Board of Pharmacy to approve board authorized protocols as the public health need arises.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations to regulate and control all matters pertaining to pharmacists and pharmacies. KRS 315.191(1)(f) authorizes the Board to promulgate administrative regulations pertaining to prescription drug orders. KRS 315.010(25) defines a prescription drug order to include protocols authorized by the Board. This administrative regulation establishes criteria for protocols to be authorized by the Board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Prescribers, pharmacists, pharmacies, patients and the public will be able to ascertain what is required for pharmacist to utilize a prescriber approved protocol.

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

(a) How the amendment will change this existing administrative regulation: This amendment will provide the board with discretion to review protocols as public health needs arise. It removes the specific listing of conditions for which protocols can be established.

(b) The necessity of the amendment to this administrative regulation: To allow pharmacists to play a more critical clinical role in public health and to respond immediately to public health needs without the delay of going through the rulemaking process.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the board with discretion to determine what prescriber approved protocols are appropriate as the public health need arises without going through the regulatory process.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacists will be impacted, as their potential scope of practice could be increased. With this regulation becoming effective, patients in need of access to care will be better served.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. The board will help to educate pharmacists and pharmacies in these changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question? Pharmacists will potentially have the ability to have a larger clinical scope of practice and the public can more robustly utilize pharmacists to serve their public health needs.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists equally.

FISCAL NOTE

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(a)

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

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

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation: none

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings from this administrative regulation.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings for subsequent years.

(c) How much will it cost the regulated entities for the first year? There will be no cost to regulated entities for the first year.

(d) How much will it cost the regulated entities for subsequent years? There will be no cost to regulated entities for subsequent years.

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

Cost savings (+/-): 0

Expenditures (+/-): 0

Other Explanation: none

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation does not have major economic impact.

BOARDS AND COMMISSIONS

Board of Pharmacy (Amended After Comments)

201 KAR 2:450. Unprofessional conduct of a pharmacy permit holder.

RELATES TO: KRS 315.030, 315.025, 315.0351, 315.121, 315.131, 337.355, 337.365

STATUTORY AUTHORITY: KRS 315.191(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessary to ensure that permit holders are provided notice of what may be considered unprofessional conduct. This administrative regulation is required to ensure that the public is protected from pharmacy practices that lead to errors and patient harm, including practices that stem from demands a permit holder places on pharmacists that prevents them from responsibly practicing pharmacy.

Section 1. Definitions.

(1) "Provision of pharmacy services" means the services provided to a patient from a licensee, permit holder or registrant.

(2) "Safe practices" mean practices that aim to prevent and reduce risks, errors and harm or threat of harm to the public.

Section 2. Unprofessional Conduct. ~~It shall be~~ Unprofessional conduct for a pharmacy permit holder includes, but is not limited to:

(1) Introducing or enforcing~~Introduce or enforce~~ policies and procedures related to the provision of pharmacy services in a manner that results in deviation from safe practices;

(2) Unreasonably preventing or restricting~~prevent or restrict~~ a patient's timely access to patient records or ~~essential~~ pharmacy services;

(3) Failing~~Fail~~ to identify and resolve conditions that interfere with a pharmacist's ability to practice competently~~with competency~~ and safely~~safety~~ or creating~~create~~ an environment that jeopardizes patient care, including by failing to provide appropriate staffing, training and appropriately requested rest and meal periods as permitted by KRS 337.355 and KRS 337.365;~~and~~

(4) Repeatedly~~habitually~~, or knowingly failing~~fail~~ to provide resources appropriate for a pharmacist of reasonable diligence to safely complete professional duties and responsibilities under state and federal laws and regulations; and~~including,~~ but not limited to:

(a) Drug utilization review;

(b) Immunization;

(c) Counseling;

(d) Verification of the accuracy of a prescription; and

(e) All other duties and responsibilities of a pharmacist under state and federal laws and regulations.]

(5) Requiring a pharmacist to operate a pharmacy with policies and procedures that deviate from safe practices; and

(6) Taking disciplinary action or otherwise retaliating against a licensee or registrant that reports or refuses to

operate a pharmacy that deviates from safe practices or a pharmacy that deviates from state and federal laws and regulations.

CHRIS HARLOW, Pharm.D.; Executive Director

APPROVED BY AGENCY: December 9, 2022

FILED WITH LRC: December 12, 2022 at 2:15 p.m.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Christopher Harlow

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth actions which constitute unprofessional conduct by a pharmacy permit holder.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to place pharmacy permit holders on notice of what constitutes unprofessional conduct.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation, authorized by KRS 315.191(1)(a), establishes actions which constitute unprofessional conduct of a pharmacy permit holder. This conforms to the authorizing statute because the authorizing statute gives the board authority to promulgate regulations to regulate and control pharmacies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will ensure that pharmacy permit holders are placed on notice of what constitutes unprofessional conduct. The Board is authorized to promulgate regulations to regulate and control pharmacies.

(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 government affected by this administrative regulation: The board anticipates permit holders and licensees will be affected, as permit holders will need to comply with this regulation to ensure safe conditions for the public as well as their employees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment:

1. Licensees, permit holders and registrants will have to familiarize themselves with this new regulation. 2. This administrative regulation sets forth actions which constitute unprofessional conduct by a pharmacy permit holder. 3. The board will help educate identified entities of this new regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no expected costs for the entities identified to comply with this new regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3). This new regulation will ensure that the public is protected from unsafe practices. Moreover, pharmacists will be provided sufficient conditions to perform their jobs safely.

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this new regulation is applicable to all permit holders.

FISCAL NOTE

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.191(a)

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

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

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

(c) How much will it cost to administer this program for the first year? No costs are required to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? No costs are required to administer this program for subsequent years.

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

Revenues (+/-): 0

Expenditures (+/-): 0

Other Explanation: none

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings from this administrative regulation.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings for subsequent years.

(c) How much will it cost the regulated entities for the first year? There will be no cost to regulated entities for the first year.

(d) How much will it cost the regulated entities for subsequent years? There will be no cost to regulated entities for subsequent years.

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

Cost savings (+/-): 0

Expenditures (+/-): 0

Other Explanation: none

(5) Explain whether this administrative regulation will have a

major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation does not have major economic impact.

JUSTICE AND PUBLIC SAFETY CABINET Department of Corrections (Amended After Comments)

501 KAR 6:050. Luther Luckett Correctional Complex.

RELATES TO: KRS 72.020, 72.025(5), 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 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 Luther Luckett Correctional Complex.

Section 1. Incorporation by Reference. (1) "Luther Luckett Correctional Complex policies and procedures", ~~December~~~~(September)~~ 14, 2022~~(November 10, 2015)~~, are incorporated by reference. Luther Luckett Correctional Complex Policies and Procedures include:

LLCC 02-05-03	Inmate Canteen Committee (Amended 9/14/22[5/15/12])
LLCC 02-05-05	Inmate Canteen (Amended 9/14/22[5/15/12])
LLCC 02-06-01	Inmate Control of Personal Funds (Amended 9/14/22[5/15/12])
LLCC 02-06-02	Storage and Disposition of Monies Received on Weekends, Holidays and between 4 p.m. and 8 a.m. Weekdays (Amended 9/14/22[5/15/12])
LLCC 05-02-02	Outside Consultation and Research (Amended 9/14/22[5/15/12])
LLCC 06-01-01	Offender Information (Amended 9/14/22[10/14/15])
LLCC 06-02-01	Open Records (Amended 9/14/22[5/15/12])
LLCC 08-04-01	Fire Safety (Amended 9/14/22[7/10/12])
LLCC 09-14-02	Procedures[Guidelines] for Contractors (Amended 9/14/22[7/10/12])
LLCC 09-18-01	Search Plan (Amended 9/14/22 [5/15/12])
LLCC 09-18-03	Contraband Control: Collection, Preservation, Disposition of Contraband, and Identification of Physical Evidence (Amended 9/14/22[5/15/12])
LLCC 09-25-01	Procedure for Maintaining Current Inmate Photographs (Amended 9/14/22[11/14/14])
LLCC 09-29-01	Inmate Death (Amended 9/14/22 [7/10/12])
LLCC 10-01-01	Special Management Housing[Inmates] (Amended 12/14/2022[9/14/22][11/10/15])
LLCC 11-01-01	Dining Room Rules [Guidelines] (Amended 9/14/22[8/7/15])
LLCC 11-02-01	Food Services: Security (Amended 9/14/22[5/15/12])
LLCC 11-03-01	Food Services: General Requirements[Guidelines] (Amended 9/14/22[5/15/12])
LLCC 11-04-01	Food Services: [Service-]Meals (Amended 9/14/22[5/15/12])
LLCC 11-04-02	Food Services[Service]: Menu, Nutrition and Special Diets (Amended 9/14/22[5/15/12])
LLCC 11-05-02	Health Requirements of Food Handlers

VOLUME 49, NUMBER 6– JANUARY 1, 2023

	(Amended 9/14/22[5/15/12])
LLCC 11-06-01	Food Services: Inspections and Sanitation (Amended 9/14/22[11/10/15])
LLCC 11-07-04	Food Services: Purchasing, Storage and Farm Products (Amended 5/15/12)
LLCC 12-01-01	Sanitation, Living Condition Standards and Clothing Issues (Amended 9/14/22[11/14/14])
LLCC 12-02-01	Laundry Services (Amended 9/14/22[7/10/12])
LLCC 12-03-01	Vermin and Insect Control (Amended 9/14/22[5/15/12])
LLCC 12-04-01	Personal Hygiene Items: Issuance and Replacement Schedule (Amended 9/14/22[5/15/12])
LLCC 13-02-01	Access to Healthcare (Amended 9/14/22[8/7/15])
LLCC 13-02-02	Specialized Health Services (Amended 9/14/22[8/7/15])
LLCC 13-02-03	Vision Care, Prostheses and Orthodontic Devices (Amended 9/14/22[8/7/15])
LLCC 13-02-05	Medical Services Co-pay (Amended 9/14/22[8/7/15])
LLCC 13-03-01	Mental Health Services (Amended 9/14/22[5/15/12])
LLCC 13-03-02	Use of Psychotropic Medications (Amended 5/15/12)
LLCC 13-04-01	Inmate Medical Screenings and Health Evaluations (Amended 9/14/22[7/26/13])
LLCC 13-04-02	Health Education and Special Health Programs (Added 9/14/22[7/26/13])
LLCC 13-04-06	Psychological and Psychiatric Records (Added 5/15/12)
LLCC 13-05-02	Self-Administration of Medication (Inmate) (Amended 9/14/22[7/26/13])
LLCC 13-06-01	Health Records (Amended 9/14/22[7/26/13])
LLCC 13-06-03	Notification of Inmate Family of Serious Illness, Surgery, or Inmate Death (Amended 9/14/22[7/26/13])
LLCC 13-07-01	Serious and Infectious Diseases (Amended 9/14/22[7/26/13])
LLCC 13-07-02	Medical Waste Management (Amended 9/14/22[8/7/15])
LLCC 13-08-01	Restraint Approval (Amended 9/14/22[5/15/12])
LLCC 13-09-04	Substance Abuse and Chemical Dependency Program (Amended 5/15/12)
LLCC 14-03-01	Inmate Legal Services (Amended 9/14/22[8/7/15])
LLCC 14-04-01	Americans with Disabilities Act and Inmate Access (Added 9/14/22)
LLCC 15-01-02	Inmate Housing Assignment (Amended 9/14/22[5/15/12])
LLCC 15-01-03	Operational Procedures of the Units (Amended 9/14/22[5/15/12])
LLCC 15-01-04	Rules of the Unit (Amended 9/14/22[11/14/14])
LLCC 15-01-08	Searches and Control of Excess Property (Amended 9/14/22[7/26/13])
LLCC 15-01-09	Laundry Unit Services (Amended 9/14/22[9/15/14])
LLCC 16-01-01	Inmate Correspondence (Amended 9/14/22[5/15/12])
LLCC 16-01-02	Inmate Privileged or Legal Mail (Amended 9/14/22[5/15/12])
LLCC 16-01-03	Inmate Packages (Amended 9/14/22[5/15/12])
LLCC 16-02-01	Inmate Visiting (Amended 9/14/22[7/26/13])
LLCC 16-02-02	Extended and Special Visits (Amended 9/14/22[5/15/12])
LLCC 16-02-03	Restricted Visitation Privileges (Amended

	9/14/22[5/15/12])
LLCC 16-03-04	Parole Hearings: Media and Visitors (Amended 9/14/22[5/15/12])
LLCC 17-01-01	Inmate Transportation, Reception, and Discharge Process (Amended 9/14/22[5/15/12])
LLCC 17-03-01	Assessment and Orientation (Amended 9/14/22[8/7/15])
LLCC 17-04-01	Personal Property Control (Amended 9/14/22[5/15/12])
LLCC 17-04-02	Missing or Stolen Inmate Personal Property (Amended 9/14/22[5/15/12])
LLCC 17-05-01	Appliances to Outside Dealers for Repair (Amended 9/14/22[7/10/12])
LLCC 18-01-01	Meritorious Housing (Amended 9/14/22[7/26/13])
LLCC 18-02-04	Minimum Security Unit Operations (Amended 7/26/13)
LLCC 18-02-02	Lesbian, Gay, Bisexual, Transgender, and Intersex (LGBTI) (Added 10/14/15)
LLCC 19-01-02	Job Assignments and Dismissals (Amended 9/14/22[11/14/14])
LLCC 20-01-01	Education [Educational Programs] (Amended 9/14/22[7/26/13])
LLCC 21-01-01	Library Services (Amended 9/14/22[5/15/12])
LLCC 22-01-01	Recreation and Inmate Activities (Amended 9/14/22[9/12/14])
LLCC 22-02-01	Inmate Clubs and Organizations (Amended 9/14/22[8/7/15])
LLCC 22-02-02	Inmate Photographs Project (Amended 8/7/15)
LLCC 22-05-02	Arts and Crafts Program (Amended 9/14/22[8/7/15])
LLCC 23-01-01	Religious Program (Amended 9/14/22[11/14/14])
LLCC 23-01-03	Inmate Family Emergency Notification (Amended 9/14/22[11/14/14])
LLCC 24-01-01	Counseling and Social Services (Amended 9/14/22[7/26/13])
LLCC 25-01-01	Final Release (Amended 9/14/22[8/7/15])
LLCC 26-01-01	Citizen Involvement and Volunteer Services Program (Amended 9/14/22[9/15/14])
LLCC 26-02-01	Use of Students (Amended 9/14/22[5/15/12])
LLCC 26-02-02	Student and Volunteer Identification Badges (Amended 9/14/22[5/15/12])
LLCC 26-03-01	Confidentiality of Information, Roles and Services of Consultants, Contract Personnel, Students, and Volunteers (Amended 9/14/22[5/15/12])

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 3:50 p.m.

CONTACT PERSON: Amy V. Barker, Assistant General Counsel, Justice & Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, email Justice.RegContact@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Amy Barker

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation incorporates by reference the policies and procedures governing the Luther Luckett Correctional Complex (LLCC).

(b) The necessity of this administrative regulation: This regulation meets statutory requirements in KRS 196.035 and 197.020 and meets American Correctional Association (ACA) policy requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement practices or procedures to ensure the safe and efficient operation of the institution.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation and material incorporated by reference provide direction and information to LLCC employees and inmates concerning employee duties, inmate responsibilities, and the procedures that govern operations of the institution.

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

(a) How the amendment will change this existing administrative regulation: The amendment brings the institution into compliance with ACA expected practices and updates the procedures for the institution.

(b) The necessity of the amendment to this administrative regulation: The amendment meets the requirements of KRS 196.035 and 197.020 and updates practices for the institution in part to maintain accreditation with the ACA.

(c) How the amendment conforms to the content of the authorizing statutes: The authorizing statutes permit the Secretary of the Cabinet or his delegate and the Commissioner to implement or amend practices or procedures to ensure the safe and efficient operation of the institution.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides staff and inmates information concerning the effective and orderly management of the institution.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This affects approximately 201 employees and 980 inmates at the Luther Lockett Correctional Complex and all volunteers and visitors to the institution.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Staff, inmates, volunteers, and visitors will have to follow the changes made in the policies and procedures. They will have to change their actions to comply with the operational changes made by this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): An increase in cost is not anticipated from the changes in operations made in the amendment. An exact cost of compliance is unknown, but it is not anticipated that the amendment to this administrative regulation will increase current costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The operational changes will assist in the effective and orderly management of the institution.

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

(a) Initially: No additional cost is anticipated.

(b) On a continuing basis: No additional cost is anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Department of Corrections budgeted funds for the institution for the biennium.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The regulation establishes an appliance repair fee for the vendor in LLCC

17-05-01. The fee is not increased in this amendment.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE

(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? Luther Lockett Correctional Complex

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 61.870 – 61.884, 196.035, 197.020, 439.510

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The appliance repair fee does not generate revenue for the institution, but is provided to the vendor for repair and return postage.

(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 appliance repair fee is not expected to be generate revenue in a similar manner in future years.

(c) How much will it cost to administer this program for the first year? The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

(d) How much will it cost to administer this program for subsequent years? The regulation impacts how the institution operates, but is not expected to increase costs from what will be budgeted to the institution.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? No cost savings are anticipated.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? No cost savings are anticipated.

(c) How much will it cost the regulated entities for the first year? The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

(d) How much will it cost the regulated entities for subsequent years? The regulation impacts how the institution operates, but does not increase costs from what will be budgeted to the institution for the biennium.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] No major economic impact is anticipated.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Behavioral Health, Developmental and
Intellectual Disabilities
Division of Program Integrity
(Amended After Comments)

908 KAR 1:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities.

RELATES TO: KRS 198B.260, 218A.180, 218A.202, 222.231, 222.462, 21 C.F.R. 1301.72, 1301.74, 1301.75, 1301.91, 1301.92, 42 C.F.R. Part 8, 15 U.S.C. 1471

STATUTORY AUTHORITY: KRS 222.231(2), (12), 222.462
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 222.231(2) requires the cabinet to promulgate administrative regulations to establish requirements and standards for treatment programs, including health and safety standards, patient care standards, and classification of alcohol and other drug use[abuse] programs according to type, range of services, and level of care provided. KRS 222.231(12) requires the cabinet to promulgate administrative regulations to establish standards of operation for narcotic treatment programs. KRS 222.462 requires the cabinet to develop enhanced licensure and quality standards for substance use disorder treatment and recovery. This administrative regulation establishes standards for nonhospital-based alcohol and other drug treatment entities (AODE) that provide ambulatory withdrawal management, outpatient treatment services, intensive outpatient services, partial hospitalization, or office-based opiate treatment services. This administrative regulation further establishes standards for the operation of narcotic treatment programs in accordance with KRS 222.231(12) and 42 C.F.R. Part 8.

Section 1. Definitions. (1) "Approved controlled substance" means the drugs methadone, buprenorphine, or other FDA-approved medication for opioid use disorder (MOUD)[drug] used in the treatment of opioid[narcotic] addiction in a Narcotic Treatment Program.

(2) "CHFS" or "cabinet" means the Cabinet for Health and Family Services.

(3) "Central Registry" means a cabinet-approved electronic system used to register patients at a licensed narcotic treatment program (NTP) for the purpose of preventing simultaneous enrollment in other NTPs, gathering program-compliance information, and monitoring performance data.

(4) "Correctional Facility" means a jail, prison, or other place of incarceration by a government official.

(5) [(3)] "CSAT" means the Center for Substance Abuse Treatment.

(6) [(4)] "DEA" means the Drug Enforcement Administration.

(7) [(5)] "Dose" means a one (1) day quantity of an approved controlled substance[,] administered on site at a narcotic treatment program[, in not less than one (1) fluid ounce of an oral solution, formulated to minimize misuse by injection].

(8) [(6)] "Drug screening" means the process by which a program determines the presence or the absence of drugs in the body fluids.

(9) [(7)] "Main program" means the location where all administrative and medical information related to a narcotic treatment program is retained for the purpose of on-site reviews by federal agencies or the state narcotic authority.

(10) [(8)] "Medication station" means any dosing location that [obtains its drug supply from the main program site and retains all records (except dosing, drug screens) at the main location] is defined and authorized as a medication unit in 42 C.F.R. 8. Medication stations are not extension sites as established in 908 KAR 1:370 Section 2(1)(c).

(11) "Mobile unit" means means a narcotic treatment program (NTP) operating from a motor vehicle that:

(a) Serves as a mobile component for an existing licensed NTP;

(b) Operates under the registration of the NTP; and

(c) Engages in maintenance or detoxification treatment with narcotic drugs in schedules II-V at a location or locations remote

from its registered and licensed location in Kentucky.

(12) "Program prescriber" means:

(a) A practitioner as defined in KRS 218A.010(40); and

(b) Is authorized to prescribe Schedule II–V controlled substances by state and federal requirements;

(13) [(9)] "SNA" means the state narcotic authority and is synonymous with state opioid treatment authority (SOTA). The Department for Behavioral Health, Developmental and Intellectual Disabilities is the SNA, or SOTA, for Kentucky.

(14) [(40)] "Take-home dose" means a quantity of an approved controlled substance, which the patient[client] is eligible to take off the premises of a narcotic treatment program.

(15) [(44)] "Treatment phase" means a stage in the patient's[client's] progress through a narcotic treatment program's sequential treatment system.

(16) [(42)] "Voluntary withdrawal management" means a medically supervised withdrawal from the approved controlled substance requested by a patient[client] of a narcotic treatment program.

Section 2. Ambulatory Withdrawal Management. (1) In addition to the licensing requirements of 908 KAR 1:370, an outpatient AODE that provides ambulatory withdrawal management or maintenance services shall accept and provide services only to patients[clients] meeting the:

(a) Diagnostic criteria for a substance-related disorder for alcohol, tobacco, and other drug use as established by the most recent version of the Diagnostic and Statistical Manual of Mental Disorders (DSM); and

(b) Dimensional criteria for outpatient services as established in the most recent version of The American Society of Addiction Medicine (ASAM) Criteria.

(2) Ambulatory withdrawal management services shall:

(a) Be provided in regularly scheduled sessions;

(b) Be delivered in accordance with:

1. Clinical protocols established for ambulatory withdrawal management in the most recent version of The ASAM Criteria; or

2. Nationally recognized, evidence-based clinical protocols approved by the cabinet; and

(c) Include the following features:

1. Specialized psychological and psychiatric consultation and supervision for biomedical, emotional, behavioral, and cognitive problems as indicated;

2. Completion of a comprehensive medical history and physical examination of the patient[client] at admission;

3. Affiliation with other levels of care, including other levels of specialty addiction treatment for additional problems identified through the comprehensive biopsychosocial assessment required by 908 KAR 1:370, Section 18;

4. Appropriate laboratory and drug screening; and

5. Twenty-four (24) hour access to emergency medical consultation services if needed.

(3) Staff shall include:

(a) Physicians and licensed health practitioners acting within their scope of practice who, if not present on-site at the time of admission, shall be readily available to evaluate and confirm that ambulatory withdrawal management is safe for the patient[client]; and

(b) Clinical staff who shall be knowledgeable about the biopsychosocial dimensions of alcohol, tobacco, and other substance use disorders, including the signs and symptoms of alcohol and other drug intoxication and withdrawal.

(4) Therapies offered by ambulatory withdrawal management services shall include:

(a) Individual assessment;

(b) Medication or non-medication methods of withdrawal management;

(c) Monitoring, assessment, and management of signs and symptoms of intoxication and withdrawal by a physician or licensed health practitioner acting within their[his or her] scope of practice;

(d) Patient education;

(e) Non-pharmacological clinical support;

(f) Involvement of family members or significant others in the

withdrawal management process; and

(g) Discharge or transfer planning, including referral for counseling and involvement in community recovery support groups.

(5) A program shall establish an individualized treatment plan in accordance with 908 KAR 1:370, Section 19 that includes:

(a) Problem identification in dimensions two (2) through six (6) of the most recent version of The ASAM Criteria;

(b) Development of treatment goals and measurable treatment objectives;

(c) Activities designed to meet the treatment objectives and management of withdrawal syndrome;

(d) Daily assessment of:

1. Progress during withdrawal management; and
2. Any treatment changes;

(e) Transfer and discharge planning, beginning at the point of admission; and

(f) Referral and linkage arrangements for:

1. Counseling;
2. Medical care;
3. Psychiatric care; and
4. Continuing care.

(6) Progress notes shall:

(a) Be maintained in the patient[client] record in accordance with 908 KAR 1:370, Section 17(4)(h);

(b) Reflect implementation of the treatment plan;

(c) Document the patient's[client's] response to treatment; and

(d) Include each amendment of the treatment plan.

(7) Withdrawal rating scale tables and flow sheets that include tabulation of vital signs shall be used as needed.

(8) Treatment of a patient[client] shall continue until:

(a) Withdrawal signs and symptoms are sufficiently resolved so that the patient[client] can participate in:

1. Self-directed recovery; or
2. Ongoing treatment without the need for further medical or nursing withdrawal management monitoring;

(b) The patient's[client's] signs and symptoms of withdrawal have:

1. Failed to respond to treatment; and
2. Intensified so that transfer to a more intensive level of withdrawal management is indicated; or

(c) ~~Ambulatory[The client is unable to complete ambulatory] withdrawal management is not adequate to meet the severity of the patient's substance use disorder[despite an adequate trial, meaning the client is experiencing intense craving and evidencing insufficient coping skills to prevent continued alcohol or other drug use concurrent with the withdrawal management medication, indicating a need for more intensive service].~~

Section 3. Outpatient Treatment Services. (1) In addition to the licensing requirements of 908 KAR 1:370, an outpatient AODE that offers outpatient treatment services:

(a) Shall provide alcohol and other drug use[abuse] counseling to each patient[client], with counseling provided to no more than twelve (12) patients[clients] per clinician if provided in a group;

(b) Shall provide each patient[client] with education regarding:

1. The disease of addiction;
2. The patient's[client's] diagnosis;
3. The effects of alcohol and other drug use[abuse];
4. The risks of exposure to human immunodeficiency virus (HIV), hepatitis, and other health consequences of substance use disorder;
5. Family issues related to substance use disorder; and
6. Relapse prevention;

(c) Shall refer each patient[client] to ~~[recovery support]services~~ specific to addiction treatment and recovery, which may include:

1. Support groups;
2. Peer support;
3. Recovery housing;
4. Community supports;
5. Supported employment;
6. Co-occurring disorders; and
7. Medications for addiction treatment~~[Medication—assisted treatment];~~

(d) Shall have a direct affiliation with, or close coordination through referral to more intensive levels of care and medication management;

(e) Shall have a procedure to inform patients[clients] of the availability of emergency services available twenty-four (24) hours a day, seven (7) days a week; and

(f) May provide additional therapies including:

1. Motivational enhancement;
2. Occupational and recreational therapy;
3. Psychotherapy; or
4. Medications for addiction treatment~~[Medication—assisted therapy].~~

(2) Staff who provide outpatient treatment services:

(a) Shall be able to obtain and interpret information regarding the patient's[client's] biopsychosocial needs;

(b) Shall be knowledgeable about the biopsychosocial dimensions of alcohol, tobacco, and other substance use disorders, including assessment of the patient's[client's] stage of readiness to change;

(c) Shall be capable of monitoring stabilized mental health problems and recognizing any instability in a patient[client] with co-occurring disorders; and

(d) May include physicians and other licensed health care practitioners acting within their scope of practice on staff if medications for addiction treatment are~~[medication-assisted therapy is] provided.~~

(3) Progress notes shall:

(a) Be maintained in the patient[client] record in accordance with 908 KAR 1:370, Section 17(4)(h);

(b) Reflect implementation of the treatment plan;

(c) Document the patient's[client's] response to therapeutic interventions for all disorders treated; and

(d) Include each amendment of the treatment plan.

(4) The patient's[client's] discharge summary shall be completed within thirty (30) calendar days of discharge.

Section 4. Intensive Outpatient Program. (1) In addition to the licensing requirements of 908 KAR 1:370 and Section 3 of this administrative regulation, an outpatient AODE that offers intensive outpatient services shall ensure that the program provides a multi-modal, multi-disciplinary structured approach to services that:

(a) Are more intensive than outpatient treatment services; and

(b) Provide a minimum of services:

1. For adults:
 - a. Nine (9) hours per week; and
 - b. Given on no less than three (3) days per week; or
2. For adolescents:
 - a. Six (6) hours per week; and
 - b. Given on no less than two (2) days per week.

(2) Services shall include:

- (a) Individual outpatient therapy;
- (b) Group outpatient therapy;
- (c) Family outpatient therapy, unless contraindicated;
- (d) Crisis intervention; and
- (e) Psycho-education during which the patient or patient's[client or client's] family member shall be provided with information regarding:

1. The patient's[client's] diagnosis;

2. Reasons why a particular treatment might be effective for reducing symptoms; and

3. How to cope with the patient's[client's] diagnosis or condition in a successful manner.

(3) A program shall:

(a) Maintain a patient[client]-to-staff ratio of no more than ten (10) patients[clients] to one (1) staff;

(b) Establish an individualized treatment plan for each patient[client] in accordance with 908 KAR 1:370, Section 19 that focuses on stabilization and transition to a lower level of care;

(c) Provide access to a:

1. Board-certified or board-eligible psychiatrist for consultation, which may be delivered through the use of telehealth technology; and
2. Psychiatrist, other physician, or advanced practice registered

nurse for medication prescribing and monitoring; and

(d) Provide each patient[client] with a schedule of all planned therapeutic activities or otherwise ensure that the schedule is conspicuously posted in a public area of the facility.

(4)(a) If the program prepares meals on-site for a patient[client] who receives services for at least five (5) or more consecutive hours, the program shall be subject to inspection in accordance with 902 KAR 45:005.

(b) If patients[clients] prepare their own meals on-site or are otherwise responsible for their meals, a food service permit shall not be required.

Section 5. Partial Hospitalization. (1) In addition to the licensing requirements of 908 KAR 1:370, an outpatient AODE that offers partial hospitalization services shall be fully accredited by at least one (1) of the following:

- (a) Joint Commission;
- (b) Commission on Accreditation of Rehabilitation Facilities;
- (c) Council on Accreditation; or
- (d) Other nationally recognized accrediting organization with comparable standards.

(2) Partial hospitalization services shall:

- (a) Be short-term, four (4) to six (6) weeks on average;
- (b) Meet the same standards required for intensive outpatient services, except for Section 4(1)(b) of this administrative regulation;
- (c) Be provided at least five (5) hours a day and at least four (4) days per week; and

(d) Provide access to educational services for adolescent patients[clients].

(3) An AODE program that provides partial hospitalization shall comply with 902 KAR 45:005 if the program provides meals directly to its patients[clients].

Section 6. Office-based Opioid[Opiate] Treatment Services. (1) Excluding methadone-based treatment, a facility shall be licensed as an outpatient AODE that provides office-based opioid[opiate] treatment (OBOT) services if:

(a) Any individual with ownership interest in the facility is not a Kentucky-licensed physician; and

(b) The facility employs or has an affiliation with a physician, physician assistant, or advanced practice registered nurse who prescribes ~~[products containing buprenorphine or other]~~ FDA-approved medications[drugs] for the treatment of opioid use disorder to fifty (50) percent or more of the facility's patients.

(2) In addition to the licensing requirements of 908 KAR 1:370, an OBOT shall:

(a) Designate a medical director who shall:

1. Be responsible for the supervision of all medical staff and the administration of all medical services at the facility, including compliance with all federal, state, and local laws and administrative regulations regarding the medical treatment of opioid use disorder;

2. Be physically present at the facility at least twenty-five (25) percent of the time the facility is open to the public each week;

3. Conduct a monthly review of ten (10) percent of the medical charts for patients currently admitted at the facility and document each chart review; and

4. Not serve as medical director of more than three (3) OBOT facilities;

(b) Have sufficient medical staff on-site to provide the medical treatment and oversight necessary to serve patient needs, including a practitioner authorized to prescribe ~~[products containing buprenorphine or other]~~ FDA-approved medications[drugs] for the treatment of opioid use disorder on-site during fifty (50) percent of clinic weekly[all] hours of operation;

(c) Ensure that each practitioner authorized to prescribe ~~[physician or advanced practice registered nurse]~~ complies with the prescribing and dispensing standards in accordance with 201 KAR 9:270 or 201 KAR 20:065 respectively for FDA-approved medications[drugs] used for the treatment of opioid addiction;

(d) Ensure that a practitioner authorized to prescribe ~~[physician or advanced practice registered nurse]~~ documents in the patient's record whether or not the patient is compliant with prescribed dosing as evidenced by the results of:

1. A KASPER report released in accordance with KRS 218A.202(7)(e); and

2. Drug screening;

(e) Offer individual and group outpatient therapy;

(f) Monitor compliance with recommended non-medication therapies;

(g) Provide case management or care coordination services; and

(h) Implement pre-employment and ongoing random drug screening of all facility employees.

(3) Admission and discharge.

(a) ~~Each~~ ~~Prior to admission to the OBOT facility, each prospective~~ patient shall be evaluated to determine and document whether or not the patient meets the diagnostic criteria for an opioid use disorder as defined in the most recent version of the DSM. ~~[A prospective patient shall not be admitted unless he or she meets these criteria.]~~

(b) The OBOT facility shall use evidence-based assessment and evaluation tools that have been peer reviewed and validated, including the most recent edition of:

1. ASAM placement criteria;

2. Addiction Severity Index;

3. Substance Abuse and Mental Health Services Administration (SAMHSA) Treatment Improvement Protocol; or

4. Any other equivalent assessment and evaluation tool.

(c) Prior to receiving treatment at the facility, the patient shall acknowledge in writing having received education on:

1. Treatment options, including withdrawal management, and the benefits and risks associated with each treatment option;

2. The risk of neonatal abstinence syndrome and use of voluntary long-acting reversible contraception for all female patients of child-bearing age and potential;

3. Prevention and treatment of chronic viral illnesses, such as HIV and hepatitis;

4. Expected therapeutic benefits and adverse effects of treatment medication;

5. Risks for overdose, including drug interactions with central nervous system depressants, and return to use[relapse] after a period of abstinence from opioids; and

6. Overdose prevention and reversal agents.

(d) An OBOT facility shall not provide any type of reward to a third party for referral of potential patients to the clinic.

(4) Comprehensive assessment. The facility shall complete a comprehensive assessment in accordance with 908 KAR 1:370, Section 18 and in accordance with peer-reviewed opioid use disorder[medication-assisted] treatment guidelines developed by nationally recognized organizations, such as SAMHSA and the American Society of Addiction Medicine.

(5) Treatment planning. An OBOT facility shall complete an individualized treatment plan for each patient in accordance with 908 KAR 1:370, Section 19, featuring a plan for aftercare that includes the development of a list of appropriate treatment resources available to the patient in their[his or her] community.

(6) Discharge.

(a) A discharge plan shall be completed at the time of the patient's discharge by the staff person who has primary responsibility for coordinating or providing for the care of the patient, including a final assessment of the patient's status at the time of discharge.

(b) If applicable, a parent, guardian, family member, or responsible person may participate in aftercare and discharge planning.

(c) The reason for any patient not participating in aftercare and discharge planning shall be documented in the patient's record.

(d) The OBOT facility shall document if a patient discontinues services.

(e) Determination of the events that constitute a patient's discontinuation of services at an OBOT shall be at the discretion of the facility.

Section 7. Narcotic Treatment Programs. (1) In addition to the licensing requirements of 908 KAR 1:370, an outpatient AODE that operates a narcotic treatment program (NTP) using an FDA-

approved medication~~[methadone]~~ to treat individuals with substance use disorder shall comply with:

- (a) 42 C.F.R. Part 8;~~[and]~~
- (b) The requirements of this section; and
- (c) Submit and maintain all required data to:

1. The~~[in the]~~ Central Registry; and

2. KASPER as required by KRS 218A.202 and 902 KAR 55:110.

(2) An NTP requesting a change of location shall:

(a) Comply with 908 KAR 1:370, Section 4; and

(b) Provide information regarding any:

1. Dosing procedural changes; and

2. Drug distribution problems that could occur due to the relocation.

(3) Organization and operation.

(a) In addition to meeting the requirements of 908 KAR 1:370, Section 9, an NTP shall develop and comply with policies and procedures that include:

1. Waiting list criteria;

2. Data collection for participation in the program in accordance with 908 KAR 1:300;

3. A protocol that ensures the integrity of the chain of custody for all drug screens;

4. A protocol for voluntary and involuntary termination of a patient's~~[client's]~~ participation in the program, including reasons for termination for cause;

5. Requirements for the preparation and labeling of patient~~[client]~~ doses in accordance with the requirements of subsection (10) of this section;

6. Quality assurance and utilization review;

7. A patient~~[client]~~ identification system;

8. A system to prevent multiple program registrations;

9. Inventory maintenance;

10. A protocol for daily dosing schedules; and

11. Drug screening procedures that utilize random selection or unannounced collection.

(b) An NTP shall order approved controlled substances from the manufacturer or approved wholesalers in accordance with 42 C.F.R. Part 8.

(c) Policies for voluntary withdrawal management and involuntary termination from NTP treatment shall be in accordance with 42 C.F.R. Part 8.12.

(d) An NTP shall have and follow policies that prohibit recruitment of new patients~~[clients]~~ into the program by offering:

1. A bounty;

2. Monetary, equipment, or merchandise rewards; or

3. Free services for individuals.

(e) An NTP shall implement the system of treatment phases established in subsection (12) of this section.

(f) An NTP shall be open for dosing services at least six ~~(6) [seven (7)]~~ days a week with the optional exception of:

1. New Year's Day, January 1;

2. Presidents Day;

3. Martin Luther King Day;

4. Easter Sunday;

5. Memorial Day, last Monday in May;

6. Independence Day, July 4;

7. Labor Day, first Monday in September;

8. Thanksgiving Day, fourth Thursday in November; ~~[and]~~

9. Christmas Day, December 25; and

10. Any observed federal holiday.

(g) An NTP shall have dosing times sufficient to meet the needs of its patients~~[clients]~~.

(h) An NTP shall have a written emergency plan that complies with 908 KAR 1:370, Section 9, establishing the course of action in the event of a natural or manmade disaster or any sudden closing. The plan shall also include:

1. Alternate providers for each payment type that the NTP accepts; and

2. A communication plan to reach each patient~~[client]~~ and provide information and instructions.

(i) The initial drug screens and confirmatory tests for drugs tested on behalf of the NTP shall meet federal~~[the following]~~

standards for the following:

1. [Marijuana metabolites:

a. Initial screen 50ng/ml; and

b. Confirmation test 15ng/ml;

2.] Cocaine metabolites;]

a. Initial screen 300ng/ml; and

b. Confirmation test 150ng/ml;]

2.[3.] Opioid~~[Opiates]~~ metabolites;]

a. Initial screen 300ng/ml; and

b. Confirmation test 300ng/ml;]

3.[4.] Amphetamines;]

a. Initial screen 1000ng/ml; and

b. ~~Confirmation test of amphetamine 500ng/ml and methamphetamine confirmation test 500ng/ml;]~~

4.[5.] Barbiturates;]

a. Initial screen 300ng/ml; and

b. Confirmation test 300ng/ml; and]

5.[6.] Benzodiazepines;]

a. Initial screen 300ng/ml; and

b. Confirmation test 300ng/ml;]

(j) An NTP that dispenses buprenorphine shall:

1. Have sufficient medical staff on-site to provide the medical treatment and oversight necessary to serve patient needs, including a practitioner authorized to prescribe FDA-approved medications for the treatment of opioid use disorder on-site during **fifty (50) percent of clinic weekly**~~[all]~~ hours of operation;

2. Ensure that each practitioner authorized to prescribe or dispense complies with the prescribing and dispensing standards in accordance with 201 KAR 9:270 or 201 KAR 20:065 respectively for FDA-approved medications used for the treatment of opioid use disorder;

3. Ensure that a practitioner authorized to prescribe or dispense documents in the patient's record whether or not the patient is compliant with prescribed dosing as evidenced by the results of:

a. A KASPER report released in accordance with KRS 218A.202(7)(e); and

b. Drug screening;

c. Provide patient dosing of buprenorphine which is exempt from treatment protocol phasing as outlined in subsection (12) of this section.

(4) Medication stations.

(a) Medication stations shall not require a separate license.

(b) To establish a medication station, the NTP shall submit to the SNA, an Application for License to Operate a Nonhospital-based Alcohol and Other Drug Treatment Entity (AODE) form incorporated by reference in 908 KAR 1:370.

(c) ~~[A medication station shall be located between forty-five (45) miles and ninety (90) miles from the main NTP.]~~

(d) ~~The medication station shall obtain its supply of approved controlled substances from the stocks of the main NTP.]~~

(e) The medication station shall provide the following services:

1. Dosing; and

2. Drug screen collection.

(d)[(f)] The program director shall develop a system to prevent patients~~[clients]~~ from dosing at both the main NTP and the medication station.

~~[(g) Other services shall not be provided at the medication station without prior approval of the CSAT and SNA.]~~

(5) Personnel.

(a) An NTP shall have a program director who shall:

1. Have at least two (2) years of experience in the treatment of addiction; and

2.a. Be certified by the Board of Certification of Alcohol and Drug Counselors;

b. Hold at least a master's degree in the field of addiction or a related field; or

c. Be a physician, registered nurse, physician assistant, pharmacist, or nurse practitioner certified by the licensing subspecialty.

(b) The program director may be the program sponsor as required by 42 C.F.R., Part 8.

(c) The program director shall:

1. Be responsible for ensuring compliance with federal, state,

and local laws and administrative regulations pertaining to the operation of the facility;

2. Provide onsite supervision of employees;

3. Ensure the laboratory performing the testing required under this administrative regulation is approved by the SNA and is certified by the Centers for Medicare and Medicaid Services as a Clinical Laboratory Improvement Amendments (CLIA) certified laboratory; and

4. Ensure that initial drug screens and confirmatory tests for drugs tested on behalf of the program meet the standards in subsection (3)(i) of this section.

(d) An NTP shall have a medical director who shall be:

1. Licensed by the Commonwealth of Kentucky to practice medicine within the Commonwealth; and

2.a. A board eligible psychiatrist with at least three (3) years of experience in the provision of services to persons who have a substance use disorder; or

b. Board-certified as an addiction medicine specialist.

(e) The medical director shall function autonomously within an NTP free from any protocol imposed by an NTP, director, or any other entity except under the guidelines established in 42 C.F.R. Part 8 and this administrative regulation.

(f) The medical director shall be responsible for the NTP's adherence to federal, state, and local laws and administrative regulations pertaining to the operation of the facility.

(g) An NTP may have a program physician[prescriber][physician]. If an NTP has a program physician[prescriber][physician], the physician[prescriber][physician] shall be:

1. Licensed by the Commonwealth of Kentucky to prescribe controlled substances [practice medicine within the Commonwealth]; and

2.a. Board-certified as an addiction medicine specialist; or

b. A person who has at least one (1) year of experience in providing service to individuals with a substance use disorder.

(h) A program physician[prescriber][physician] shall be under the supervision of the medical director and shall function autonomously within the NTP free from any protocol imposed by any NTP, director, or any other entity except under the guidelines imposed by 42 C.F.R. Part 8 and this administrative regulation.

(i) An NTP may have a program prescriber. If an NTP has a program prescriber, the program prescriber shall be:

1. Licensed by the Commonwealth of Kentucky to prescribe controlled substances;

2. A person who has at least one (1) year of experience in providing services to individuals with a substance use disorder; and

3. Under the supervision of the medical director or program physician[A program prescriber[physician] shall be responsible for the NTP's compliance with federal, state, and local laws and administrative regulations pertaining to the operation of the facility].

(j) The medical director may be the program physician[prescriber][physician].

(k) 1. There shall be a minimum of one (1) medical director, program physician, or program prescriber[physician] on staff for every 300 patients[clients], or fraction thereof, enrolled in an NTP; and

2. The medical director, program physician, or program prescriber shall not be responsible for more than 300 total patients, which includes all patients of the NTP[nationally].

(l) The medical director, ~~or~~ program physician or prescriber[physician] shall:

1. Ensure ~~[there is evidence of physiologic dependence on narcotics for]~~ all patients[clients] admitted to the NTP meet the most recent version of DSM criteria for opioid use disorder;

2. Ensure ~~[there is a history of addiction, or]~~ that any exceptions to admissions criteria are approved by the SNA and documented in the patient's[client's] record before the first dose is administered;

3. Ensure that appropriate medical histories and physical examinations have been performed before the first dose shall be administered;

4. Ensure that appropriate laboratory studies have been

performed;

5. Review all laboratory testing results and documents;

6. Document, sign, or cosign all medical orders, within forty-eight (48) hours, including the first dose of an approved controlled substance;

7. Document, sign, or cosign all subsequent medication orders within forty-eight (48) hours, including dose increases and decreases, changes in frequency of take-home doses, emergency situations, or special circumstances;

8. Ensure that a review and cosignature of all telephone or other verbal orders are documented within forty-eight (48) hours of the order;

9. Supervise staff responsible for preparation and administration of the approved controlled substances;

10. Ensure compliance with program procedures and administrative regulations; and

11. Order through the licensed NTP all:

a. Initial doses; and

b. Increases or decreases.

(m) An NTP shall hire dosing personnel who shall:

1. Hold a license as a registered nurse, licensed practical nurse, or pharmacist; and

2. Not be dually assigned as clinicians.

(n) An NTP shall provide dosing personnel in sufficient numbers to meet the needs of the patients[clients] during dosing hours.

(o) Dosing prescribers[physicians] and pharmacists shall comply with KRS 218A.180 related to labeling if preparing doses to be taken outside the program site.

(p) An NTP shall hire clinicians who meet the requirements of 908 KAR 1:370, Section 11.

(q) There shall be at least one (1) clinician for every fifty-five (55)[fifty (50)] patients[forty (40) clients] in the program.

(6) Security and control.

(a) The program director and dosing nurse supervisor or pharmacist shall conduct quarterly reviews to ensure compliance with this subsection and 42 C.F.R. Part 8.12.

(b) Security of the controlled substance[narcotic] safe and the building perimeter shall be checked at least quarterly with the contracted security company.

(c) The safe shall be locked at all times while staff are not obtaining, restocking, or inventorying controlled substances.

(d) 1. Inventory reconciliation shall be conducted at least quarterly;

2. All reconciliation documents shall be retained by the program for at least five (5) years; and

3. All DEA and federal regulations concerning[Five (5) percent or more of any] inventory discrepancies shall be followed, and any inventory discrepancy required to be reported to the [SNA and the] DEA offices shall also be reported to the SNA within forty-eight (48) hours of reconciliation.

(e) Dosing personnel shall count all new bottles of controlled substance[narcotic] tablets before removing any for patient[client] doses.

(f) Any discrepancies in controlled substance[narcotic] tablet count shall be reported to the SNA, DEA, CSAT, and the cabinet within forty-eight (48) hours of the event.

(g) A system shall be in place to assure the NTP completes the DEA biennial inventory of controlled substance[narcotic drugs] on hand.

(h) Order forms for controlled substances, the dosing records, and inventory reconciliation records shall conform with 42 C.F.R. Part 8.12 and shall be maintained in a locked, secured area separate from the storage site of the controlled substances.

(i) Quarterly, the program director or designee shall review a ten (10) percent random sample of patient[client] records for:

1. A consent to treatment form signed by the patient[client]; and

2. A release of information form signed by the patient[client] that includes:

a. A description of the specific type of confidential information to be obtained or released; and

b. The specific dates that the release is to cover.

(j) If the program director serves as a clinician, the medical director shall review a ten (10) percent random sample of the

program director's patient[client] records for inclusion of the documents listed in paragraph (i) of this subsection.

(k) An NTP shall retain on file documentation that quarterly reviews were conducted, which shall be available for review by regulatory agencies for at least five (5) years.

(7) Admission policies.

(a) The admitting physician or licensed health practitioners acting within their scope of practice for the NTP shall comply with the admission requirements of 42 C.F.R. Part 8.12.

(b) When a patient[client] applies for admission to an NTP, the patient[client] shall be required to sign a release of information that authorizes a program to release or solicit information regarding the patient's[client's] status in any other substance use disorder treatment [abuse] program.

(c) In addition to complying with the requirements of 908 KAR 1:370, Section 16, an NTP shall:

1. Provide each patient[client] written information describing all facets of the program in a manner that the patient[client] understands; and

2. Explain the contents of all required federal forms to the patient[client] before he or she is asked to sign.

(d) At admission, readmission, and at six (6) month intervals for the first two (2) years of treatment, and as indicated clinically after two (2) years, an NTP shall give the patient[client] information on communicable diseases including:

1. Tuberculosis;
2. Hepatitis;
3. Sexually transmitted diseases; and
4. HIV/AIDS.

(e) A patient[client] shall have access to voluntary HIV testing at admission and if clinically indicated thereafter and shall receive HIV/AIDS pre-test and post-test counseling if the patient[client] elects to be tested.

(f) In order for an NTP to admit or continue to treat a patient[client] who is pregnant, the medical director, program physician, or program prescriber[physician] shall determine and document in the patient's[client's] record that the patient[client] is medically able to participate in the program.

(g) Pregnant individuals with an opioid[opiate] use disorder shall be given priority for admission and services if the NTP has a waiting list.

(8) Patient[client] transfers and quest dosing.

(a) An NTP may accept patients[clients] transferring from another NTP if the patient[client] meets the criteria for admission in subsection (7) of this section and in accordance with this subsection.

(b) The program prescriber, program physician, [physician] or medical director at the receiving NTP shall review the patient's[client's] records on an individual basis to determine the patient's[client's] placement on the receiving program's patient[client] listing. Reviews for proposed transfers shall determine the patient's[client's]:

1. Need;
2. Program placement availability; and
3. Circumstances for the transfer request.

(c) If a patient transfers[client] from an existing narcotic[out-of-state, medication-assisted] treatment program[transfers to an NTP located in Kentucky], the NTP shall ensure, if clinically indicated, the patient remains in their confirmed current phase from the sending NTP[designate the client as a new admission or "entry phase" as established in subsection (12) of this section unless other phase levels are approved by the SNA].

(d) The sending NTP shall:

1. Forward all relevant patient[client] records to the receiving NTP within seventy-two (72) hours of receipt of a request to transfer, excluding any day the NTP is closed; and

2. Continue dosing until the patient[client] is enrolled at the receiving NTP.

(e) The receiving NTP shall:

1. Contact the sending NTP to confirm the patient's[client's] enrollment prior to administering the patient's[client's] initial dose at the receiving NTP; and

2. Include documentation in the patient's[client's] medical record of the:

a. Date of receipt of the patient's[client's] records from the sending NTP, including reason for transfer; and

b. Verification that the patient[client] meets the admission criteria in subsection (7) of this section.

(f) An NTP may provide quest dosing to patients who are not eligible for take home doses.

(g) The NTP may develop policies based upon [national] federal guidelines and best practices.

(h) The NTP shall check the individual's enrollment in the central registry.

(i) The NTP shall confirm and provide the correct quest dosing arrangement with the home NTP.

(9) Drug screens.

(a) Drug screen sample collection policies intended to prevent falsification shall be developed and followed.

(b) Drug screens shall be analyzed for the following drugs:

1. Approved controlled substance;
2. Cocaine;
3. Opioids[Opiates];
4. Amphetamines;
5. Barbiturates;
6. [Tetrahydrocannabinol];
7. Benzodiazepines;

7.[8.] Any other drug or drugs that has been determined by the NTP or the SNA to be misused[abused] in that program's locality; and

8.[9.] Any other drugs that could have been misused[abused] by the patient[client].

(c) Drug screens shall be reviewed by the treatment team monthly to determine the patient's[client's] reduction in the use of unauthorized medications.

(d) Controlled substance medications shall be considered unapproved usage if they are being used by the patient[client] without a valid prescription.

(e) A drug screen that is negative for the approved controlled substances allowed to be used in the NTP shall be considered positive for unauthorized drug use.

(f) An NTP shall not use drug screens as the sole criteria for involuntarily terminating a patient's[client's] participation in the program.

(g) When drug screening results are used, presumptive laboratory results shall be distinguished in the patient[client] record from results that are definitive.

(h) Samples used for drug screening purposes shall be handled in a manner that ensures patient[client] confidentiality.

(10) Dosing requirements.

(a) The dose prepared for a patient[client] shall be the quantity of approved controlled substances that is indicated on the patient's[client's] narcotic sheet within the medical record.

(b) The dose shall be labeled with the exact quantity of narcotic drug ordered.

(c) Take-home doses shall be formulated in a manner that reduces the likelihood of injecting the dose.

(d) Take-home doses of the approved controlled substances shall be packaged in containers in accordance with 15 U.S.C. 1471.

(e) The label of take-home doses shall include the:

1. Name of the program;
2. Address and telephone number of the program;
3. Name of the controlled substance;
4. Name of the patient[client];
5. Name of the prescriber[physician] ordering the substance;
6. Quantity of the controlled substance, unless the patient[client] has requested in writing that the quantity of the substance not be revealed to him or her;
7. Date of filling order; and
8. Instructions for medicating, including dosage amount and dates medication is to be taken.

(f) Dosing personnel shall not alter patient[client] doses without the medical director, program physician, or program prescriber's[physician's] order.

(g) Verbal dosing orders shall be reduced to writing and signed by the medical director, program physician, or program prescriber [physician] within forty-eight (48) hours of the order's receipt.

(h) The medical record shall indicate any reason for dose changes and shall be signed by the medical director, program physician, or program prescriber[physician] within forty-eight (48) hours of the order's receipt.

(11) Patients[Patient][Clients] who are pregnant.

(a) If the medical director, program physician, or program prescriber[physician] does not accept the responsibility for providing prenatal care for the term of the patient's[client's] pregnancy, then the medical director, program physician, or program prescriber[physician] shall refer the patient[client] to:

1. A primary care physician who practices obstetrics; or
2. An obstetrician.

(b) The medical director, program physician, or program prescriber[physician] shall inform the prescriber [physician] accepting the referral of the patient's[client's] participation in the NTP.

(c) The medical director, program physician, or program prescriber[physician] shall ensure that appropriate arrangements have been made for the medical care of both the patient[client] and the child following the birth of the child.

(d) The medical director, program physician, or program prescriber[physician] shall notify the pregnant patient's[client's] primary care physician or obstetrician of any changes in the patient's[client's] treatment.

(e) The program shall ensure that the following services are available for pregnant individuals and are a part of the treatment plan:

1. Nutritional counseling; and
2. Parenting training that includes information about:
 - a. Newborn care;
 - b. Handling a newborn;
 - c. Newborn health; and
 - d. Newborn safety.

(12) Treatment protocol phases.

(a) In accordance with 42 C.F.R. Part 8.12, NTPs shall comply with the treatment phase system as outlined in paragraphs (e) through (j) of this subsection for the dosing of methadone for treatment of opioid use disorder to achieve the goals of:

1. Reduced health problems;
2. Reduced criminal activity;
3. Increased productivity;
4. Stabilization of family life; and
5. Eventual drug-free living.

(b) Program infractions shall include:

1. [Failed drug screens;
- 2.] Disruptive behavior at the clinic site; or
- 2.[3.] Threats to staff or other patients[clients]; or
4. Failure to attend scheduled dosing or counseling appointments].

(c) Program non-compliance shall include:

1. Non-compliant drug screens; or
2. Failure to attend scheduled dosing or counseling appointments.

(d) Patient[Client] treatment plans shall be:

1. Established[established], reviewed, and updated in accordance with 908 KAR 1:370, Section 19; and
2. Reflect a patient's current needs for:
 - a. Medical, social, and psychological services; and
 - b. Education, vocational rehabilitation, and employment services.

(e)[(d)] The medical director, program physician, or program prescriber [physician] shall sign the treatment plan within thirty (30) days.

(f)[(e)] A patient shall successfully complete current treatment protocol phase before entering the subsequent treatment protocol phase with no non-compliance issues, unless excused pursuant to paragraph (n) of this subsection, for at least ninety (90) consecutive days.

(g) Phase one (1). Days one (1) to ninety (90) in treatment[Entry Phase. During the first 90 days of treatment], all patients[clients] shall:

1. Attend clinic six (6)[seven-(7)] times each week for observed ingestion of an approved controlled substance at the clinic site;

2. Be eligible to receive a one (1) day take-home dose of an approved controlled substance[sub-stance];

3. Be provided [weekly-]counseling sessions to support the implementation of their treatment plan as clinically indicated;

4.[3.] Be informed about appropriate support groups; and

5.[4.] Provide a[an-observed] drug screen sample one (1) time per month[week] on a random basis.

(h)[(f)] Phase two (2). Days ninety-one (91) to 180.[Phase one (1)-]

1. [In order for a client to enter phase one (1), the client shall:

- a. Have participated in the "entry phase" for at least ninety (90) consecutive days; and
- b. Not have committed any program infractions for at least ninety (90) consecutive days.

2.] Once the patient[client] enters phase two (2)[one-(1)] the patient[client] shall:

- a. Attend clinic five (5)[six-(6)] times each week for observed ingestion of an approved controlled substance;
- b. Be eligible to receive a two (2)[one-(1)] day take-home dose of an approved controlled substance;
- c. Be provided [weekly-] counseling sessions to support the implementation of their treatment plan as clinically indicated;
- d. Provide a[an-observed] drug screen sample on a random basis at least monthly or more frequently if their treatment plan requires[every-other-week]; and
- e. Be encouraged to attend [an] appropriate support groups [group].

(i)[(g)] Phase three (3). Days 181 to 270.[Phase two-(2)-]

1. In order for a patient[client] to enter phase three (3)[two-(2)], the patient[client] shall have successfully completed phase two (2)[be:]

- [a- Have participated in phase one (1) for at least ninety (90) consecutive days;
- b. Not have committed any program infractions for at least ninety (90) consecutive days;
- c. Be:]

a.][(i)] [Pursuing or engaged in gainful employment;

b.][(ii)] [Pursuing vocational training;

c.][(iii)] [Attending school;

d.][(iv)] [Engaged in volunteer work;

e.][(v)] [Attending parenting classes if they are a parent at home with children; or

f.][(vi)] [A patient[client] [with disabilities or other circumstances that might make compliance with this clause unattainable, if the patient[client] [submitted a written waiver request to the SNA justifying specific reasons for the request that was not denied; and

2.][(d.) [Have a treatment plan to meet any special needs, including disabilities.]

2.[3-][2-] Patients[Clients] in phase three (3)[two-(2)] shall:

- a. Attend clinic four (4)[five-(5)] times each week for observed ingestion of an approved controlled substance;
- b. Be eligible to receive up to three (3)[two-(2)] days of take-home doses of an approved controlled substance;
- c. Provide a[an-observed] drug screen sample randomly on a monthly basis, or more frequently if their treatment plan requires;
- d. Be provided [monthly-]counseling sessions, [or more frequently if their treatment plan requires;] as clinically indicated; and
- e. Be encouraged to attend appropriate support groups outside the clinic.

(j)[(h)] Phase 4. Days 271 to 365.[Phase three-(3)-]

1. In order for the patient[client] to enter phase four (4)[three-(3)], the patient[client] shall:

- a. Have completed phase 3; and [participated in phase two (2) for at least ninety (90) consecutive days;]
- b. [Not have committed any program infractions for at least ninety (90) consecutive days; and
- e.] Have met the same entry criteria requirements as established in phase three (3)[two-(2)].

2. Patients[Clients] in phase four (4)[three-(3)] shall:

- a. Attend clinic one (1) time[three-(3) times] each week for observed ingestion of an approved controlled substance;
- b. Be eligible to receive up to six (6)[two-(2)] days of take-home

doses of an approved controlled substance;

c. Provide eight (8) random drug screen samples within a twelve (12) month period~~[an observed drug screen sample randomly on a monthly basis]~~, or more frequently if their treatment plan requires;

d. Be provided ~~[monthly]~~ counseling sessions, ~~[or—more frequently if their treatment plan requires,] as clinically indicated;~~ and

e. Be encouraged to attend appropriate support groups outside the clinic.

(k)(i) Phase 5. Days 365 to 730.~~[Phase three (4)-]~~

1. In order for the patient~~[client]~~ to enter phase five (5)~~[four (4)]~~, the patient~~[client]~~ shall have:

a. Successfully completed phase four (4)~~[three (3)]~~; and

b. Adhered to the requirements of the maintenance treatment program for at least 365 days~~[twelve (12) consecutive months]~~.

2. Patient~~[Clients]~~ in phase five (5)~~[four (4)]~~ shall:

a. Be dosed at the clinic site at least once every fifteen (15) days~~[two (2) days per week]~~ for observed ingestion of an approved controlled substance;

b. Be eligible for up to fourteen (14)~~[three (3)]~~ days of take-home doses of an approved controlled substance;

c. Be provided an appropriate number of counseling sessions, which shall be based~~]:~~

~~(i) Based]~~ on the clinical judgement of the program physician and program staff; and

~~[(ii) No less than one (1) per month; and]~~

d. Provide eight (8) random drug screen samples within a twelve month period~~[an observed drug screen sample randomly on a monthly basis]~~, or more frequently if their treatment plan requires.

[3. Prior to successful completion of phase four (4), a plan shall be developed that shall assist the client toward a drug free treatment regimen for continued support.]

(l)(i) Phase 6. Days 731 and up.~~[Phase three (5)-]~~

1. In order for the patient~~[client]~~ to enter phase six (6)~~[five (5)]~~, the patient~~[client]~~ shall have:

a. Successfully completed phase five (5)~~[four (4)]~~; and

b. Adhered to the requirements of the maintenance treatment program for at least 731 days~~[two (2) consecutive years]~~.

2. Patients~~[Clients]~~ in phase six (6)~~[five (5)]~~ shall:

a. Be dosed at the clinic site at least one (1) day per month~~[per week]~~ for observed ingestion of an approved controlled substance;

b. Be eligible for up to thirty one~~[six (6)]~~ days of take-home doses of an approved controlled substance;

c. Be provided an appropriate number of counseling sessions, which shall be based~~]:~~

~~(i) Based]~~ on the clinical judgement of the program prescriber~~[physician]~~ and program staff; and

~~[(ii) No less than one (1) per month; and]~~

d. Provide eight (8) random drug screen samples within a twelve month period~~[an observed drug screen sample randomly on a monthly basis]~~, or more frequently if their treatment plan requires.

(m) The medical director may excuse a non-compliance issue on a case-by-case basis focusing on the following:

1. The interactions between a positive drug screen and the medication used for treatment;

2. Past history of non-compliance issues;

3. Employment issues; and

4. Length of time in program.

(n) If the medical director excuses a non-compliance issue, as specified in paragraph (m) of this subsection, the non-compliance issue excused shall not be used to:

1. Move a patient out of a phase; or

2. Keep a patient from advancing phases.

(o) The medical director shall document the non-compliance excuse in the patient's medical record.

(13) Take home dose restrictions and terminations.

(a) In determining the patient's~~[client's]~~ take-home medications, the medical director, program physician, or program prescriber~~[physician]~~ shall act in accordance with 42 C.F.R. Part 8.12 and subsections (7) through (12) of this section.

(b) ~~[An NTP shall restrict a client's take-home dosage privileges by moving the client back at least one (1) phase level on the schedule for take-home dosages if the client's drug screening results disclose the unauthorized presence any substance established in~~

~~subsection (9)(b) of this section.~~

(e) An NTP shall restrict a patient's~~[client's]~~ take-home dosage by moving the patient~~[client]~~ back on the take-home dosage schedule if the medical director, program physician, or program prescriber~~[physician]~~ concludes that the patient~~[client]~~ is no longer a suitable candidate for take-home privileges as presently scheduled.

(c)(d) An NTP shall revoke a patient's~~[client's]~~ take-home privileges for not less than thirty (30) days and shall require the patient~~[client]~~ to ingest each dosage at the facility for any of the following reasons:

1. The patient's~~[client's]~~ drug screening discloses an absence of the controlled substance prescribed by the program;

2. The patient~~[client]~~ is discovered to be misusing medication, as established in subparagraph 5. of this paragraph;

3. The patient~~[client]~~ attempts to enroll in another NTP;

4. The patient~~[client]~~ alters or attempts to alter a drug screen; or

5. The patient~~[client]~~ is not satisfactorily adhering to the requirements of the NTP by the following:

a. The patient~~[client]~~ has not complied with the rules of the NTP;

b. ~~[There is indication that the client has repeatedly used drugs~~

improperly;

c. The patient~~[client]~~ is sharing, giving away, selling, or trading their ~~[his or her]~~ approved controlled substance dosage; or

c.(d.) The patient~~[client]~~ is not ingesting their ~~[his or her]~~

approved controlled substance dose in accordance with treatment program rules;

e. ~~There is indication that the client is selling, distributing, or otherwise involved with illicit drugs and their use; or~~

f. ~~The client is not participating in an educational, vocational, or home-making activity].~~

(d)(e) A patient~~[client]~~ whose daily dosage is twenty-five (25) milligrams or less shall be exempt from paragraph (c)(d)~~1.~~ of this subsection.

(e)(f) A patient~~[client]~~ whose take-home privileges were revoked or restricted may regain take-home privileges according to the following schedule:

1. Phase one (1) – satisfactory adherence for at least thirty (30) days;

2. Phase two (2) – satisfactory adherence for at least thirty (30) days after regaining phase one (1) privileges;

3. Phase three (3) – satisfactory adherence for at least thirty (30) days after regaining phase two (2) privileges;

4. Phase four (4) – satisfactory adherence for at least thirty (30) days after regaining phase three (3) privileges; ~~and]~~

5. Phase five (5) – satisfactory adherence for at least thirty (30) days after regaining phase four (4) privileges; and

6. Phase six (6) - satisfactory adherence for at least thirty (30) days after regaining phase five (5) privileges.

(f)(g) This subsection shall not be used to circumvent the requirements of this administrative regulation. A patient~~[client]~~ shall not be advanced to a phase level pursuant to this subsection unless the patient~~[client]~~ has previously been at that phase level after having satisfied the requirements of each phase.

(g)(h) Treatment shall be continued as long as it is medically necessary based upon the clinical judgment of the medical director, program physician, or program prescriber ~~[physician]~~ and staff.

(h)(i) Scheduled withdrawal shall be under the immediate direction of the medical director, program physician, or program prescriber~~[physician]~~ and shall be individualized.

(i)(j) A patient~~[client]~~ may voluntarily terminate participation in an NTP even if termination is against the advice of the NTP.

(j)(k) Except as established in subsection (15)(e) of this section, either voluntary or involuntary termination shall take place over a period of time not less than fifteen (15) days, unless:

1. The medical director, program physician, or program prescriber~~[physician]~~ deems it clinically necessary to terminate participation sooner and documents the reason in the patient's~~[client's]~~ record; or

2. The patient~~[client]~~ requests in writing a shorter termination period.

(k) Patients who are voluntarily and involuntarily terminated shall be offered the following prior to discharge:

1. Overdose education;

2.a. A Federal Drug Administration approved opioid overdose reversal agent; or

b. A Federal Drug Administration approved opioid overdose reversal agent prescription; and

3. Referral with appointment to the level-of-care appropriate and accessible to the patient.

(14) Exceptions.

(a) The medical director, program physician, or program prescriber[physician] may grant an exception to the criteria for take-home dosages for any of the following reasons:

1. The patient[client] has a serious physical disability that would prevent frequent visits to the program facility; or

2.a. The patient[client] is subject to an exceptional circumstance such as acute illness, family [add]crisis, or necessary travel; and
b. Hardship would result from requiring exact compliance with the phase level schedule established in subsection (12) of this section.

(b) Exception to the criteria for take-home dosages shall:

1. Be subject to the limitations in this administrative regulation; and

2. Have written approval from the SNA that shall be filed in the patient[client] record.

(c) If a patient[client] is required to travel out of the program area, the medical director, program physician, or program prescriber physician] shall attempt to arrange for the patient's[client's] daily dosage to be received at another program in lieu of increasing take-home dosages.

(d) The medical director, program physician, or program prescriber[physician] shall document in the patient's[client's] record the granting of any exception and the facts justifying the exception.

(e) Each program shall maintain a separate record for all exceptions granted.

(f) The SNA shall not grant additional exceptions, except in cases of medical emergency or natural disaster, such as fire, flood, or earthquake.

(g) Patient take home exceptions shall be entered into the Substance Abuse and Mental Health Services Administration's system in accordance with the system's requirements.

(h) Emergency Dosing.

1. Under emergency conditions a program may issue take-home doses in accordance with this subsection.

2. Within forty-eight (48) hours after administration of the first emergency dose, an NTP shall:

a. Notify the SNA in writing;
b. Submit justification of the emergency dose or doses; and
c. Request permission for any subsequent dose after the first two (2) doses.

3. Subsequent emergency doses shall not be given unless permission is received by the SNA.

4. This request shall include the:

a. Number of take-home doses requested;
b. Reason for the request;
c. Patient's[Client's] standing in program phases;
d. Patient's[Client's] adherence to program policies; and
e. Total length of time the patient[client] has been enrolled at the NTP.

(15) Patient[Client] program compliance and infractions.

(a) If a patient has a non-compliance issue as described in section 7(12)(c) of this administrative regulation[client commits a program infraction], the counseling staff shall review and modify the treatment plan to assist the patient[client] in complying with program policies.

(b) If a patient[client] continues to have non-compliance issues[commit infractions] and the medical director, program physician, or program prescriber[physician] determines additional intervention is warranted, the director, program physician, or prescriber[physician] may:

1. Move the patient[client] back to an earlier treatment phase; [or]
2. Limit or revoke the patient's[client's] take-home privileges;
3. Increase the frequency of counseling sessions;
4. Increase the frequency of drug screen samples; or

5. Increase the medication dose to reduce cravings.

(c) If a patient commits a program infraction as described in section 7(12)(b) of this administrative regulation[the client continues to commit program infractions], the patient[client] may be involuntarily terminated from the program based on the recommendation of the medical director, program physician, or program prescriber[physician].

(d) A patient's[client's] participation in an NTP may be involuntarily terminated for cause. Cause shall include:

1. Polydrug use if risk of co-use outweighs risk of overdose death following termination of methadone treatment[abuse];

2. Diversion of an approved controlled substance;

3. Violence or threat of violence to program staff or other patients[clients] in the program; or

4. Dual enrollment in another NTP.

(e) If the medical director, program physician, or program prescriber[physician] determines that the patient's[client's] continued participation in the program creates a physically threatening situation for the staff or other patients[clients], the patient's[client's] participation may be terminated immediately.

(f) A patient[client] shall be given written notice of a decision to terminate their[his or her] participation in the program, which shall include the reasons for the termination.

(16) Program monitoring. If an NTP fails to comply with the requirements in this administrative regulation, the SNA may take action in accordance with 908 KAR 1:370, Sections 5 and 20. In addition to the authority to deny, suspend, or revoke a license in accordance with 908 KAR 1:370, the SNA may:

(a) Order the NTP to discontinue all or part of the take-home doses of any approved controlled substance used in the NTP;

(b) Restrict the NTP's take-home procedures to the provision of emergency take-home doses in accordance with subsection (14) of this section; or

(c) Order the NTP to discontinue the utilization of any drug approved for use in narcotic treatment programs.

(17) Waivers and Exemptions. (1) The cabinet may grant a waiver to any part of this administrative regulation if:

(a) The governor declares a state of emergency; or

(b)(2) An NTP may request a waiver[an exemption] in accordance to 42C.F.R 8.11(h)[a waiver] from the SNA from any requirement of this administrative regulation.

(2)(a) This application for a waiver[an exemption][a waiver] shall:

1. Be in the form of a letter to the SNA;
2. Identify the specific sections of this administrative regulation for which a waiver[an exemption][a waiver] is being sought; and
3. Give the rationale for the request.

(b) If a waiver[an exemption] [a waiver] pertains to a client, a copy of a waiver[an exemption][the waiver] request and response shall become part of the client's permanent record.

(c) An application for a waiver[an exemption][a waiver] request shall be mailed to: Kentucky State Narcotic Authority Department for Behavioral Health, Developmental and Intellectual Disabilities, 275 East Main Street, Frankfort, Kentucky 40621.

(d) Approval or denial of a waiver[an exemption][a waiver] shall be based upon a review of the merits of the request, taking into consideration:

1. Public safety;
2. Practicality; and
3. The purpose of the requirement for which a waiver[an exemption][waiver] is requested.

(e) A waiver[an exemption] [waiver] shall expire twelve (12) months from the date the waiver[an exemption][waiver] is granted unless the SNA gives an earlier expiration date.

[(f) A waiver given prior to January 1, 2020 shall expire on January 1, 2020.]

Section 8. In-home services. (1) An outpatient AODE may provide the following services in person, in a patient's home:

(a) One (1) or more of the outpatient services established by Sections 2 through 5 of this administrative regulation; or

(b). Medications for addiction treatment, excluding methadone-based treatment, under the direction of a Kentucky-

licensed:

1. Physician who complies with the prescribing and dispensing standards of 201 KAR 9:270; or

2. Advanced practice registered nurse who complies with the prescribing and dispensing standards of 201 KAR 20:065.

(2) An outpatient AODE that provides in-person, in-home services exclusively shall be exempt from the physical environment requirements of Section 9 of this administrative regulation if the AODE has a business office located in Kentucky.

Section 9. Physical Environment. (1) Accessibility. An outpatient AODE shall meet requirements for making buildings and facilities accessible to and usable by individuals with physical disabilities in accordance with KRS 198B.260 and 815 KAR 7:120.

(2) Fire safety. An outpatient AODE shall be approved by the State Fire Marshal's office prior to initial licensure or if the AODE changes location.

(3) Physical location and overall environment.

(a) An outpatient AODE shall:

1. Comply with building codes, ordinances, and administrative regulations that are enforced by city, county, or state jurisdictions;
2. Display a sign that can be viewed by the public that contains the facility name, hours of operation, and a street address;
3. Have a publicly listed telephone number;
4. Have a dedicated phone number to send and receive faxes with a fax machine that shall be operational twenty-four (24) hours per day or use encrypted electronic messaging technology;
5. Have a reception and waiting area;
6. Provide a restroom for patient[client] use; and
7. Have an administrative area.

(b) The condition of the physical location and the overall environment shall be maintained in such a manner that the safety and well-being of patients[clients], personnel, and visitors shall be assured.

(4) Additional requirements for NTPs.

(a) The building used for the NTP shall meet the requirements of 21 C.F.R. 1301.74(j).

(b) The waiting area shall be separated from the dosing area to permit each patient[client] privacy and confidentiality at the time of dosing.

(c) The dosing area shall be clean and sanitary and shall contain:

1. A sink;
2. Hot and cold running water; and
3. Pill-counting trays if tablets are being used.

(d) The security and floor plan of the dosing area shall be in accordance with 21 C.F.R. 1301.72.

(e) The facility shall have two (2) restrooms, which shall be accessible to patients[clients] with disabilities.

(f) Restrooms available to patients[clients] to provide urine specimens shall be:

1. Secure;
2. Clean; and
3. Sanitary.

(g) The building shall be secured by a local security company approved by the DEA and the SNA.

(h) There shall be a minimum of two (2) panic buttons or similar devices for each NTP with:

1. One (1) in the reception area; and
2. One (1) in the dosing area.

(i) There shall be a telephone with an outside line accessible in the dosing area.

(j) Internal security shall meet the requirements of 21 C.F.R. 1301.74(b), (h), (i), (j), (k); 1301.91; 1301.92 and shall be installed only after consultation with the DEA and the SNA.

(k) Parking spaces at the clinic site shall be adequate to accommodate the maximum number of patients[clients] expected to be at the clinic site at one (1) time.

Section 10.~~[Section 9.]~~ Incarcerated Individuals. (1) An NTP may provide FDA-approved medications for opioid use disorder for incarcerated individuals.

(2) The NTP shall:

(a) Submit a waiver application to the SNA identifying the services the NTP can and cannot provide directly to the incarcerated individual in accordance with Section (7); or

(b) Facilitate the transfer of the incarcerated individual to a corrections based NTP, if available.

(3) Document in the incarcerated individuals record:

(a) The program physician or program director's coordination efforts with the jail; and

(b) The date(s) of incarceration, reason(s), and circumstances involved.

WENDY T. MORRIS, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 13, 2022 at 2:13 p.m.

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: Rachael M. Ratliff and Krista Quarles

(1) Provide a brief summary of:

(a) What this administrative regulation does: This amended administrative regulation establishes standards for nonhospital-based alcohol and other drug treatment entities (AODE) that provide ambulatory withdrawal management, outpatient treatment services, intensive outpatient services, partial hospitalization, or office-based opiate treatment services. This administrative regulation further establishes standards for the operation of narcotic treatment programs in accordance with KRS 222.231(12) and 42 C.F.R. Part 8.

(b) The necessity of this administrative regulation: This amended administrative regulation is necessary to update federal standards and comply with Senate Bill 178 (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 178 (2022 Regular Session) by establishing guidelines for the use of buprenorphine at licensed narcotic treatment programs.

(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 licensure of non-hospital based alcohol and other drug treatment services.

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

(a) How the amendment will change this existing administrative regulation: This amended administrative regulation will incorporate the provisions of SB 178 for the use of buprenorphine at narcotic treatment programs. Further amendments incorporate changes to federal guidelines to the certification and requirements of narcotic treatment programs.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to incorporate the provisions of SB 178 for the use of buprenorphine at narcotic treatment programs, as well as incorporating changes to federal guidelines to the certification and requirements of narcotic treatment programs.

(c) How the amendment conforms to the content of the authorizing statutes: This amended administrative regulation incorporates the provisions of SB 178 for the use of buprenorphine at narcotic treatment programs.

(d) How the amendment will assist in the effective administration of the statutes: This amended administrative regulation incorporates the provisions of SB 178 for the use of buprenorphine at narcotic treatment programs and will ensure compliance with updated federal guidelines and regulations.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amended administrative regulation

will impact up to 600 alcohol and other drug entities with thirty NTP programs statewide.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amended administrative regulation will provide updates to regulatory requirements and federal guidelines, as well as incorporating statutory changes as a result of SB 178. Narcotic treatment programs will need to ensure they have a prescribing and dosing provider who meets federal guidelines for the administration of buprenorphine.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amended administrative regulation will not result in a cost increase to the affected entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amended administrative regulation should result in greater patient flexibility and access. Additionally, providing federal guidelines as requirements will allow greater flexibility when updated to reflect current opioid use disorder treatment guidance.

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

(a) Initially: This amended administrative regulation is implemented through the use of state general funds and federal grant funding currently.

(b) On a continuing basis: This amended administrative regulation will continue to be implemented through existing department funding.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This amended administrative regulation is implemented by state general funds and federal grant 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: This amended administrative regulation should not necessitate an increase in funding or fees at this time.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation will be applied in a like manner statewide.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Behavioral Health, Intellectual and Developmental Disabilities 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. This amended administrative regulation is authorized by 42 C.F.R. Part 8 and KRS 222.231.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no impact on the expenditure or revenues of state or local governmental agencies as a result of this amended 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 amended administrative regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This

amended administrative regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? This is an existing administrative regulation and therefore will not require any new funding and will be administered within the current departmental budget.

(d) How much will it cost to administer this program for subsequent years? This amended administrative regulation will continue to be administered within the departmental budget.

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:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect. This amended administrative regulation does not require new expenditures from the regulated entities for the first full year. It is unknown if there will be cost savings to the regulated entities. Any costs savings would be determined by the regulated entities choice in medications administered and provided to patients.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? It is unknown, if any, cost saving this amended administrative regulation would generate for the regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? It is unknown, if any, cost saving this amended administrative regulation would generate for the regulated entities.

(c) How much will it cost the regulated entities for the first year? There will be no new or additional costs to the regulated entities for the first year.

(d) How much will it cost the regulated entities for subsequent years? There will be no new costs for the regulated entities in subsequent years.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amended administrative regulation will not have a major economic impact.

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](#).

**OFFICE OF THE GOVERNOR
Department of Veterans Affairs
Office of Kentucky Veterans Services
(Amendment)**

17 KAR 3:020. Charges for room and board, goods, and services at state veterans' nursing homes.

RELATES TO: KRS 40.320, 40.325, 38 U.S.C. 1745(a)

STATUTORY AUTHORITY: KRS 40.325(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.320 identifies the Commonwealth's duty to provide for the well-being of elderly and disabled veterans within state veterans' nursing homes. KRS 40.325(2) authorizes the Department of Veterans' Affairs to promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations. This administrative regulation establishes the methodology for establishing charges ~~maximum monthly resident charge~~ for room and board, ~~and~~ goods and services at state veterans' nursing homes.

Section 1. Definitions.

(1) "Ancillary services" means services for which a separate charge is customarily made. Ancillary services include, for example, physical therapy, occupational therapy, speech therapy, laboratory procedures, x-ray services, oxygen services, optometry services, podiatry services, dentist services, audiology services, and pharmacy goods and services.

(2) "Non-routine goods or services" mean those that are directly identifiable with an individual resident and which are not customarily intended for use by all residents including such things as transportation, special activities, cable television services, pay-per-view channels, private or personal phone service, hospitalization, ambulance services, hearing aids, dentures, cosmetology or beautician services (other than basic haircuts), orthotic devices, and specialty care and equipment.

(3) "Nursing facility" means a state veterans' home (SVH) operated by the Kentucky Department of Veterans Affairs.

(4) "Private pay" means residents who pay for their nursing home care out of personal funds.

(5) "Private room" means a room in a state veterans' home that was not built in accordance with the federal VA's community living center or small house design requirements, VHA, Section 1142.01, and does not have a roommate.

(6) "Resident" means a Kentucky veteran admitted to a state veterans' nursing facility.

(7) "Room and board" means the room, dietary services, social services, nursing services, basic laundry services, the use of equipment and facilities, and routine medical and surgical supplies.

(8) "Routine goods or services" mean those which are not identifiable to a particular individual ~~resident~~ but which are used by all residents.

(9) "Semi-private room" means a room in a state veterans' home that was not built in accordance with the federal VA's community living center requirements, VHA Handbook, ~~Section~~ 1142.01, and does have a roommate.

(10) "Suite" means a private suite with a private bathroom including a shower that was built in ~~accordance~~ with the federal VA's community living center or small house design requirements, VHA Handbook, Section 1142.01, or Small House Model design guide.

Section 2. Charges at State Veterans Nursing Homes.

(1) The private pay rate for room and board at a state veterans' nursing facility shall be established by each facility based on the total cost of care, community rates and available revenue sources. Any change to a facility's charges for room and board, goods, and/or

services will require advance notification in accordance with 42 C.F.R. Part 483, Subpart B– 483.10(g)(18)(ii). There will be a separate and distinct charge for a semi-private room, a private room, and a suite, according to the following schedule:]

~~[(a) Semi-private room – \$4,000/month;]~~

~~[(b) Private room – \$4,500/month; and]~~

~~[(c) Suite – \$5,000/month.]~~

(2) The total monthly charge for a private pay resident shall be:

(a) The applicable private pay rate for room and board;

(b) Any charge for non-routine goods or services; and

(c) Any charge for ancillary services.

Section 3. Computation of Room and Board Charges.

(1) The monthly charge (personal liability as indicated on the MAP-552) for a Medicaid qualified resident shall be established by the Kentucky Department of Medicaid services in ~~accordance~~ with 907 KAR 1:006. All items and services considered by the Medicaid program to be non-covered as defined in 907 KAR 1:022, that were provided to Medicaid residents during any period of a covered stay, may be billed to the resident or another payer.

(2) If a veteran meets the requirements established in 38 U.S.C. 1745(a) for a service-connected disability, the veteran shall not be charged for any room and board, goods, or services.

~~(3) [The monthly charge for a private pay veteran shall be established in accordance with Section 2 of this administrative regulation.~~

~~(3) If a veteran meets the requirements established in 38 U.S.C. 1745(a) for a service-connected disability, the veteran shall not be charged for any room and board, goods, or services.~~

(4) The monthly charge for a Medicare recipient qualifying for skilled services shall be the applicable co-payments as established by the Centers for Medicare and Medicaid services in 42 C.F.R. Part 413.

~~(4) [(5)]~~ A late fee of six (6) percent per annum may be assessed on any unpaid balances.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) U.S. Department of Veterans Affairs, "VHA Handbook, Section 1142.01", August 13, 2008; and

(b) U.S. Department of Veterans Affairs, "Small House Model design guide", January 2017.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Kentucky Veterans Centers, Kentucky Department of Veterans Affairs, 1111B Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.

This is to certify that the Executive Director of the Office of Kentucky Veterans Centers and the Commissioner of the Kentucky Department of Veterans Affairs have reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4).

MARK BOWMAN, Executive Director

WHITNEY ALLEN, Commissioner

TAMARA REID-MCINTOSH, Esq., Executive Director & Counsel

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 13, 2022 at 3:05 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, February 23, 2023, at 11:00 a.m. Eastern Time at KDV Headquarters Office, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled.

This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through Tuesday, February 28, 2023. 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: Tamara Reid-McIntosh, Esq., Executive Director & Counsel, Office of Veteran Legal Services, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782.5723; fax (502) 564.9240; email tamara.reidmcintosh@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Tamara Reid-McIntosh

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation establishes the methodology for the maximum monthly resident charge for room and board, goods, and services at state veterans' nursing homes.

(b) The necessity of this administrative regulation: The regulation furthers the Commonwealth's duty to provide for the well-being of elderly and disabled veterans within state veterans' nursing homes.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms to KRS 40.325(2), which authorizes the Department of Veterans' Affairs to promulgate any administrative regulations necessary to operate the homes in compliance with applicable state and federal statutes and regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation will allow the Department of Veterans' Affairs to charge veteran residents for room and board, goods, and services at state veterans' nursing homes consistent with those required by the U.S. Department of Veterans Affairs.

(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 modification results in the removal of specific dollar amounts for resident charge for room and board, goods, and services at state veterans' nursing homes. In lieu of a specific dollar amount, the modification provides a sixty-day advance notice requirement for any rate or cost of goods increase required under 42 C.F.R. Part 43, Subpart B–483.10(g)(19)(ii).

(b) The necessity of the amendment to this administrative regulation: The modification affords KDVA the ability to permit rate changes more efficiently and timely based on industry standards.

(c) How the amendment conforms to the content of the authorizing statutes: Pursuant to KRS 40.325(2), KDVA is authorized to promulgate any administrative regulations necessary to operate the Commonwealth's veterans' homes in compliance with applicable state and federal statutes and guidelines.

(d) How the amendment will assist in the effective administration of the statutes: The modification affords KDVA the ability to permit rate changes more efficiently and timely based on industry standards.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 275,000 veterans in the Commonwealth. Of those, veterans affected by the proposed administrative change include:

(a) Veterans (including their legal representatives) who presently reside in one of the Commonwealth's veterans' homes at present.

(b) Veterans (including their legal representatives) who presently reside in one of the Commonwealth's veterans' homes in the future.

(c) Any individual or other organization (such as a veteran service organization (VSO)) inquiring about cost structure of the

Commonwealth's veterans homes.

(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 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 involved.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): There are no compliance requirements.

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

(a) Initially: There are no initial implementation costs.

(b) On a continuing basis: There will be no continuing implementation costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Not applicable.

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

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

(9) TIERING: Is tiering applied? Pursuant to KRS 13A.210, tiering is used to efficiently and effectively solve the problem that this amendment will address. In this case, the amendment is meant to make it less administratively burdensome for KDVA to make modifications to charges to veteran residents for room and board, goods, and services at state veterans' nursing homes when the U.S. Department of Veterans Affairs makes the same or similar modifications to its charges.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? There is no fiscal impact to the amendment to this regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. Not Applicable.

(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. Not Applicable.

(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?

(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?

(c) How much will it cost to administer this program for the first year?

(d) How much will it cost to administer this program for subsequent years?

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

Revenues (+/-): Not Applicable.

Expenditures (+/-): Not Applicable.

Other Explanation: Not Applicable.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect. Not Applicable.

- (a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?
- (b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years?
- (c) How much will it cost the regulated entities for the first year?
- (d) How much will it cost the regulated entities for subsequent years?

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

Cost Savings (+/-): Not Applicable.

Expenditures (+/-): Not Applicable.

Other Explanation: Not Applicable.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS13A.010(13)] The amendment to this regulation will have no major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate: 42 C.F.R. Part 483.

(2) State compliance standards: KRS 40.320, 40.325, 38 U.S.C. 1745(a)

(3) Minimum or uniform standards contained in the federal mandate. There is not a minimum or uniform standard contained in the federal mandate.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The administrative regulation will 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. Not Applicable.

GENERAL GOVERNMENT Auditor of Public Accounts (Amendment)

45 KAR 1:030. Audits of sheriffs' tax settlements.

RELATES TO: KRS 43.070, 43.075, 64.810, 68.210

STATUTORY AUTHORITY: KRS 43.075

NECESSITY, FUNCTION, AND CONFORMITY: KRS 43.075 requires the Auditor of Public Accounts to promulgate administrative regulations developing uniform standards and procedures for conducting, and uniform formats for reporting, audits of counties and elected county officials. This administrative regulation establishes the auditing standards, procedures, and formats for sheriffs' tax settlement audits.

Section 1. Definition. "Generally accepted government auditing standards" means the "Government Auditing Standards" issued by the Comptroller General of the United States.

Section 2. Auditing Standards, Procedures, and Formats. The financial and compliance audit of the funds contained in each sheriff's tax settlement shall be conducted and reported in accordance with:

(1) Generally accepted auditing standards[Auditing standards generally accepted in the United States of America], referenced in 201 KAR 1:290[201 KAR 1:300, Section 5(1)(a)];

(2) Generally accepted government auditing standards, referenced in 201 KAR 1:290[201 KAR 1:300, Section 5(1)(b)]; and

(3) The "Audit Program for Sheriffs' Tax Settlements," issued by the Auditor of Public Accounts, September 26, 2022[July 1, 2017].

Section 3. Auditor's Independent Judgment. The requirements of this administrative regulation shall not be interpreted in a manner that restricts the independent judgment of a certified public accountant or the Auditor of Public Accounts.

Section 4. Audit Objective.

(1) The primary objective of an audit of a sheriff's tax settlement shall be an audit report that provides an opinion on whether the financial statement of a sheriff's tax settlement presents fairly, in all material respects, the taxes charged, credited, and paid during the tax year.

(2) An auditor shall make tests sufficient to determine whether:

(a) The sheriff has complied with the requirements of the uniform system of accounts adopted under KRS 68.210;

(b) Receipts have been accurately recorded by source;

(c) Expenditures have been accurately recorded by payee; and

(d) The sheriff has complied with all other legal requirements relating to the management of public tax funds by his or her office.

Section 5. Allowance of Audit Fees; Acceptance of Report.

(1) Fees for sheriffs' tax settlement audits shall be allowable as reasonable and necessary expenses of a county or county fee official if the independent accountant's audit has been performed and reported in compliance with the standards, procedures, and formats promulgated by this administrative regulation.

(2) A sheriff shall obtain written approval of an audit report from the Auditor of Public Accounts prior to the:

(a) Release of an audit report; and

(b) Payment of fees for a sheriff's tax settlement audit report.

(3) Failure by an independent certified public accountant to comply with the "Audit Program for Sheriff's Tax Settlements" and this administrative regulation, shall disqualify him from conducting sheriff's tax settlement audits.

Section 6. Incorporation by Reference.

(1) The "Audit Program for Sheriffs' Tax Settlements," Auditor of Public Accounts, September 26, 2022[July 1, 2017], is incorporated by reference.

(2) This document may be inspected, copied, or obtained, subject to applicable copyright law, at the office of the Auditor of Public Accounts, 209 Saint Clair Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5:00 p.m.

MIKE HARMON, Auditor

APPROVED BY AGENCY: December 14, 2022

FILED WITH LRC: December 14, 2022 at 2:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 21, 2023, at 10:00 a.m. Eastern Time at the office of the Auditor of Public Accounts, 209 St. Clair Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Graham Gray, General Counsel, Auditor of Public Accounts, 209 St. Clair Street, Frankfort, Kentucky 40601; phone 502-209-2870; fax 502-564-2912; e-mail Graham.Gray@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Graham Gray

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation promulgates uniform standards and procedures for conducting, and uniform formats for reporting, all audits of sheriffs' tax settlements performed under KRS 43.070 or KRS 64.810.

(b) The necessity of this administrative regulation: KRS 43.075 requires the Auditor of Public Accounts to promulgate this administrative regulation.

(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 promulgating uniform standards and procedures for conducting, and uniform formats for reporting, all audits of sheriffs' tax settlements performed under KRS 43.070 or KRS 64.810.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation currently assists or will assist in the effective administration of the statute by promulgating uniform standards and procedures for conducting, and uniform formats for reporting, all audits of sheriffs' tax settlements performed under KRS 43.070 or KRS 64.810.

(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 will change the existing administrative regulation by replacing the "Audit Guide for Sheriffs' Tax Settlements," issued by the Auditor of Public Accounts, July 1, 2017, with the "Audit Program for Sheriffs' Tax Settlements," issued by the Auditor of Public Accounts, September 26, 2022, which is incorporated by reference, to make auditing procedures and report formats conform to the regulatory basis of accounting and applicable auditing standards. The amendment also updates the regulatory references in Section 2.

(b) The necessity of the amendment to this administrative regulation: Amending this administrative regulation by updating the regulatory references in Section 2 and incorporating the updated "Audit Program for Sheriffs' Tax Settlements" is necessary to conform this administrative regulation to current sheriffs' tax settlement audit practices and procedures.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statute, KRS 43.075, by updating current standards and procedures for conducting, and formats for reporting, sheriffs' tax settlement audits performed under KRS 43.070 or KRS 64.810.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statute, KRS 43.075, by updating current standards and procedures for conducting, and uniform formats for reporting, all sheriffs' tax settlement audits performed under KRS 43.070 or KRS 64.810.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky counties, certified public accountants licensed in Kentucky who perform sheriffs' tax settlement audits, and the Auditor of Public Accounts, are affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities identified in question (3) will not be impacted by the change to this administrative regulation that this amendment effectuates; the groups identified will continue to audit and be audited using uniform standards and procedures for conducting, and uniform formats for reporting, sheriffs' tax settlement audits.

(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 to the entities identified in question (3) in complying with the amendment to this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified in question (3) will all benefit by having an updated "Audit Program for Sheriffs' Tax Settlements" to follow in completing all sheriffs' tax settlement audits conducted pursuant to KRS 43.070 or KRS 64.810, consistent with the regulatory basis of accounting or Generally Accepted Accounting Principles (GAAP).

(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: Payments by sheriffs to the agency for the expense of the tax settlement audits pursuant to KRS 43.070.

(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 the change in the amendment of this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied? No, tiering was not applied. Tiering is not applicable to this amendment to this administrative regulation. Neither the amendment nor the administrative regulation disproportionately impact certain classes of regulated entities, as all sheriffs are audited using the same uniform standards and procedures for conducting, and uniform formats for reporting, audits.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? All 120 Kentucky sheriffs, certified public accountants licensed in Kentucky that perform sheriff's tax settlement, and the Auditor of Public Accounts, are affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 43.075.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The effect of this amended administrative regulation on the expenditures and revenues of sheriffs is neutral, resulting in no increase or decrease in expenditures or revenues.

(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 will be no cost to administer this program for the first year, other than the expenses provided for under KRS 43.070.

(d) How much will it cost to administer this program for subsequent years? There will be no cost to administer this program for subsequent years, other than the expenses provided for under KRS 43.070.

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

Revenues (+/-): The fiscal impact of this amendment to this administrative regulation on the revenues of sheriffs is neutral, resulting in no increase or decrease in revenues.

Expenditures (+/-): The fiscal impact of this amendment to this administrative regulation on the expenditures of sheriffs is neutral, resulting in no increase or decrease in expenditures.

Other Explanation: None.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect. The effect of this amended administrative regulation on the expenditures and revenues of sheriffs is neutral, resulting in no increase or decrease in expenditures or revenues.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? The fiscal impact of this amendment to this administrative regulation on the revenues of sheriffs is neutral, resulting in no increase or decrease in cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? The fiscal impact of this amendment to this administrative regulation on the revenues of sheriffs is neutral, resulting in no increase or decrease in cost savings.

(c) How much will it cost the regulated entities for the first year? There will be no cost to administer this program for the first year, other than the expenses provided for under KRS 43.070.

(d) How much will it cost the regulated entities for subsequent years? There will be no cost to administer this program for the first year, other than the expenses provided for under KRS 43.070.

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

Cost Savings (+/-): The fiscal impact of this amendment to this administrative regulation on the revenues of sheriffs is neutral, resulting in no increase or decrease in cost savings.

Expenditures (+/-): The fiscal impact of this amendment to this administrative regulation on the revenues of sheriffs is neutral, resulting in no increase or decrease in cost savings.

Other Explanation: None.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment to this administrative regulation will not have a major economic impact. The fiscal impact of this amendment to this administrative regulation on the revenues and expenditures of sheriffs is neutral, resulting in no increase or decrease in revenues or expenditures of sheriffs. There will be no cost to administer this program for the first year or subsequent years, other than the expenses provided for under KRS 43.070.

BOARDS AND COMMISSIONS **Board of Veterinary Examiners** **(Amendment)**

201 KAR 16:550. Authorization for animal control agencies to apply for a restricted controlled substances certificate from DEA.

RELATES TO: KRS 217.177(1), ~~(4)~~~~217.177(6)~~, 321.207, 321.235(7), 321.351

STATUTORY AUTHORITY: KRS 321.207(1), (2), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) permits the Kentucky Board of Veterinary Examiners to authorize an animal control agency to apply for a registration certificate by the United States Drug Enforcement Administration (DEA) to euthanize animals. KRS 321.207(2) requires the applicant agency to comply with administrative regulations that establish standards for the proper storage and handling of the drugs the board has authorized for use, and other provisions that may be necessary to ensure that the drugs are used safely and solely for the purpose of euthanizing animals. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the

application and renewal~~[certification]~~ requirements for certification as an animal control agency, and the requirements for board inspections at certified animal control agencies~~[standards for proper drug storage, and drugs that may be used by certified animal control agencies and the certified animal euthanasia specialists they employ].~~

Section 1. Definitions.~~[General Requirements.]~~

(1) "Animal shelter" means a public agency or private humane society, society for the prevention of cruelty to animals, animal protection shelter or control agency, or other facility that provides shelter and care for homeless, stray, unwanted, or injured animals.

(2) "Certified Animal Control Agency" means an animal shelter that is certified under the provisions of KRS Chapter 321 and associated regulations.

(3) "Designated On-site Manager" means a person who registers with the board to assume responsibility for the ordering, management, use, and disposal of controlled substances at a board-certified animal control agency.

Section 2. Application and Renewal Requirements.

(1) The applicant animal shelter~~[control agency]~~ shall apply to the board for authorization as established by KRS 321.207.

(2) A complete application to the board shall include the following components:

(a) A completed Application for Certification as an Animal Control Agency form or online equivalent form, including all required attachments;

(b) Identification of the agency designated on-site~~[onsite]~~ manager;

(c) A complete and current list of all individuals performing~~[preforming]~~ euthanasia or related activities at the animal shelter, whether or not each individual holds a credential from the board~~[control facility]~~; and

(d) Payment of the fee in accordance with 201 KAR 16:514.

(3) Prior to the board's issuance of the animal control agency certificate~~[of authorization]~~, the applicant shall undergo an inspection of the facility by the board, its inspector, or other designee of the board in accordance with Section 5 of this administrative regulation.

(4) Following board application approval, the applicant shall apply to DEA for registration as a practitioner and designate "animal shelter" on the appropriate DEA form.

(5) A certified animal control agency shall submit to inspection by a board representative at any time, with or without advanced notice.

(6) A certified animal control agency shall identify a designated on-site~~[designate an onsite]~~ manager in accordance with 201 KAR 16:552~~[of the shelter]~~.

(a) The agency shall notify the board in writing within ten (10) days of any change in the designated on-site~~[onsite]~~ manager of the shelter by submitting a completed Request for a New Designated On-site Manager form or online equivalent form, including all required attachments.

(b) The designated on-site manager shall be responsible for complying with all state and federal laws related to the ordering, purchase, storage, tracking, management, and disposal of the drugs obtained under the DEA controlled substances registration.

(7) Background checks. The board may conduct a national or jurisdictional level background check on each designated on-site~~[shelter]~~ manager. The check shall be processed by a board approved background check provider, and may include a copy of the designated on-site manager's fingerprints captured at a board approved location. The board may accept the results of an employment background check from the county office in lieu of a state or federal background check if the background check results are not more than six (6) months old from the date of application. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of certification for the animal control agency or deny certification following the board's review of findings from a background check.

Section 3.[(8)] Renewal Requirements for a Certified Animal[Animal] Control Agency[certificate renewal requirements].

(1)[(a)] A board-certified[An] animal control agency shall renew the board certification annually in accordance with 201 KAR 16:572.

(2)[(b)] Failure to renew the certificate for an animal control agency shall result in the following actions by the board:

(a)[1-] The animal control agency certificate shall be moved to expired status;

(b)[2-] Each 'active' status[All] certified animal euthanasia specialist[specialists] under the employment of the expired[formerly] certified animal control agency shall be moved to 'inactive' status;[and]

(c)[3-] The DEA shall be notified of the lapse in certification; and

(d) The board shall conduct a closeout inspection within six (6) months of the date of expiration to ensure that the controlled substances and other drugs on-site are properly disposed of. An animal shelter with an expired certificate shall continue to maintain the drugs in accordance with 201 KAR 16:552 and the Kentucky Veterinary Medicine Practice Act until the drugs are transferred in accordance with state and federal laws, or disposed of in accordance with 201 KAR 16:552, Section 7.

Section 4.[(e)] Reinstatement Requirements for Animal Control Agencies.

(1)[1-] An animal control agency with an expired certificate shall have five (5) years to reinstate their certificate by submitting a completed Reinstatement Application for Animal Control Agencies form or online equivalent form, including all required attachments and payment of the application fee pursuant to 201 KAR 16:514.

(2)[2-] The animal control agency shall undergo inspection by an authorized representative of the board in accordance with subsection (3) of this section prior to the reinstatement of a certificate.

(3)[3-] After five (5) years, the agency shall not be able to reinstate and shall be required to apply for a new certificate in accordance with this administrative regulation and 201 KAR 16:572.

[Section 2- Approved Drugs. A certified animal control agency shall be restricted to the purchase of sodium pentobarbital and other euthanasia drugs currently approved by the American Veterinary Medical Association (AVMA) for the purpose of euthanizing animals. DEA's Schedule II order forms (titled "DEA-222") shall be used for each purchase of sodium pentobarbital or other AVMA approved euthanasia drugs.

Section 3- Records.

(1) A certified animal control agency shall maintain records of purchases and administration of sodium pentobarbital and other AVMA approved euthanasia drugs for a period of not less than two (2) years.

(2) Records of administration shall include, at a minimum, the following information:

(a) The date of use;

(b) Identification of the animal;

(c) The amount of the drug used;

(d) The signature of the person administering the drug;

(e) The signature of the onsite manager certifying the accuracy of the administration of sodium pentobarbital and other AVMA approved euthanasia drugs not less than once per month; and

(f) The signature of the onsite manager certifying to the accuracy of the records.

(3) Records of purchase and destruction of sodium pentobarbital and other AVMA approved euthanasia drugs shall be maintained in a separate file from the records of administration of those substances.

(4) The records of purchase, destruction, and administration may be audited by representatives of the DEA or authorized designees of the board to determine adequacy, accuracy, and validity of the recordkeeping. The board may impose restrictions and administrative penalties on certificate holders as a result of substandard controls or records of the drugs.

(5) The records of purchase, destruction, and administration shall be maintained at the location of the agency.

Section 4- Storage.

(1) Sodium pentobarbital and other AVMA approved euthanasia drugs shall be stored in a securely locked cabinet within a locked storage room or other enclosure at the certified animal control agency.

(2) Schedule II order forms shall be stored in a securely locked cabinet, separate from the storage location of the drugs, within a locked storage room or other enclosure at the certified animal control agency.

Section 5- Disposal of Needles and Medical Waste. All needles generated in the process of euthanizing animals shall be disposed of pursuant to KRS 217.177(6).

Section 6- Disciplinary Action. An animal control agency and its employees shall be subject to disciplinary action pursuant to KRS 321.235(7) and KRS 321.351 for a violation of state or federal statutes or administrative regulations.]

Section 5. Inspection Requirements.

(1) A certified animal control agency shall be subject to inspection by the board, its investigator, or a board representative.

(2) An inspection may occur at any time, with or without advance notice. The designated on-site manager shall make themselves available to provide access and information during the inspection.

(3) An inspection shall be required:

(a) Prior to the approval of a new application for certification as an animal control agency;

(b) Prior to the approval of a reinstatement application for a certification as an animal control agency, if the last inspection was completed more than twelve (12) months prior to the date of the application;

(c) Periodically on a schedule set by the board, not more routinely than every ten (10) months, and at least once every two (2) years;

(d) As needed due to staff turnover at the animal control agency;

(e) Under suspicion of probable cause for violation of KRS Chapter 321; and

(f) Following the expiration, termination, suspension, or surrender of the certificate.

Section 6.[Section 7-] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Certification as an Animal Control Agency", 12/2022[3/2020];[and]

(b) "Reinstatement Application for Animal Control Agencies", 12/2022[3/2020]; and

(c) "Request for a New Designated On-site Manager", 12/2022.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:30[8:00] a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

STEVEN J. WILLS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application and renewal requirements for certification as an animal control agency, and the requirements for board inspections at certified animal control agencies.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the application requirements for certification as an animal control agency, as mandated by KRS 321.207.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to the application requirements for certification as an animal control agency.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly detailing board expectations for applications and renewals of board-issued certificates for animal control agencies, and requirements related inspections of board-certified animal control 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: Adding clarifying definitions, clarifying application and renewal requirements, clarifying flexibility in background check requirements for certified animal control agency employees, and adding transparent inspection requirements. The responsibilities of the designated on-site manager related to controlled substance drug management have been moved to a new administrative regulation, 201 KAR 16:552

(b) The necessity of the amendment to this administrative regulation: The Kentucky Board of Veterinary Examiners has determined this amendment is necessary in response to issues discovered during the course of periodic inspections at certified animal control agencies. Because there is high staff turnover in animal control agencies, there is often misunderstanding or lack of knowledge by new hires related to their responsibilities.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to board-certified animal control agencies, including standards for proper drug storage, and drugs that may be used by certified animal control agencies and the certified animal euthanasia specialists they employ.

(d) How the amendment will assist in the effective administration of the statutes: This amendment shall ensure transparent standards that can be used by agency employees and board inspectors to ensure compliance with state and federal requirements related to applications, renewals, and inspections of board-certified animal control agencies.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 50 board-certified animal control agencies and 161 animal euthanasia specialists, and future applicants.

(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: Applicants will be required to submit application materials as outlined in this filing. Certified Animal Control Agencies and their designated on-site managers will be required to comply with limited periodic inspections.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Minimal costs for appropriate locked and secure storage are anticipated in order to secure and limit access to the controlled substances onsite.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the approved requirements.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an inspection program to ensure compliance.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FISCAL NOTE

(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 Veterinary Examiners and KBVE-certified county animal shelters.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.207, KRS 321.235, KRS 321.240

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(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 from this filing.

(c) How much will it cost to administer this program for the first year? This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years? Staff time will be required for record keeping. Costs will be very minimal.

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

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year?

There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings.

(c) How much will it cost the regulated entities for the first year?

There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years? There will be no additional costs involved.

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

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

BOARDS AND COMMISSIONS **Board of Veterinary Examiners** **(Amendment)**

201 KAR 16:560. Certification as an animal euthanasia specialist.

RELATES TO: KRS 257.160, 321.207, 321.235(7), 321.351

STATUTORY AUTHORITY: KRS 321.207(3), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(3) requires the Kentucky Board of Veterinary Examiners to issue a certificate to a person who meets the qualifications of an animal euthanasia specialist and is approved by the board for a certificate. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the qualifications for certification as an animal euthanasia specialist and renewal requirements~~and the duties of an animal euthanasia specialist~~.

Section 1. ~~To~~In order to be eligible for certification as a board-certified animal euthanasia specialist an applicant shall:

(1) Be at least twenty-one (21) years of age;

(2) Be of good moral character;

(3) Not have been convicted of, or entered an "Alford" plea or plea of nolo contendere to, irrespective of an order granting probation or suspending imposition of any sentence imposed following the conviction or entry of the plea, one (1) or more of the following in the last ten (10) years, subject to the provisions of KRS Chapter 335B:

(a) A felony;

(b) An act involving moral turpitude or gross immorality; or

(c) A violation of any law, rule, or administrative regulation of this state, any other state, or the United States government that involves the use or trafficking of illegal substances;

(4) Have a high school diploma or general equivalency degree (GED);

(5) Pay the initial certification fee as specified in 201 KAR 16:514;

(6) Be employed by a board-~~certified~~ animal control agency; and

(7) Have successfully completed a board approved sixteen (16) hour euthanasia by injection~~specialist training~~ course as established in Section 2 of this administrative regulation within twelve (12) months~~ten (10) years~~ prior to application.

Section 2. Euthanasia By Injection (EBI)~~[Specialist]~~ Training Course Curriculum.

(1) The curriculum for the sixteen (16) hour EBI~~euthanasia specialist~~ course shall provide information on the following subjects:

(a) Pharmacology, proper administration, and storage of euthanasia solutions that shall consist of a minimum of eight (8) hours;

(b) Federal and state laws regulating the storage and

accountability for euthanasia solutions and drugs used to assist in euthanasia;

(c) Euthanasia specialist stress management and compassion fatigue;

(d) Proper animal handling with emphasis on easing the trauma and stress to the animal; and

(e) Disposal of euthanized animals.

(2) An EBI~~[A]~~ training course ~~[for a euthanasia specialist]~~ shall be reviewed and approved by the board prior to presentation. A provider of an EBI~~[a euthanasia specialist]~~ training shall submit the following information to the board for consideration of approval:

(a) A published course or similar description;

(b) Names and qualifications of current instructors;

(c) A copy of the program agenda indicating hours of education, refreshment, and lunch breaks;

(d) A copy of the full program curriculum;

(e) A copy of an official certificate of completion from the sponsoring agency; and

(f) Upon completion of the instruction of a sixteen (16)-hour euthanasia course, a complete attendee list to the board, including the following:

1. The dates and locations of the course;

2. Each attendee's full name and address; and

3. Notation by an individual's name if the course was not completed, or more than fifteen (15) consecutive minutes of any portion of the course was missed.

Section 3. An application to the board for certification as an animal euthanasia specialist shall include the following components:

(1) A completed application on an Application for Certification as an Animal Euthanasia Specialist form or online equivalent form, including all required attachments;

(2) An official copy of final transcripts or a copy of the applicant's diploma from high school, or GED certificate, or highest level of education attained;

(3) A copy of a certificate of completion from a board approved sixteen (16)-hour euthanasia by injection training course; and

(4) Payment for the application fee pursuant to 201 KAR 16:514.

Section 4. An individual with an expired animal euthanasia specialist certificate may reinstate their certificate if not more than five (5) years have elapsed since the last date of certificate expiration. Reinstatement applications seeking board approval for certification as an animal euthanasia specialist shall include the following components:

(1) A completed application on a Reinstatement Application for Animal Euthanasia Specialists form or online equivalent form, including all required attachments; and

(2) Payment for the application fee pursuant to 201 KAR 16:514.

Section 5. An application to the board for approval for a change in licensure status shall be made in accordance with 201 KAR 16:580.

Section 6. Background Checks. The board may conduct a national or jurisdictional level background check on each applicant for certification. The check shall be processed by a board approved background check provider, and may include a copy of the applicant's fingerprints captured at a board approved location. The board may accept the results of an employment background check from the county office in lieu of a state or federal background check if the background check results are not more than six (6) months old from the date of application. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of certification or deny certification following the board's review of findings from a background check.

Section 7. Employment and Termination.

(1) A person may function as a certified animal euthanasia specialist only while the person~~he or she~~ remains employed by a board-certified animal control agency in the Commonwealth of Kentucky.

(2) Upon termination of employment with a certified animal control agency or upon expiration of the certified animal control agency's certificate, a certified animal euthanasia specialist's certificate status shall automatically be moved by the board from an active to inactive status. The inactive certified individual shall not perform animal euthanasia until the person[he or she] has obtained employment with a certified animal control agency with a certificate in active status, and applied to the board and been approved to move the animal euthanasia specialist certificate back into active status in accordance with 201 KAR 16:580.

~~[Section 8. Duties of a Certified Animal Euthanasia Specialist. The duties of certified animal euthanasia specialist shall include the following:~~

- ~~(1) Preparing animals for euthanasia;~~
- ~~(2) Carefully and accurately recording dosages, administration, and drug waste;~~
- ~~(3) Ordering supplies and drugs;~~
- ~~(4) Maintaining the security of all controlled substances and drugs in accordance with 201 KAR 16:550 and other applicable federal, state, and local laws;~~
- ~~(5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;~~
- ~~(6) Humanely euthanizing animals;~~
- ~~(7) Disposing of the bodies in a manner consistent with KRS 257.160;~~
- ~~(8) Maintaining his or her certification;~~
- ~~(9) Reporting to the board any change of address within thirty (30) days; and~~
- ~~(10) Providing a written response to a grievance or inquiry from the board within thirty (30) days of receipt.~~

Section 9. Approved Methods of Euthanasia.

- ~~(1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of sodium pentobarbital or other AVMA approved euthanasia drug and AVMA approved administration methodology, in a manufactured dosage form, whose only indication is for euthanizing animals.~~
- ~~(2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference:~~
 - ~~(a) Intravenous injection by hypodermic needle;~~
 - ~~(b) Intraperitoneal injection by hypodermic needle;~~
 - ~~(c) Intracardial injection by hypodermic needle, but only on a sedated or unconscious animal; or~~
 - ~~(d) Solution or powder added to food.]~~

~~Section 8. [Section 40.] Disciplinary Action.~~ A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235[(7)] and 321.351 for a violation of state or federal statutes or administrative regulations.

Section 9. [Section 44.] Incorporation by Reference.

- ~~(1) The following material is incorporated by reference:~~
 - ~~(a) "Application for Certification as an Animal Euthanasia Specialist", 12/2022[3/2020]; and~~
 - ~~(b) "Reinstatement Application for Animal Euthanasia Specialists", 12/2022[3/2020].~~
- ~~(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:30[8:00] a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.~~

STEVEN J. WILLS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in

writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

- ~~(1) Provide a brief summary of:~~
 - ~~(a) What this administrative regulation does: This administrative regulation establishes the application and renewal requirements for certification as an animal euthanasia specialist, as well as details on the required training needed to qualify for certification.~~
 - ~~(b) The necessity of this administrative regulation: As mandated by KRS 321.207, this administrative regulation is necessary to establish the application, renewal, and training requirements for certification as an animal euthanasia specialist.~~
 - ~~(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to the application and training requirements for board-certification as an animal euthanasia specialist.~~
 - ~~(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly detailing board expectations for application and renewal of the board-issued animal euthanasia specialist certificate, as well as the training course required for eligibility of certification.~~
- ~~(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: Detailing flexibility in background check requirements for certified animal control agency employees. The basic responsibilities of board-certified euthanasia specialists, including controls for the storage and management of controlled substances, have been moved into a new administrative regulation, 201 KAR 16:562.~~
 - ~~(b) The necessity of the amendment to this administrative regulation: The Kentucky Board of Veterinary Examiners has determined this amendment is necessary in response to issues discovered at certified animal control agencies during periodic shelter inspections. Issues include high staff turnover, and sometimes expired staff certificates.~~
 - ~~(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to board-certified animal control agencies and the animal euthanasia specialists they employ. This amendment clarifies training requirements, as well as the ability to accept state level background checks.~~
 - ~~(d) How the amendment will assist in the effective administration of the statutes: This amendment shall ensure transparent standards to ensure compliance related to certification requirements.~~
- ~~(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 50 board-certified animal control agencies and 161 animal euthanasia specialists, and future applicants.~~
- ~~(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: Applicants for certification as an animal~~

euthanasia specialist shall be required to submit application materials as outlined in this filing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is a minimal application fee for processing, as established in 201 KAR 16:514.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the approved requirements.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FISCAL NOTE

(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 Veterinary Examiners and KBVE-certified county animal shelters.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.207, KRS 321.235, KRS 321.240

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(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 from this filing.

(c) How much will it cost to administer this program for the first year? This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years? Staff time will be required for record keeping. Costs will be very minimal.

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

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings.

(c) How much will it cost the regulated entities for the first year? There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years? There will be no additional costs involved.

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

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

BOARDS AND COMMISSIONS Board of Veterinary Examiners (Amendment)

201 KAR 16:572. Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice.

RELATES TO: KRS 321.207

STATUTORY AUTHORITY: KRS 321.207, 321.235[(3)], 321.240[(5)]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207 requires the Kentucky Board of Veterinary Examiners to issue a certificate to all animal control agencies being qualified to register with the United States Drug Enforcement Administration (DEA) to purchase, possess, and use board authorized controlled substances, and to all persons qualified to engage in the practice of animal euthanasia in the Commonwealth of Kentucky. KRS 321.235[(3)] and 321.240[(5)] authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation requires a renewal notice to all certified animal control agencies and animal euthanasia specialists and requires all certified animal control agencies and animal euthanasia specialists to complete the renewal application and return it, along with the renewal fee to the board. It further requires all certified animal control agencies and animal euthanasia specialists to keep the board apprised of the legal name and current address of the certificate holder[licensee].

Section 1.

(1) The board shall, not later than February 1 of each year, email or mail to each certified animal control agency and animal euthanasia specialist a renewal notice.

(2) The renewal application shall be completed by the credential holder[certified entity] and returned to the board, including all required attachments and fees.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of March 1 or earlier shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, between March 2 and April 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:514.

(4) The renewal fee shall be attached to the completed renewal form when it is returned to the board.

(a) For certified animal control agencies, the renewal form shall be the Renewal Application for Animal Control Agencies form or online equivalent form, including all required attachments.

(b) For certified animal euthanasia specialists, the renewal form shall be the Renewal Application for Animal Euthanasia Specialists form or online equivalent form, including all required attachments.

(5) The renewal fee shall be paid in accordance with 201 KAR 16:514.

VOLUME 49, NUMBER 6– JANUARY 1, 2023

Section 2. The board shall not be held responsible or liable for lost renewal notices, or renewal notices not received, or not received on time.

(1) Regardless of cause, the board shall not have to refund money to a certificate holder who fails to renew in a timely manner pursuant to Section 1(3) of this administrative regulation.

(2) If a certificate holder fails to renew by the grace period deadline, the certificate shall expire. The former certificate holder may apply for reinstatement of the certificate[license] within five (5) years from the date of expiration in accordance with 201 KAR 16:550 and 201 KAR 16:560. A reinstatement application shall be required during this period; an application for a new certificate[license] shall not be accepted until five (5) years after the last date of expiration.

Section 3. Current contact information shall be on file with the board.

(1)

(a) Every certified animal control agency shall:

1. File a proper and current mailing address, phone, and, if available, email with the board at its principal office; ~~and~~

2. Within thirty (30) days, notify the board of any changes of the agency's mailing address by submitting a completed Request for Name or Address Change form or online equivalent form provided by the board; and

3. Identify on the renewal form each person who is currently employed for the purpose of animal euthanasia and each board credential holder who is employed with, either directly or by contract or agreement, to conduct animal euthanasia or the practice of veterinary medicine or the practice of veterinary technology at the animal control agency.

(b)

1. Every certified animal control agency shall file an update with the board to notify the board of any changes to the designated on-site[onsite] manager tasked with management of controlled substances and the euthanasia program pursuant to 201 KAR 16:550, or of any changes of the on-site[onsite] manager's legal name or personal address.

2. Updates may be filed on the annual Renewal Application for Animal Control Agencies form or online equivalent form, or on the Request to Designate a New Agency On-site[Onsite] Manager form or online equivalent form, including all required attachments.

(c) Background checks. For a new agency designated on-site manager[onsite managers], the board may conduct a national or jurisdictional level background check on each designated on-site[onsite] manager. The check shall be processed by a board approved background check provider, and may include a copy of the designated on-site manager's fingerprints captured at a board approved location. The board may accept the results of an employment background check from the county office in lieu of a state or federal background check if the background check results are not more than six (6) months old from the date of application. The board may reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old. The board may impose additional requirements as a condition of certification or deny certification following the board's review of findings from a background check. The results shall be submitted to the board within thirty (30) days of designating a new designated on-site[onsite] manager.

(2)

(a) Every certified animal euthanasia specialist shall:

1. File his or her legal name and proper and current mailing address with the board at its principal office; and

2. Within thirty (30) days, notify the board of any changes of his or her legal name or mailing address by submitting a completed Request for Name or Address Change form or online equivalent form provided by the board.

(b) Updates may be filed on the annual Renewal Application for Animal Euthanasia Specialists form or online equivalent form, or on the Request for Name or Address Change form or online equivalent form, including all required attachments.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Renewal Application for Animal Control Agencies", 12/2022[3/2020];

(b) "Renewal Application for Animal Euthanasia Specialists", 12/2022[3/2020];

(c) "Request for a New Designated On-site~~to Designate a New Agency Onsite~~ Manager", 12/2022[3/2020]; and

(d) "Request for Name or Address Change", 12/2022[2/2020].

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:30[8:00] a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

STEVEN J. WILLS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the certificate renewal requirements for certified animal control agencies and certified animal euthanasia specialists.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the renewal notice and application requirements for renewal of animal control agency certificates and certified animal euthanasia specialists they employ, as mandated by KRS 321.207.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to the application requirements for certification as an animal control agency and certified animal euthanasia specialists.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly detailing requirements for renewal of the certificate, options for required background checks, and allows for the renewal forms to be completed online.

(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: Adds requirement to verify all credential holders working at the animal control agency, clarifies flexibility in background check requirements for certified animal control agency employees, and adds requirement to keep board updated with current contact information.

(b) The necessity of the amendment to this administrative regulation: The Kentucky Board of Veterinary Examiners has determined this amendment is necessary because of high staff turnover in animal control agencies.

(c) How the amendment conforms to the content of the

authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to board-certified animal control agencies, including application and renewal requirements.

(d) How the amendment will assist in the effective administration of the statutes: This amendment shall ensure transparent standards that can be used by agency employees for renewing certificates.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 50 animal control agencies and 161 animal euthanasia specialists, and future applicants.

(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:

Applicants will be required to submit application materials as outlined in this filing. Certified individuals shall be required to inform the board of changes in contact information.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No fees are established in this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the approved requirements.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FISCAL NOTE

(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 Veterinary Examiners and KBVE-certified county animal shelters and their KBVE-certified employees.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.207, KRS 321.235, KRS 321.240

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(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 from this filing.

(c) How much will it cost to administer this program for the first year? This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years? Staff time will be required for record keeping. Costs will be very minimal.

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

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings.

(c) How much will it cost the regulated entities for the first year? There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years? There will be no additional costs involved.

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

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

BOARDS AND COMMISSIONS Board of Veterinary Examiners (Amendment)

201 KAR 16:610. Procedures for grievances, investigations, and administrative charges.

RELATES TO: KRS Chapter 13B, 61.870 - 61.884, 321.190, 321.235(2), 321.351, 321.353, 321.360

STATUTORY AUTHORITY: KRS 321.235(2), (3), 321.240(5), 321.351, 321.353, 321.360

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(2) authorizes the Kentucky Board of Veterinary Examiners to investigate an allegation of a practice that violates the provisions of KRS Chapter 321. KRS 321.235(3) and 321.240(5) authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the procedures for handling grievances, investigations, and administrative charges.

Section 1. Definition. "Grievance" means a complaint[, grievance,] or [other]any allegation of misconduct that might constitute a violation of KRS Chapter 321 or 201 KAR Chapter 16.

Section 2. Intake of Grievances.

(1)

(a) A grievance may be submitted by any individual, organization, credential holder, or entity.

(b) The board or its chair or its executive director may submit a grievance on its own initiative based on information in its possession that the board concludes[believes] is sufficiently credible to justify a request for a response from the credential holder[licensee] (or other individual named in the grievance).

(2) The grievance shall be in writing on a Grievance Form or

online equivalent form provided by the board, and shall include the complaining party's name, address, telephone number, and signature. Electronic signatures shall be accepted.

(3) ~~At any time, the board may investigate or seek further information about any subject regarding a grievance filed with the board, or upon information received which may lead to a grievance filed with or by the board.~~ [The board's chair, or the chair's designee, shall perform an initial screen of any grievance that was submitted without identifying the complaining party. The chair, or the chair's designee, shall determine whether the grievance contains sufficient details or other indicators of credibility to justify a request for a response from the licensee (or other individual named in the grievance). If sufficient details or other indicators of credibility are lacking, then the grievance shall be discarded without further action or notice to the licensee or other named individual.]

(4) The board shall send a copy of ~~each~~ [the] grievance to the ~~credential holder~~ [licensee] (or other individual named in the grievance) along with a request for a response. The response shall be required within ~~twenty (20) days~~ [thirty (30) days] from the date of when the board sent a copy of the written grievance. Failure to respond in writing within ~~twenty (20)~~ [thirty (30)] days may constitute a violation of KRS Chapter 321 and 201 KAR Chapter 16 [the Code of Ethical Conduct pursuant to 201 KAR 16:500].

Section 3. Initial Review of Grievances.

(1) After the time period for the ~~credential holder's~~ [licensee's] (or named individual's) response has elapsed, at the next scheduled board meeting the ~~Grievance~~ [Complaints Screening] Committee shall consider the grievance, the response if one was received, and other relevant information that is available to the Committee.

(2) The ~~Grievance~~ [Complaints Screening] Committee shall determine if an investigation is warranted after reviewing the information that is available. ~~[An investigation shall be warranted if the committee determines, based on upon a totality of the circumstances, that a reasonable probability exists that the grievance has merit.]~~

(3) If, in the opinion of the ~~Grievance~~ [Complaints Screening] Committee, a grievance does not warrant an investigation, then the board shall notify the complaining party and the respondent that the grievance is being dismissed ~~[without investigation]~~.

(4) The dismissal of a grievance ~~[without an investigation]~~ shall constitute a final action of the board. Following the dismissal, the grievance, the response from the individual named in the grievance, and correspondence that is intended to give notice of the dismissal shall be subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.870 through 61.884.

(5) If, in the opinion of the ~~committee~~ [board], a grievance warrants an investigation, then the board shall open an investigation into the matter.

Section 4. Investigations.

(1) The ~~Grievance~~ [Complaints Screening] Committee shall have the authority to direct an investigation and shall exercise those powers possessed by the board in regard to investigations as provided by KRS 321.235.

(2) The ~~Grievance~~ [Complaints Screening] Committee shall have the authority to request the participation of any person in an investigation. The refusal or failure of any board ~~credential holder~~ [licensee or certificate holder] to participate when requested, or to provide information and documents requested by the committee within the requested timeframe, shall be considered a violation of KRS Chapter 321 and 201 KAR Chapter 16 [201 KAR 16:500].

(3) Investigative reports shall be reviewed at a meeting of the committee.

Section 5. Reports and Recommendations Following Investigation.

(1) If the ~~committee~~ [board] determines that the results of an investigation do not warrant the issuance of an administrative charge against the individual named in the grievance, then the board shall notify the complaining party and the individual that the grievance is being dismissed without further action.

(2) The dismissal of a grievance following an investigation shall constitute a final action of the board. Following the dismissal, the grievance, the response from the individual named in the grievance, correspondence that is intended to give notice of the dismissal, and any other documents obtained or generated during the investigation (other than those documents that are subject to a legitimate claim of privilege or otherwise exempt from disclosure by law) shall be subject to disclosure pursuant to the Kentucky Open Records Act, KRS 61.870 through 61.884.

(3) If the ~~committee~~ [board] determines that the results of an investigation warrant the issuance of an administrative charge against a ~~credential holder~~ [licensee], then the board may ~~seek settlement or file a notice of administrative hearing under KRS Chapters 13B and 321~~ [shall cause an administrative charge to be prepared].

(4) If the ~~committee~~ [board] determines that the results of an investigation warrant proceedings against a person who is not a ~~credential holder~~ [licensee], then the board shall cause a civil action to be prepared for filing in the Franklin Circuit Court or other court of competent jurisdiction.

[Section 6. Administrative Charges.

(1) The administrative charge shall:

(a) Be signed and dated by a member of the board or the board's authorized representative;

(b) Be designated with an administrative charge number; and

(c) State:

1. The board's jurisdiction in regard to the subject matter of the administrative charge; and

2. In numerical paragraphs, sufficient information to apprise the named licensee or individual of the general nature of the charges.

(2) A licensee's written response shall be due within thirty (30) days after the issuance of the administrative charge. Failure to respond within that time period may be taken by the board as an admission of the charges.

(3) ~~Each notice shall be issued in accordance with KRS 13B.050.]~~

~~Section 6.~~ [Section 7.] Proceedings Following the Issuance of an Administrative Charge.

(1) The board shall arrange for the appointment of a hearing officer in accordance with KRS 13B.030 and 13B.040.

(2) The board's legal counsel shall act as the prosecuting attorney in regard to any disciplinary proceeding unless the board appoints a special prosecuting attorney.

(3) The board may appoint a representative of the Attorney General's office or another attorney to act as advisory counsel to the board in regard to any deliberations of the board following the issuance of an administrative charge.

(4) The provisions of KRS Chapter 13B shall govern the conduct of the proceeding.

(5) The board shall order the respondent to file an Answer to the Notice of Administrative Hearing within twenty (20) days of the date the Notice of Administrative Hearing was served on the respondent.

Section 7. At the conclusion of the case, the board shall notify the complainant of the outcomes.

Section 8. Incorporation by Reference.

(1) "Grievance Form", 12/2022 [2/2020], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:30 [8:00] a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

STEVEN J. WILLS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture,

109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane, Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the complaint, or “grievance” procedures following by the board, including response protocols and the board’s ability to investigate as needed to gather information.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the standard protocols and procedures that the agency shall follow for handling grievances and violations of KRS Chapter 321, including investigations and administrative charges.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235, 321.351, 321.360, 321.990 specifically direct the board enforce the provisions of KRS Chapter 321 and impose penalties, where appropriate. KRS 321.235 authorizes the board promulgate administrative regulations to carry out the provisions of the chapter.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation shall assist in effective administration by clearly detailing procedures the board shall follow when addressing grievances, conducting investigations, and issuing penalties.

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

(a) How the amendment will change this existing administrative regulation: This amendment clarifies that grievances, investigations, and penalties may apply to any board credential holder, clarifies that the board may conduct investigative activities to determine if a grievance has merit, removes the requirement for the Chairman to screen every potential grievances, reverts the response time for credential holders back to the original twenty (20) days, changes the name of the “Complaints Screening Committee” to the “Grievance Committee”, and adds the requirement for respondents to file an Answer to the Notice of Administrative Hearing, where appropriate.

(b) The necessity of the amendment to this administrative regulation: The Kentucky Board of Veterinary Examiners has determined this amendment is necessary in response to lag time in current grievance procedures, limitations on the board to gather factual information prior to official grievance filings, and the need to identify that grievances may be filed on any board credential holder.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.235, 321.351, 321.360, 321.990 specifically direct the board enforce the provisions of KRS Chapter 321 and impose penalties, where appropriate. KRS 321.235 authorizes the board promulgate administrative regulations to carry out the provisions of the chapter.

(d) How the amendment will assist in the effective administration of the statutes: This amendment shall assist in effective administration by clearly detailing procedures the board shall follow when addressing grievances, conducting investigations, and issuing penalties.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 2,650 veterinarians, 535 licensed

veterinary technicians, 50 animal control agencies, and 161 animal euthanasia specialists, and future applicants; this may also impact individuals operating without a license in contravention of KRS Chapter 321.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All individuals responding to a grievance filed with the board shall have twenty (20) days to respond in writing to the allegations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There shall be no additional costs imposed as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the approved requirements.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an investigative program to investigate grievances.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FISCAL NOTE

(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 Veterinary Examiners.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.235, 321.351, 321.360, 321.990.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(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 from this filing.

(c) How much will it cost to administer this program for the first year? This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years? Staff time will be required for record keeping. Costs will be very minimal.

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

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings.

(c) How much will it cost the regulated entities for the first year? There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years? There will be no additional costs involved.

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

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

BOARDS AND COMMISSIONS

Board of Physical Therapy (Amendment)

201 KAR 22:170. Physical Therapy Compact Commission.

RELATES TO: KRS 327.300(12)

STATUTORY AUTHORITY: KRS 327.300(12)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.300(12) requires the Board of Physical Therapy to review any rule adopted by the Physical Therapy Compact Commission within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS Chapter 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. This administrative regulation sets forth the Rules adopted by the Physical Therapy Compact Commission.

Section 1. The Kentucky Board of Physical Therapy shall comply with all bylaws, rules, and administrative regulations of the Physical Therapy Compact Commission, which includes the Physical Therapy Compact Commission Rules and Bylaws.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Physical Therapy Compact Commission Rules", October 2022[2024]; and

(b) "Physical Therapy Compact Commission Bylaws", October 2021.

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

(b) This material may be obtained on the Kentucky Board of Physical Therapy's Web site at <https://pt.ky.gov>.

(3) This material may also be obtained at:

(a) The Physical Therapy Compact Commission, 124 West Street South, Third Floor, Alexandria, Virginia, 22314; or

(b) <http://www.ptcompact.org>.

STEPHEN CURLEY, Executive Director

APPROVED BY AGENCY: November 17, 2022

FILED WITH LRC: December 14, 2022 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023, at 3:00 p.m. (ET). Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing of their intent to attend. All individuals who notify this agency in writing at least five workdays prior to this hearing shall be notified whether the hearing will be held virtually by video teleconference or in person at the Board's office, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. If no notification of intent to attend the hearing is received in writing by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2023. 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: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, (502) 429-7140, fax (502) 429-7142, email stephen.curley@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen Curley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates the new rules for the Physical Therapy Compact Commission.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to implement provisions of KRS Chapter 327.300(12).

(c) How this administrative regulation conforms to the content of the authorizing statutes: It promulgates the rules established by the Physical Therapy Compact Commission as administrative regulations pursuant to KRS 327.300(12).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It complies with the requirement that any rule or bylaw adopted by the Physical Therapy Compact Commission receive appropriate oversight.

(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 Physical Therapy Compact Rules dates will be updated.

(b) The necessity of the amendment to this administrative regulation: The amendment to the Physical Therapy Compact Rules is necessary to comport with the requirements of KRS 327.300(12).

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to the Physical Therapy Compact Rules is necessary to comport with the requirements of KRS 327.300(12).

(d) How the amendment will assist in the effective administration of the statutes: The Physical Therapy Compact Rules will be the most up-to-date version.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Compact Privilege applicant and holders totaling around 150 right now.

(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: Rule 7.1 Amends the existing rule to conform with the model compact language, rule 6.4 Amends the existing rule to change the timeframe for reporting disciplinary

actions to the Compact Commission, rule 3.5 Amends the existing rule to clarify the change of home state notification requirements, rule 1.1 Amends the existing rule to add a new definition of "Initial", rule 3.8 Amends the existing rule to clarify the jurisprudence requirements, and rule 3.1 Amends the existing rule to clarify the National Physical Therapy Examination (NPTE) as the requirement for licensure

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Credentialed physical therapists and physical therapist assistants in Kentucky will be able to participate in the Physical Therapy Licensure Compact.

(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: Agency Revenue Fund and funds derived from compact privilege applications from other states.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: None.

(9) TIERING: Is tiering applied? Tiering was not used in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

FISCAL NOTE

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 327.300(12).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

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

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

(c) How much will it cost to administer this program for the first year? None.

(d) How much will it cost to administer this program for subsequent years? None.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None

(c) How much will it cost the regulated entities for the first year? None

(d) How much will it cost the regulated entities 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.

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] It will not have any economic impact.

BOARD OF EMERGENCY MEDICAL SERVICES (Amendment)

202 KAR 7:201. Emergency medical responders.

RELATES TO: KRS 311A.010, 311A.025, 311A.030, 311A.060, 311A.095, 311A.140, 311A.145, 311A.160

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.160

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the board to promulgate administrative regulations relating to emergency medical responders. KRS 311A.025 and 311A.160 require the board to establish standards relating to emergency medical responders. This administrative regulation establishes the standards relating to emergency medical responders.

Section 1. Emergency Medical Responder Student Eligibility.

[(4)] Individuals shall be eligible to enroll as a student in an Emergency Medical Responder training program if the applicant:

[(a)] ~~Is at least fifteen (15) years of age; and~~

(b) ~~Is currently enrolled in grades 9-12 with a minimum GPA of 2.0; or~~

(c) ~~Holds a high school diploma, high school equivalency diploma, or home school diploma.~~

(2) ~~The student applicant shall:~~

(1) ~~Is not[Not] currently [be-]subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and~~

[(b)] ~~Pass a criminal background check through the Kentucky Administrative Office of the Courts (AOC) meeting the requirements of KRS 311A.050; and~~

(2) [(c)] ~~Meets[Meet]~~ all additional requirements established by the EMS Training and Educational Institution (TEI).

Section 2. Certification Requirements. Individuals desiring initial certification as an Emergency Medical Responder shall:

(1) ~~[Be at least sixteen (16) years of age;~~

(2) ~~Successfully complete a board approved training program that conforms to the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Educational Standards-Instructional Guidelines for the Emergency Medical Responder, except that the education curriculum shall not be satisfied by the completion of refresher or transition courses alone;~~

(2) [(3)] ~~Meet all educational standards established in 202 KAR 7:601;~~

(3) [(4)] ~~Obtain certification as a NREMT-Emergency Medical Responder;~~

(4) [(5)] ~~Submit a completed application for EMR Initial in KEMSIS;~~

(5) [(6)] ~~Pay the fee required for certification pursuant to 202 KAR 7:030;~~

(6) [(7)] ~~Undergo a background check pursuant to KRS 311A.050 and 311A.100, which shall be:~~

(a) ~~National in scope for an applicant not currently certified at any level in Kentucky;~~

(b) ~~Statewide in scope for an applicant with current certification in Kentucky;~~

- (c) Less than six (6) months old when the applicant submits to the board all requirements for certification;
- (d) Provided by a vendor that has been contracted through the board; and
- (e) Submitted to the board by the company that conducts the background check; and
- (7) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:
 - (a) A Social Security card;
 - (b) Birth certificate;
 - (c) A United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card); or
 - (d) Other legal authorization to live and work in the United States.

Section 3. Renewal of Certification and Continuing Education Requirements. (1) An Emergency Medical Responder shall be eligible for certification renewal if:

- (a) The applicant submits a completed EMR Certification Renewal Application in KEMSIS;
- (b) The applicant maintains written evidence of:
 - 1. HIV/AIDS training required by KRS 311A.120;
 - 2. Pediatric Abusive Head Trauma training required by KRS 311A.120; and
 - 3. Awareness of Sexual Violence Training required by KRS 311A.120;
- (c) The applicant pays the fee pursuant to 202 KAR 7:030; and
- (d) The applicant maintains evidence of:
 - 1. Current certification by the NREMT as an Emergency Medical Responder, except that if this option is used, the board may request, though a continuing education audit, proof of continuing education to verify compliance with the requirements of this section; or
 - 2. Successful completion of the NREMT Emergency Medical Responder National Component of the Continued Competency Program for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.
- (2) An application for certification renewal shall be denied if:
 - (a) Prior to the certification expiration date, the applicant has not met the applicable requirements of this section; or
 - (b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.
- (3) A certified Emergency Medical Responder, in good standing, who is a member of a National Guard or military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304[673b], shall be renewed according to KRS 12.355 upon submission of the Military Extension Application.
- (4) The board office may audit an Emergency Medical Responder's continuing education and continuing education records. The Emergency Medical Responder shall submit the documentation requested within ten (10) business days of receipt of the board's request.
- (5) The Emergency Medical Responder shall maintain documentation of all continuing education for three (3) years from the date of completion.
- (6) If documentation of continuing education hours consistent with this administrative regulation are not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the Emergency Medical Responder certification for the individual shall be summarily revoked and the individual shall reapply for certification through Reinstatement, if eligible.
- (7) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

Section 4. Reinstatement of Certification. (1) An Emergency Medical Responder whose certification has lapsed may reinstate his or her certificate by submitting to the board:

- (a) A completed EMR Reinstatement Certification Application in KEMSIS;
- (b) Evidence of previous certification as an Emergency Medical Responder in the Commonwealth of Kentucky;

- (c) Proof of current training in:
 - 1. Pediatric Abusive Head Trauma as required by KRS 311A.120;
 - 2. Awareness of Sexual Violence Training required by KRS 311A.120; and
 - 3. HIV/AIDS training required by KRS 311A.120; and
- (d) Evidence of successful completion of the NREMT Emergency Medical Responder National Component of the Continued Competency Program for Continuing Education within twelve (12) months preceding his or her application for reinstatement of Emergency Medical Responder.
- (2) The applicant shall pay the fee required for reinstatement pursuant to 202 KAR 7:030.
- (3) The applicant shall undergo a national background check provided by a vendor that has been contracted through the board. The applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.
- (4) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of certification.
- (5) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.
- (6) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Emergency Medical Responder Reciprocity. (1) An individual who is certified in a contiguous state to the Commonwealth of Kentucky or by the NREMT as a NREMT-Emergency Medical Responder or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as a NREMT-Emergency Medical Responder or EMT[,] shall be eligible for reciprocity for Kentucky certification as an Emergency Medical Responder if the applicant submits:

- (a) A completed EMR Reciprocity Application in KEMSIS;
- (b) Proof of the applicant's current unrestricted certification as a NREMT-Emergency Medical Responder or current Emergency Medical Responder certification in a contiguous state to the Commonwealth of Kentucky, or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification; and
- (c) Proof of current training in:
 - 1. HIV/AIDS training required by KRS 311A.120;
 - 2. Pediatric Abusive Head Trauma as required by KRS 311A.120; and
 - 3. Awareness of Sexual Violence Training required by KRS 311A.120.
- (2) An applicant shall pay the fee required for reciprocity pursuant to 202 KAR 7:030.
- (3) An applicant for Emergency Medical Responder reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board.
- (a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.
- (b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of certification through reciprocity.
- (4) An applicant shall not have been convicted of offenses described in KRS 311A.050.
- (5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.
- (6) An Emergency Medical Responder certified pursuant to this administrative regulation shall not perform any procedures or skill on which the Emergency Medical Responder has not been trained. An

Emergency Medical Responder who performs a skill for which the Emergency Medical Responder does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) An Emergency Medical Responder certified pursuant to this section shall complete the Kentucky supplemental Emergency Medical Responder curricula for the procedures listed in 202 KAR 7:701 prior to beginning work for a licensed agency in Kentucky.

(a) Kentucky supplemental Emergency Medical Responder curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(b) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the Emergency Medical Responder for a minimum of three (3) years. Failure to submit the EMR Supplemental Curriculum Training Verification Report upon request shall result in revocation of the Emergency Medical Responder certification.

(c) If an Emergency Medical Responder certified pursuant to this section fails to supply verification of competency as required by subsection (7) of this section, the Emergency Medical Responder shall be ineligible to apply for and receive Emergency Medical Responder reciprocity certification until the applicant has submitted the EMR Supplemental Curriculum Training Verification Report as required by 202 KAR 7:701, and shall reapply for Reciprocity through the process listed in this section.

Section 6. Scope of Practice. (1) An Emergency Medical Responder shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Certification. (1) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If an Emergency Medical Responder's certification lapses or expires, the Emergency Medical Responder shall cease provision of emergency medical services.

(3) An Emergency Medical Responder who has allowed his or her certification to lapse or expire shall reinstate certification pursuant to Section 4 of this administrative regulation.

Section 8. Surrender of Certification. (1) An Emergency Medical Responder surrendering certification shall:

(a) Submit a completed Application for EMR Surrender of Certification in KEMSIS; and

(b) Pay the fee pursuant to 202 KAR 7:030.

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her certification.

Section 9. Reporting Requirements. (1) An Emergency Medical Responder shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to an Emergency Medical Responder's legal name shall be submitted using the Name Change application in KEMSIS; and

2. One (1) of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;

(c) Email address; and

(d) Phone number.

(2) An Emergency Medical Responder who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 10. Exemptions from Emergency Medical Responder Administrative Regulations. Certification requirements for an Emergency Medical Responder shall not apply to:

(1) United States military personnel or state National Guard or employees of the United States government while providing services on a United States government-owned or operated facility, or while engaged in the performance of their official duties under federal law, or while providing assistance in a mass casualty or disaster type situation; or

(2) An Emergency Medical Responder certified in another state or territory of the United States who:

(a) Comes into Kentucky to transport a patient from another state into Kentucky; or

(b) Is transporting a patient through the state of Kentucky to an out-of-Kentucky location.

Section 11. Public Notice of Negative Action. The board office shall cause to be published on the board website the name of an Emergency Medical Responder who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "National Emergency Medical Services Education Standards-Emergency Medical Responder Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077B, January 2009;

(b) "EMR Initial Certification Application" in KEMSIS, July 2019;

(c) "EMR Certification Renewal Application" in KEMSIS, July 2019;

(d) "EMR Reciprocity Certification Application" in KEMSIS, July 2019;

(e) "EMR Reinstatement Certification Application" in KEMSIS, July 2019;

(f) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;

(g) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

(h) "EMR Supplemental Curriculum Training Verification Report", July 2019;

(i) "EMR Certification Surrender Application" in KEMSIS, July 2019;

(j) "National Registry of Emergency Medical Technicians National Continued Competency Program EMR", October 2016;

(k) "National Registry of Emergency Medical Technicians Emergency Medical Responder Psychomotor Examination Users Guide", September 2016;

(l) "Name Change Application" in KEMSIS, July 2019;

(m) "Military Extension Application" in KEMSIS, July 2019; and

(n) "United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card)", July 2019.

(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601 [~~2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509~~], by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kyems.com

JOHN R. HOLDER, Board Chair

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 1:00 p.m. Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent

to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.020 requires the board to promulgate administrative regulations relating to first responders. KRS 311A.025 and KRS 311A.160 require the board to establish standards relating to emergency medical responders. This administrative regulation establishes standards relating to emergency medical responders.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the board to promulgate administrative regulations relating to first responders. KRS 311A.025 and KRS 311A.160 require the board to establish standards relating to emergency medical responders. This administrative regulation establishes standards relating to emergency medical responders.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020, KRS 311A.025 and KRS 311A.160 by establishing standards relating to emergency medical responders.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the board to promulgate administrative regulations relating to first responders. KRS 311A.025 and KRS 311A.160 require the board to establish standards relating to emergency medical responders. This administrative regulation assists in the effective administration of the foregoing statutes by establishing the standards relating to emergency medical responders.

(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 brings the requirements for Kentucky Emergency Medical Responder certification into conformity with the requirements of the National Registry of Emergency Medical Technicians (NREMT) by removing the minimum age requirement and certain education requirements. Applicants for Kentucky certification are still required to successfully complete a board-approved training program, meet the educational standards established in 202 KAR 7:601, and successfully complete all NREMT educational requirements. The requirement to undergo a pre-enrollment background check has been stricken from this amendment. However, background checks remain required for initial certification as an EMR. Finally, this amendment clarifies that only the National Component of the NREMT Continued Competency Program for Continuing Education is required for certification renewal and reinstatement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to bring Kentucky's minimum requirements for Emergency Medical Responder certification into conformity with the NREMT requirements, to remove the redundant requirement of a pre-enrollment background check, and to offer more individuals the opportunity to become certified Emergency Medical Responders in Kentucky. EMS agencies across the Commonwealth face staffing shortages and the intent of this amendment is to remove requirements that are inconsistent with national standards and requirements that are redundant or unnecessary to allow additional individuals to become certified EMRs and thereby mitigate EMS staffing shortages.

(c) How the amendment conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020, KRS 311A.025 and KRS 311A.160 by establishing standards relating to emergency medical responders.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.020 requires the board to promulgate administrative regulations relating to first responders. KRS 311A.025 and KRS 311A.160 require the board to establish standards relating to emergency medical responders. This amendment will assist in the effective administration of the foregoing statutes by establishing the standards relating to emergency medical responders.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical services providers, Emergency Medical Responders, individuals seeking Emergency Medical Responder certification, and local governments.

(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: Emergency medical service providers, Emergency Medical Responders, individuals seeking Emergency Medical Responder certification, and local governments shall implement and satisfy the standards and requirements of this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals seeking Emergency Medical Responder certification will benefit from decreased certification requirements and processing time. Emergency medical service providers and local governments will benefit from a larger pool of eligible applicants for Emergency Medical Responder certification.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body 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 funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies equally to all licensed agencies.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical services providers, and local governments.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.020 requires the board to promulgate administrative regulations relating to first responders. KRS 311A.025 and KRS 311A.160 require the board to establish standards relating to emergency medical responders. This administrative regulation

establishes standards relating to emergency medical responders.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? Administration of this administrative regulation will not require any costs.

(d) How much will it cost to administer this program for subsequent years? Administration of this administrative regulation will not require any costs.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not require any additional expenditures.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year? This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years? This administrative regulation will not impose any costs.

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

Cost Savings (+/-): This administrative regulation will not generate any cost savings.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES (Amendment)

202 KAR 7:301. Emergency medical technician.

RELATES TO: KRS 311A.010, 311A.025, 311A.060, 311A.095, 311A.130, 311A.140, 311A.145, 311A.165

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.140, 311A.165

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians. This administrative regulation establishes requirements for Emergency Medical Technicians.

Section 1. Emergency Medical Technician Student Eligibility.

[(4)] Individuals shall be eligible to enroll as a student in an Emergency Medical Technician education and training program if the applicant:

[(a)] ~~Is at least seventeen (17) years of age; and~~

(b) ~~Is currently enrolled in grades 9-12 with a minimum GPA of 2.0; or~~

(c) ~~Holds a high school diploma, high school equivalency diploma, or home school diploma.~~

(2) ~~The student applicant shall:~~

(1) ~~Is not[Not]~~ currently ~~[be-]~~subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and
[(b)] ~~Pass a criminal background check through the Kentucky Administrative Office of the Courts (AOC) meeting the requirements of KRS 311A.050; and~~

(2) [(c)] ~~Meets[Meet]~~ all additional requirements established by the EMS Training and Educational Institution (EMS-TEI).

Section 2. Certification Requirements. Individuals desiring initial certification as an Emergency Medical Technician shall:

(1) ~~[Be at least eighteen (18) years of age;]~~

[(2)] Successfully complete a board approved education and training program that conforms to the curriculum of the United States Department of Transportation, National Highway Traffic Safety Administration National Emergency Medical Services Educational Standards-Instructional Guidelines for the Emergency Medical Technician, except that the educational curriculum shall not be satisfied by the completion of refresher or transition courses alone;

(2) [(3)] Meet all educational standards established by 202 KAR 7:601;

(3) [(4)] Obtain certification as a NREMT-Emergency Medical Technician;

(4) [(5)] Submit a completed EMT Initial Certification Application in KEMSIS;

(5) [(6)] Pay the fee required for certification pursuant to 202 KAR 7:030;

(6) [(7)] Undergo a background check pursuant to KRS 311A.050 and 311A.100, which shall be:

(a) National in scope for an applicant not currently certified at any level in Kentucky;

(b) Statewide in scope for an applicant with current certification in Kentucky;

(c) Less than six (6) months old when the applicant submits to the board all requirements for certification;

(d) Provided by a vendor that has been contracted through the board; and

(e) Submitted to the board by the company that conducts the background check; and

(7) [(8)] Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:

(a) A Social Security card;

(b) Birth certificate;

(c) A United States Citizenship and Immigration Services (U.S.C.IS) Permanent Resident Card (form I-551/Green Card); or
(d) Other legal authorization to live and work in the United States.

Section 3. Renewal of Certification and Continuing Education Requirements. (1) An Emergency Medical Technician shall be eligible for certification renewal if:

(a) The applicant submits a completed EMT Certification Renewal Application in KEMSIS;

(b) The applicant maintains written evidence of:

1. HIV/AIDS training required by KRS 311A.120;

2. Pediatric Abusive Head Trauma required by KRS 311A.120; and

3. Awareness of Sexual Violence Training required by KRS 311A.120;

(c) The applicant pays the fee required for renewal pursuant to 202 KAR 7:030; and

(d) The applicant maintains evidence of:

1. Current certification by the NREMT as an Emergency Medical Technician, except that if this option is used, the board may request, through a continuing education audit, proof of continuing education

to verify compliance with the requirements of this section; or

2. Successful completion of the NREMT Emergency Medical Technician National Component of the Continued Competency Program [~~National Component~~] for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(2) An application for certification renewal shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the applicable requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

(3) A certified Emergency Medical Technician, in good standing, who is a member of a National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304[~~673b~~], shall be renewed according to KRS 12.355 upon submission of the Military Extension Application.

(4) The board office may audit an Emergency Medical Technician's continuing education and continuing education records. The Emergency Medical Technician shall submit the documentation requested within ten (10) business days of receipt of the board's request.

(5) If documentation of continuing education hours consistent with this administrative regulation are not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the Emergency Medical Technician certification for the individual shall be summarily revoked and the individual shall reapply for certification through reinstatement if eligible.

(6) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

(7) The Emergency Medical Technician shall maintain documentation of all continuing education for three (3) years from the date of completion.

Section 4. Reinstatement of Certification. (1) An Emergency Medical Technician whose certification has lapsed may reinstate his or her certificate by submitting to the board:

(a) A completed EMT Reinstatement Certification Application in KEMSIS;

(b) Evidence of previous certification as an Emergency Medical Technician in the Commonwealth of Kentucky;

(c) Current training in:

1. Pediatric Abusive Head Trauma as required by KRS 311A.120;

2. Awareness of Sexual Violence Training required by KRS 311A.120; and

3. HIV/AIDS training required by KRS 311A.120; and

(d) Payment of the fee pursuant to 202 KAR 7:030.

(2) The applicant for reinstatement of certification shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of certification.

(3) An applicant for reinstatement of certification shall submit to the board evidence of successful completion of the NREMT Emergency Medical Technician National Component of the Continued Competency Program for Continuing Education within twelve (12) months preceding his or her application for reinstatement of the Emergency Medical Technician.

(4) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.

(5) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Emergency Medical Technician Reciprocity. (1) An individual who is certified in a contiguous state to the

Commonwealth of Kentucky or by the NREMT as an Emergency Medical Technician or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as a NREMT-Emergency Medical Technician shall be eligible for reciprocity for Kentucky certification as an Emergency Medical Technician if the applicant submits:

(a) ~~A~~[a] completed EMT Reciprocity Certification Application in KEMSIS; ~~and proof of:~~

(b) ~~[(a)]~~ Proof of the ~~[The]~~ applicant's current unrestricted certification as a NREMT-Emergency Medical Technician or current Emergency Medical Technician certification in a contiguous state to the Commonwealth of Kentucky, or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification; and

(c) ~~[(b)]~~ Proof of current ~~[Current]~~ training in:

1. HIV/AIDS training required by KRS 311A.120;

2. Pediatric Abusive Head Trauma as required by KRS 311A.120; and

3. Awareness of Sexual Violence Training required by KRS 311A.120.

(2) An applicant shall pay the fee required for certification through reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for Emergency Medical Technician reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of certification through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) An Emergency Medical Technician certified pursuant to this administrative regulation shall not perform any procedures or skill on which the Emergency Medical Technician has not been trained. An Emergency Medical Technician who performs a skill for which the Emergency Medical Technician does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) An Emergency Medical Technician certified pursuant to this section shall complete the Kentucky supplemental Emergency Medical Technician curricula for the procedures listed in 202 KAR 7:701 prior to beginning work for a licensed agency in Kentucky.

(a) Kentucky supplemental Emergency Medical Technician curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(b) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the Emergency Medical Technician for a minimum of three (3) years. Failure to submit the EMT Supplemental Curriculum Training Verification Report upon request shall result in revocation of the Emergency Medical Technician certification.

(c) If an Emergency Medical Technician certified pursuant to this section fails to supply verification of competency as required by subsection (7) of this section, the Emergency Medical Technician shall be ineligible to apply for and receive Emergency Medical Technician reciprocity certification until the applicant has submitted the EMT Supplemental Curriculum Training Verification Report as required by 202 KAR 7:701, and shall reapply for reciprocity through the process listed in this section.

Section 6. Scope of Practice. (1) An Emergency Medical Technician shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Certification. (1) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If an Emergency Medical Technician's certification lapses or expires, the Emergency Medical Technician shall cease provision of emergency medical services.

(3) An Emergency Medical Technician who has allowed his or her certification to lapse or expire shall be required to reinstate certification pursuant to Section 4 of this administrative regulation.

Section 8. Downgrading Certification. (1) An Emergency Medical Technician currently certified as an Emergency Medical Technician by the board shall be eligible for certification downgrade if:

(a) The certification is in good standing with no pending disciplinary action;

(b) The applicant submits a completed EMT Certification Downgrade Application in KEMSIS; and

(c) The applicant pays the fee pursuant to 202 KAR 7:030.

(2) An Emergency Medical Technician shall only be eligible to downgrade his or her certification to an Emergency Medical Responder certification.

(3) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(4) An applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:

(a) Statewide in scope for an applicant with current certification in Kentucky;

(b) Less than six (6) months old when the applicant submits to the board all requirements for certification; and

(c) Provided by a vendor that has been contracted through the board.

~~[(5) The applicant shall provide proof of:~~

~~(a) Current certification by the NREMT as an Emergency Medical Technician; or~~

~~(b) Successful completion of the NREMT Emergency Medical Technician National Continued Competency Program for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601; and~~

~~(c) Current training in:~~

~~1. Pediatric Abusive Head Trauma required by KRS 311A.120; and~~

~~2. Awareness of Sexual Violence Training required by KRS 311A.120.]~~

~~[(5)][(6)]~~ Downgrade shall be denied if the applicant has not met the requirements of this section or has been subject to disciplinary action that prevents certification at the time of application.

~~[(6)][(7)]~~ The applicant shall be responsible for meeting the renewal requirements of the downgraded certification level issued prior to expiration of that certification.

~~[(7)][(8)]~~ To reinstate the certification or license that was previously held, the applicant shall meet the regulatory requirements for that level of certification or licensure.

~~[(8)][(9)]~~ The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon downgrading his or her certification.

~~[(9)][(10)]~~ Once the applicant has downgraded his or her certification or license, the applicant shall no longer be permitted to provide emergency medical services at the previous certification or license level held.

~~[(10)][(11)]~~ An applicant applying for downgrade who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

~~[(11)][(12)]~~ All endorsements, certifications, or licenses held at the previous certification or license level shall be void at the completion of the downgrade.

Section 9. Surrender of Certification. (1) An Emergency Medical Technician surrendering certification shall:

(a) Submit a completed EMT Certification Surrender Application in KEMSIS; and

(b) Pay the fee pursuant to 202 KAR 7:030.

(2) The applicant shall notify the board's licensed service

director with whom the applicant is affiliated immediately upon surrendering his or her certification.

Section 10. Reporting Requirements. (1) An Emergency Medical Technician shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to an Emergency Medical Technician's legal name shall be submitted using the Name Change application in KEMSIS; and

2. One (1) of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;

(c) Email address; and

(d) Phone number.

(2) An Emergency Medical Technician who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 11. Exemptions from Emergency Medical Technician Administrative Regulations. Certification requirements for an Emergency Medical Technician shall not apply to:

(1) United States military personnel or state National Guard or employees of the United States government while providing services on a United States government owned or operated facility, or while engaged in the performance of their official duties under federal law, or while providing assistance in a mass casualty or disaster type situation; or

(2) An Emergency Medical Technician certified in another state or territory of the United States who:

(a) Comes into Kentucky to transport a patient from another state into Kentucky; or

(b) Is transporting a patient through the state of Kentucky to an out-of-Kentucky location.

Section 12. Public Notice of Negative Action. The board office shall cause to be published on the board Web site the name of an Emergency Medical Technician who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had his or her certification revoked.

Section 13. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "National Emergency Medical Services Education Standards-Emergency Medical Technician Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077C, January 2009;

(b) "EMT Initial Certification Application" in KEMSIS, July 2019;

(c) "EMT Certification Renewal Application" in KEMSIS, July 2019;

(d) "EMT Reciprocity Certification Application" in KEMSIS July 2019;

(e) "EMT Reinstatement Certification Application" in KEMSIS, July 2019;

(f) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;

(g) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

(h) "EMT Supplemental Curriculum Training Verification Report", July 2019;

(i) "EMT Certification Downgrade Application" in KEMSIS, July 2019;

(j) "EMT Certification Surrender Application" in KEMSIS, July 2019;

(k) "National Registry of Emergency Medical Technicians National Continued Competency Program EMT", October 2016;

(l) "National Registry of Emergency Medical Technicians Emergency Medical Technician Psychomotor Examination Users Guide", September 2016;

(m) "Name Change Application" in KEMSIS, July 2019;

(n) "Military Extension Application" in KEMSIS, July 2019; and

(o) "United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card)", July 2019.

(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601~~[2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509]~~, by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kyems.com.

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 1:00 PM Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians. This administrative regulation establishes requirements for Emergency Medical Technicians.

(b) The necessity of this administrative regulation: KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians. This administrative regulation is necessary to establish requirements for Emergency Medical Technicians.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.025 by establishing requirements for Emergency Medical Technicians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians. This administrative regulation assists in the effective administration of KRS 311A.025 by establishing requirements for Emergency Medical Technicians.

(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 brings the requirements for Kentucky Emergency Medical Technician certification into conformity with the requirements of the National Registry of Emergency Medical Technicians (NREMT) by removing the minimum age requirement

and certain education requirements. Applicants for Kentucky certification are still required to successfully complete a board-approved training program, meet the educational standards established in 202 KAR 7:601, and successfully complete all NREMT educational requirements. The requirement to undergo a pre-enrollment background check has been stricken from this amendment. However, background checks remain required for initial certification as an Emergency Medical Technician. Finally, this amendment clarifies that only the National Component of the NREMT Continued Competency Program for Continuing Education is required for certification renewal and reinstatement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to bring Kentucky's minimum requirements for Emergency Medical Technician certification into conformity with the NREMT requirements, to remove the redundant requirement of a pre-enrollment background check, and to offer more individuals the opportunity to become certified Emergency Medical Technicians in Kentucky. EMS agencies across the Commonwealth face staffing shortages and the intent of this amendment is to remove requirements that are inconsistent with national standards and requirements that are redundant or unnecessary to allow additional individuals to become certified Emergency Medical Technicians and thereby mitigate EMS staffing shortages.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.025 by establishing requirements for Emergency Medical Technicians.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians. This amendment will assist in the effective administration of KRS 311A.025 by establishing requirements for Emergency Medical Technicians.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical service providers, Emergency Medical Technicians, individuals seeking Emergency Medical Technician certification, and local governments.

(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: Emergency medical service providers, Emergency Medical Technicians, individuals seeking Emergency Medical Technician certification, and local governments shall implement and satisfy the standards and requirements of this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals seeking Emergency Medical Technician certification will benefit from decreased certification requirements and processing time. Emergency medical service providers and local governments will benefit from a larger pool of eligible applicants for Emergency Medical Technician certification.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body 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 funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies equally to all licensed agencies.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical service providers, and local governments.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.025 requires the board to promulgate administrative regulations relating to Emergency Medical Technicians.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? Administration of this administrative regulation will not require any costs.

(d) How much will it cost to administer this program for subsequent years? Administration of this administrative regulation will not require any costs.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not require any additional expenditures.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year? This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years? This administrative regulation will not impose any costs.

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

Cost Savings (+/-): This administrative regulation will not generate any cost savings.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES (Amendment)

202 KAR 7:330. Advanced emergency medical technician.

RELATES TO: KRS Chapter 39, 38.030, 39A.050, 311A.010, 311A.020, 311A.025, 311A.050, 311A.090, 311A.095, 311A.100, 311A.140, 311A.145, 311A.150, 311A.195, 10 U.S.C. 121, 672(b)
STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.025(2) requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the Advanced Emergency Medical Technician (AEMT). This administrative regulation establishes requirements for Advanced Emergency Medical Technician.

Section 1. Advanced Emergency Medical Technician Student Eligibility.

[(4)] Individuals shall be eligible to enroll as a student in an Advanced Emergency Medical Technician education and training program if the applicant:

[(a)] ~~Is at least eighteen (18) years of age;~~
[(b)] ~~Holds a high school diploma, high school equivalency diploma, or home school diploma; and]~~

[(1)] [(e)] Is currently certified at a minimum of an Emergency Medical Technician by the board or the NREMT;[-]

[(2)] ~~The student applicant shall:]~~

[(2)] [(a)] ~~Is not[Not] currently [be-]subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and~~

[(b)] ~~Pass a criminal background check through the Kentucky Administrative Office of the Courts (AOC) meeting the requirements of KRS 311A.050; and]~~

[(3)] [(e)] ~~Meets[Meet] all additional requirements established by the EMS Training and Educational Institution (EMS-TEI).~~

Section 2. Certification Requirements. (1) Individuals desiring initial certification as an Advanced Emergency Medical Technician shall:

(a) Successfully complete a board approved education and training program that conforms to the curriculum of the United States Department of Transportation, National Highway Traffic Safety Administration National Emergency Medical Services Educational Standards-Instructional Guidelines for the Advanced Emergency Medical Technician, except that the educational curriculum shall not be satisfied by the completion of refresher or transition courses alone;

(b) Meet all educational standards established in 202 KAR 7:601;

(c) Obtain certification as a NREMT-Advanced Emergency Medical Technician;

(d) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:

1. A Social Security card;
 2. Birth certificate;
 3. A United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card); or
 4. Other legal authorization to live and work in the United States.
- (e) Submit a completed AEMT Initial Certification Application in KEMSIS; and

(f) Pay the fee pursuant to 202 KAR 7:030 for certification as an Advanced Emergency Medical Technician.

(2) An applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:

(a) National in scope for an applicant not currently certified at any level in Kentucky;

(b) Statewide in scope for an applicant with current certification in Kentucky;

(c) Less than six (6) months old when the applicant submits to the board all requirements for certification; and

(d) Provided by a vendor that has been contracted through the board.

(3) An applicant shall not directly submit a background check. The background check shall be submitted to the board by the company that conducts the background check.

Section 3. Renewal of Certification and Continuing Education Requirements. (1) An Advanced Emergency Medical Technician shall be eligible for certification renewal if:

(a) The applicant submits a completed AEMT Certification Renewal Application in KEMSIS;

(b) The applicant maintains written evidence of:

1. HIV/AIDS training required by KRS 311A.120;

2. Pediatric Abusive Head Trauma as required by KRS 311A.120; and

3. Awareness of Sexual Violence Training required by KRS 311A.120;

(c) The applicant pays the fee required for renewal pursuant to 202 KAR 7:030; and

(2) The applicant maintains evidence of:

(a) Current certification by the National Registry of Emergency Medical Technicians as an Advanced Emergency Medical Technician, except that if this option is used, the board may request, through a continuing education audit, proof of continuing education to verify compliance with the continuing education requirements of this section; or

(b) Successful completion of the NREMT Advanced Emergency Medical Technician National Component of the Continued Competency Program, for Continuing Education which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(3) An application for certification renewal shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the applicable requirements of this section;

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application; or

(c) The applicant is delinquent on fines or fees owed to the board pursuant to KRS 311A.055, 311A.060, or 202 KAR 7:030.

(4) A certified Advanced Emergency Medical Technician, in good standing, who is a member of a branch of the United States National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. §§ 121 and 12304[673b], shall be renewed in accordance with KRS 12.355 upon submission of the Military Extension Application.

(5) The board office may audit an Advanced Emergency Medical Technician's continuing education and continuing education records.

(6) The Advanced Emergency Medical Technician shall submit the documentation requested within ten (10) business days of receipt of the board's request. If documentation of continuing education hours consistent with this administrative regulation are not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the Advanced Emergency Medical Technician certification for the individual shall be summarily revoked and the individual shall reapply for certification through Reinstatement if eligible.

(7) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

(8) The Advanced Emergency Medical Technician shall maintain documentation of all continuing education for three (3) years from the date of completion.

Section 4. Reinstatement of Certification. (1) An Advanced

Emergency Medical Technician whose Kentucky certification has lapsed shall be eligible for reinstatement of certification if the applicant submits:

(a) A completed AEMT Reinstatement Certification Application in KEMSIS; and

(b) Evidence of:

1. Previous certification as an Advanced Emergency Medical Technician in the Commonwealth of Kentucky;

2. Current training in:

a. Pediatric Abusive Head Trauma as required by KRS 311A.120;

b. Awareness of Sexual Violence Training required by KRS 311A.120; and

c. HIV/AIDS training required by KRS 311A.120.

(2) The applicant shall pay the fee pursuant to 202 KAR 7:030.

(3) The applicant for reinstatement of certification shall undergo a national background check provided by a vendor that has been contracted through the board.

(a) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(b) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of certification.

(4) The applicant for reinstatement of certification shall bear the burden of proof of previous certification in Kentucky if the previous certification is in issue or dispute.

(5) An applicant for reinstatement of an Advanced Emergency Medical Technician certification shall submit to the board evidence of successful completion of the NREMT Advanced Emergency Medical Technician National Component of the Continued Competency Program for Continuing Education within the twelve (12) months preceding application for reinstatement of the Advanced Emergency Medical Technician.

(6) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Advanced Emergency Medical Technician Reciprocity.

(1) An individual who is certified in a contiguous state to the Commonwealth of Kentucky or by the NREMT as an Advanced Emergency Medical Technician or any member of the United States Armed Forces, or veteran who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as an Advanced Emergency Medical Technician or EMT and has successfully completed a board-approved United States Armed Forces medical training course shall be eligible for reciprocity for certification as an Advanced Emergency Medical Technician in Kentucky if the applicant submits:

(a) A completed AEMT Reciprocity Certification Application in KEMSIS;

(b) Proof of the applicant's current unrestricted NREMT certification as an Advanced Emergency Medical Technician or current Advanced Emergency Medical Technician certification in a contiguous state to the Commonwealth of Kentucky or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification; and

(c) Completion of current training in:

1. HIV/AIDS training required by KRS 311A.120;

2. Pediatric Abusive Head Trauma training required by KRS 311A.120; and

3. Awareness of Sexual Violence Training required by KRS 311A.120.

(2) An applicant shall pay the fee required for certification through reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for Advanced Emergency Medical Technician reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board. An applicant shall not directly submit a background check. The background check

shall be submitted to the board by the company that conducts the background check. Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of certification through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) An Advanced Emergency Medical Technician certified pursuant to Section 2 of this administrative regulation shall not perform any procedures or skill on which the Advanced Emergency Medical Technician has not been trained. An Advanced Emergency Medical Technician who performs a skill for which the Advanced Emergency Medical Technician does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) An Advanced Emergency Medical Technician certified pursuant to this section shall complete the Kentucky supplemental Advanced Emergency Medical Technician curricula for the procedures listed in 202 KAR 7:701 prior to beginning work for a licensed agency in Kentucky.

(8) Kentucky supplemental Advanced Emergency Medical Technician curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(9) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the Advanced Emergency Medical Technician for a minimum of three (3) years. Failure to submit the AEMT Supplemental Curriculum Training Verification Report shall result in revocation of Advanced Emergency Medical Technician certification.

(10) If an Advanced Emergency Medical Technician certified pursuant to this section fails to supply verification of competency as required by subsection (7) of this section the Advanced Emergency Medical Technician shall be ineligible to apply for and receive Advanced Emergency Medical Technician reciprocity certification until the applicant has submitted the AEMT Supplemental Curriculum Training Verification Report as required pursuant to 202 KAR 7:701, and shall reapply for Reciprocity through the process set forth in this section.

Section 6. Scope of Practice. An Advanced Emergency Medical Technician shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Certification. (1) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If an Advanced Emergency Medical Technician's certification lapses or expires, the Advanced Emergency Medical Technician shall cease provision of emergency medical services.

(3) An Advanced Emergency Medical Technician who has allowed his or her certification to lapse or expire shall be required to reinstate certification pursuant to Section 4 of this administrative regulation.

Section 8. Downgrading Certification. (1) An Advanced Emergency Medical Technician currently certified as an Advanced Emergency Medical Technician by the board shall be eligible for certification downgrade if:

(a) The certification is in good standing with no pending disciplinary action;

(b) The applicant submits a completed AEMT Certification Downgrade Application in KEMSIS; and

(c) The applicant pays the fee established in 202 KAR 7:030.

(2) An Advanced Emergency Medical Technician is only eligible to downgrade his or her certification to an Emergency Medical Technician or Emergency Medical Responder certification.

(3) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(4) An applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:

(a) Statewide in scope for an applicant with current certification in Kentucky;

(b) Less than six (6) months old when the applicant submits to the board all requirements for certification; and

(c) Provided by a vendor that has been contracted through the board.

[(5)] The applicant shall provide proof of:

~~(a) Current certification by the NREMT as an Advanced Emergency Medical Technician; or~~

~~(b) Successful completion of the NREMT Advanced Emergency Medical Technician National Continued Competency Program for Continuing Education, which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601; and~~

~~(c) Current training in:~~

~~1. Pediatric Abusive Head Trauma required by KRS 311A.120; and~~

~~2. Awareness of Sexual Violence Training required by KRS 311A.120.]~~

~~[(5)]~~ Downgrade shall be denied if the applicant has not met the requirements of this section or has been subject to disciplinary action that prevents certification at the time of application.

~~[(6)]~~ The applicant shall be responsible for meeting the renewal requirements of the downgraded certification level issued prior to expiration of that certification.

~~[(7)]~~ To reinstate the certification or license that was previously held, the applicant shall meet the regulatory requirements for that level of certification or licensure.

~~[(8)]~~ The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon downgrading his or her certification.

~~[(9)]~~ Once the applicant has downgraded his or her certification or license, the applicant is no longer permitted to provide emergency medical services at the previous certification or license level held.

~~[(10)]~~ An applicant applying for downgrade who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

~~[(11)]~~ All endorsements, certifications, or licenses held at the previous certification or license level shall be void at the completion of the downgrade.

Section 9. Surrender of Certification. (1) An Advanced Emergency Medical Technician surrendering certification shall:

(a) Submit a completed AEMT Certification Surrender Application in KEMSIS; and

(b) Pay the fee established in 202 KAR 7:030.

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her certification.

Section 10. Reporting Requirements. (1) An Advanced Emergency Medical Technician shall maintain current demographic information in KEMSIS including:

(a) Legal name;

1. Any changes to an AMET's legal name shall be submitted using the Name Change application in KEMSIS; and

2. One of the following documents as verification of name change:

a. Social Security card;

b. Driver's license; or

c. Passport;

(b) Mailing address;

(c) Email address; and

(d) Phone number.

(2) An Advanced Emergency Medical Technician who does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 11. Exemptions from Advanced Emergency Medical Technician Administrative Regulations. Certification requirements for an Advanced Emergency Medical Technician shall not apply to:

(1) United States military members, state National Guard

personnel, or employees of the United States government if the individual provides emergency medical services:

- (a) On land owned by the United States government;
 - (b) In facilities owned by the United States government;
 - (c) In the performance of official duties under federal law; or
 - (d) As part of assistance for a mass casualty or disaster incident pursuant to federal law or official state assistance request; or
- (2) An Advanced Emergency Medical Technician certified in another state or territory of the United States who:
- (a) Enters Kentucky with a patient being transported to a medical facility or other final destination in Kentucky; or
 - (b) Travels through Kentucky during the course of a patient transport from an out-of-state location to a destination outside of Kentucky.

Section 12. Public Notice of Negative Action. The board office shall cause to be published on the board Web site the name of an Advanced Emergency Medical Technician who:

- (1) Is fined;
- (2) Is placed on probationary status;
- (3) Is placed on restricted status;
- (4) Is suspended; or
- (5) Has had his or her certification revoked.

Section 13. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077D, January 2009;
- (b) "AEMT Initial Certification Application" in KEMSIS, July 2019;
- (c) "AEMT Certification Renewal Application" in KEMSIS, July 2019;
- (d) "AEMT Reciprocity Certification Application" in KEMSIS, July 2019;
- (e) "AEMT Reinstatement Certification Application" in KEMSIS, July 2019;
- (f) "AEMT Supplemental Curriculum Training Verification Report", July 2019;
- (g) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;
- (h) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;
- (i) "AEMT Certification Downgrade Application" in KEMSIS, July 2019;
- (j) "AEMT Certification Surrender Application" in KEMSIS, July 2019;
- (k) "National Registry of Emergency Medical Technicians National Continued Competency Program AEMT", October 2016;
- (l) "National Registry of Emergency Medical Technicians Advanced Emergency Medical Technician Psychomotor Examination Users Guide", September 2016;
- (m) "Name Change Application" in KEMSIS, July 2019;
- (n) "Military Extension Application" in KEMSIS, July 2019; and
- (o) "United States Citizenship and Immigration Services (U.S.C.I.S.) Permanent Resident Card (form I-551/Green Card)", July 2019.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601[2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509], by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kyems.com.

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February

22, 2023 at 1:00 p.m. Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.025(2) requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the advanced emergency medical technician (AEMT). This administrative regulation establishes requirements for Advanced Emergency Medical Technicians.

(b) The necessity of this administrative regulation: KRS 311A.025(2) requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the advanced emergency medical technician (AEMT). This administrative regulation is necessary to establish requirements for Advanced Emergency Medical Technicians.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.025 by establishing the requirements for Advanced Emergency Medical Technicians.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.025(2) requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the advanced emergency medical technician (AEMT). This administrative regulation assists in the effective administration of KRS 311A.025(2) by establishing requirements for Advanced Emergency Medical Technicians.

(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 brings the requirements for Kentucky Advanced Emergency Medical Technician certification into conformity with the requirements of the National Registry of Emergency Medical Technicians (NREMT) by removing the minimum age requirement and certain education requirements. Applicants for Kentucky certification are still required to successfully complete a board-approved training program, meet the educational standards established in 202 KAR 7:601, and successfully complete all NREMT educational requirements. The requirement to undergo a pre-enrollment background check has been stricken from this amendment. However, background checks remain required for initial certification as an AEMT. This amendment clarifies that only the National Component of the NREMT Continued Competency Program for Continuing Education is required for certification renewal and reinstatement. Finally, this amendment removes the requirement that proof of current NREMT certification and proof of certain training be provided when an AEMT downgrades his or her certification to an Emergency Medical Responder or Emergency

Medical Technician certification. Those provisions are unnecessary and redundant because an individual downgrading to an EMR or EMT certification would be required to maintain such proof pursuant to the EMR and EMT regulations: 202 KAR 7:201 and 7:301, respectively.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to bring Kentucky's minimum requirements for Advance Emergency Medical Technician certification into conformity with the NREMT requirements, to remove the redundant requirements of a pre-enrollment background check and proof of NREMT certification and proof of certain training when downgrading to a lower certification level, and to offer more individuals the opportunity to become certified AEMTs in Kentucky. EMS agencies across the Commonwealth face staffing shortages and the intent of this amendment is to remove requirements that are inconsistent with national standards and requirements that are redundant or unnecessary to allow additional individuals to become certified AEMTs and thereby mitigate EMS staffing shortages.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 311A.025(2) requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the advanced emergency medical technician (AEMT). This amendment establishes requirements for Advanced Emergency Medical Technician.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.025(2) requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations relating to the standards for training, education, examination, certification, practice, and recertification of the advanced emergency medical technician (AEMT). This amendment will assist in the effective administration of KRS 311A.025(2) by establishing requirements for Advanced Emergency Medical Technician.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical services providers, Advanced Emergency Medical Technicians, individuals seeking Advanced Emergency Medical Technician certification, and local governments.

(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: Emergency medical service providers, Advanced Emergency Medical Technicians, individuals seeking Advanced Emergency Medical Technician certification, and local governments shall implement and satisfy the standards and requirements of this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals seeking Advanced Emergency Medical Technician certification will benefit from decreased certification requirements and processing time. Emergency medical service providers and local governments will benefit from a larger pool of eligible applicants for AEMT certification.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body to implement this administrative regulation.

(6) What is the source of funding to be used for the

implementation and enforcement of this administrative regulation: No funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies equally to all licensed agencies.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical services providers, and local governments.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.025 requires the board to promulgate administrative regulations relating to Advanced Emergency Medical Technicians. This administrative regulation establishes requirements for Advanced Emergency Medical Technicians

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? Administration of this administrative regulation will not require any costs.

(d) How much will it cost to administer this program for subsequent years? Administration of this administrative regulation will not require any costs.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not require any additional expenditures.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year? This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years? This administrative regulation will not impose any costs.

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

Cost Savings (+/-): This administrative regulation will not generate any cost savings.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES (Amendment)

202 KAR 7:401. Paramedics.

RELATES TO: KRS 12.355, 72.020, 311A.025, 311A.030, 311A.050-311A.100, 311A.120, 311A.135, 311A.142, 311A.170, 311A.185, 311A.190, 446.400

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.120, 311A.125, 311A.135, 311A.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.025 requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, relicensure, and reciprocity for paramedics. This administrative regulation establishes those requirements and procedures.

Section 1. Paramedic Student Eligibility. Individuals shall be eligible to enroll as a student in a paramedic education and training program if the applicant:

- (1) ~~[Is at least eighteen (18) years of age;~~
- (2) ~~Holds a high school diploma, high school equivalency diploma, or home school diploma;~~
- (3) ~~Holds current unrestricted certification as an Emergency Medical Technician or Advanced Emergency Medical Technician in Kentucky or holds current unrestricted certification with the National Registry of Emergency Medical Technicians (NREMT) as an Emergency Medical Technician or Advanced Emergency Medical Technician;~~
- (2) ~~[(4)]~~ Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent licensure; and
- (3) ~~[(5)]~~ Meets all additional requirements established by the EMS Training and Educational Institution (EMS-TEI).

Section 2. Licensure Requirements. (1) Individuals desiring initial licensure as a paramedic shall:

- (a) Successfully complete a board approved education and training program that conforms to the curriculum of the United States Department of Transportation, National Highway Traffic Safety Administration, National Emergency Medical Services Education Standards- Paramedic Instructional Guidelines;
- (b) Successfully complete all EMS-Training and Educational Institute (EMS-TEI) requirements for the education or training program which:
 1. Meet or exceed the National Emergency Medical Services Educational Standards- Paramedic Instructional Guidelines, which shall not be satisfied by the completion of refresher or transition courses alone; and
 2. Meet all educational standards established in 202 KAR 7:601;
- (c) Present evidence of completion of education and training regarding determination of death and preservation of evidence as required by KRS 311A.185;
- (d) Obtain certification as a paramedic by the National Registry of Emergency Medical Technicians;
- (e) Submit a completed Paramedic Initial Licensure Application in the Kentucky Emergency Medical Services~~[Management]~~ Information System (KEMSIS);
- (f) Pay the fee pursuant to 202 KAR 7:030;
- (g) Undergo a background check pursuant to KRS 311A.050 and 311A.100:
 1. The background check shall be:

- a. National in scope for an applicant not currently certified at any level in Kentucky;
 - b. Statewide in scope for an applicant with current certification in Kentucky;
 - c. Less than six (6) months old when the applicant submits to the board all requirements for licensure; and
 - d. Provided by a vendor that has been contracted through the board; and
2. An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check; and
- (h) Be a citizen of the United States, a permanent resident of the United States, or otherwise lawfully present in the United States, as evidenced by submission to the board of:
1. A social security card;
 2. Birth certificate;
 3. A United States Citizenship and Immigration Services ~~(U.S.C.I.S.)~~~~(U.S.-C.-I.S.)~~ Permanent Resident Card (form I-551/Green Card); or
 4. Other legal authorization to live and work in the United States.
- (2) (a) A paramedic licensed pursuant to this section shall complete training regarding determination of death and preservation of evidence as required by KRS 311A.185 prior to beginning work for a licensed agency in Kentucky.
- (b) Training in determination of death and preservation of evidence as required by KRS 311A.185 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

Section 3. Renewal of Licensure and Continuing Education Requirements. (1) A paramedic shall be eligible for license renewal if:

- (a) The applicant submits a completed Paramedic License Renewal Application in KEMSIS;
 - (b) The applicant maintains written evidence of:
 1. HIV/AIDS training required by KRS 311A.120;
 2. Pediatric Abusive Head Trauma as required by KRS 311A.120; and
 3. Awareness of Sexual Violence Training required by KRS 311A.120;
 - (c) The applicant pays the fee pursuant to 202 KAR 7:030; and
 - (d) The applicant maintains evidence of:
 1. Current certification by the NREMT as a paramedic, and if this option is used the board may request, through a continuing education audit, proof of continuing education to verify compliance with the continuing education requirements of this section; or
 2. NREMT Paramedic National Component of the Continued Competency Program Paramedic for Continuing Education.
- (2) All continuing education shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.
- (3) An application for renewal of licensure shall be denied if:
- (a) Prior to the licensure expiration date, the paramedic applicant has not met the applicable requirements of this administrative regulation; or
 - (b) The applicant has been subjected to disciplinary action that prevents relicensure at the time of application.
- (4) A licensed paramedic, in good standing, who is a member of a National Guard or a military reserve unit called to active duty by presidential order pursuant to 10 U.S.C. 121 and 12304 shall be renewed in accordance with KRS 12.355 upon submission of the Military Extension Application.
- (5) The board office may audit a paramedic's continuing education and continuing education records. The paramedic shall submit the documentation requested within ten (10) business days of receipt of the board's request.
- (6) If documentation of continuing education hours consistent with this administrative regulation are not received using the board-approved submission process within ten (10) business days of receipt of the board's request, the paramedic license for the individual shall be summarily revoked and the individual shall reapply for licensure through reinstatement if eligible.

(7) The ten (10) business days for submission shall not apply to investigations pursuant to KRS Chapter 311A.

(8) The paramedic shall maintain documentation of all continuing education for three (3) years from the date of completion.

Section 4. Reinstatement of License. (1) A paramedic whose Kentucky license has lapsed may reinstate their license if the applicant submits:

(a) A completed Paramedic Reinstatement License Application in KEMSIS;

(b) Evidence of previous licensure as a paramedic in the Commonwealth of Kentucky;

(c) Evidence of current training in:

1. Pediatric Abusive Head Trauma as required by KRS 311A.120;

2. Awareness of Sexual Violence Training required by KRS 311A.120;

3. Training regarding determination of death and preservation of evidence as required by KRS 311A.185; and

4. HIV/AIDS training required by KRS 311A.120; and

(d) Payment of the fee pursuant to 202 KAR 7:030.

(2) (a) The applicant for reinstatement of license shall undergo a national background check provided by a vendor that has been contracted through the board.

(b) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

(c) Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of reinstatement of license.

(3) The applicant for reinstatement of licensure shall bear the burden of proof of previous licensure in Kentucky if the previous paramedic license is in issue or dispute.

(4) An applicant shall provide evidence of successful completion of the NREMT-Paramedic national component of the continued competency program for continuing education within the twelve (12) months preceding application for reinstatement of the paramedic license.

(5) An applicant ineligible for licensure pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 5. Paramedic Reciprocity. (1) Pursuant to KRS 311A.142, an individual who is certified or licensed in a contiguous state to the Commonwealth of Kentucky or by the NREMT as a paramedic[,] or any member of the United States Armed Forces, or veteran[,] who has transitioned within the past six (6) years from the United States Armed Forces, and has been registered by the National Registry as a paramedic or has obtained National Registry as a paramedic by successfully completing a board-approved United States Armed Forces medical training course that meets the National Emergency Medical Services Education Standards for Paramedic, shall be eligible for reciprocity for Kentucky licensure as a paramedic if the applicant submits:

(a) A completed Paramedic Reciprocity Licensure Application in KEMSIS;

(b) Proof of the applicant's current unrestricted certification as a[an] NREMT-Paramedic, or current paramedic license in a contiguous state to the Commonwealth of Kentucky, or proof of completing a board-approved United States Armed Forces medical training course which included NREMT-Emergency Medical Technician certification and completion of a board-approved bridge course; and

(c) Completion of current training in:

1. HIV/AIDS training required by KRS 311A.120;

2. Pediatric Abusive Head Trauma training required by KRS 311A.120;

3. Awareness of Sexual Violence Training required by KRS 311A.120; and

4. Training regarding determination of death and preservation of evidence as required by KRS 311A.185.

(2) An applicant shall pay the fee required for licensure through

reciprocity pursuant to 202 KAR 7:030.

(3) An applicant for paramedic reciprocity shall undergo a national background check provided by a vendor that has been contracted through the board. An applicant shall not directly submit a background check. The background check shall be submitted to the board by the company that conducts the background check. Background checks that are older than six (6) months shall not be considered current, and the applicant shall undergo another national background check prior to approval of licensure through reciprocity.

(4) An applicant shall not have been convicted of offenses described in KRS 311A.050.

(5) An applicant shall not have been subjected to discipline that would prevent reciprocity at the time of application.

(6) A paramedic licensed pursuant to this section shall not perform any procedures or skill on which the paramedic has not been trained. A paramedic who performs a skill for which the paramedic does not have documented training shall have exceeded the scope of practice and shall be in violation of KRS 311A.050.

(7) A paramedic licensed pursuant to this section shall complete training regarding determination of death and preservation of evidence as required by KRS 311A.185 prior to beginning work for a licensed agency in Kentucky.

(a) Training in determination of death and preservation of evidence as required by KRS 311A.185 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(b) Kentucky supplemental paramedic curricula consistent with 202 KAR 7:701 shall be provided during employee orientation, or by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(c) Verification of competency on the supplemental curricula procedures in 202 KAR 7:701 shall be maintained by the paramedic for a minimum of three (3) years. Failure to submit the Paramedic Supplemental Curriculum Training Verification Report upon request shall result in revocation of the paramedic license.

(8) If a paramedic licensed pursuant to this section fails to supply verification of competency as required by subsection (7) of this section, the paramedic shall be ineligible to apply for and receive paramedic reciprocity license until the applicant has submitted the Paramedic Supplemental Curriculum Training Verification Report as required by 202 KAR 7:701 and shall reapply for reciprocity through the process listed in this section.

Section 6. Scope of Practice. A paramedic shall provide emergency medical services consistent with the skills and procedures in the National EMS Scope of Practice Model and 202 KAR 7:701.

Section 7. Expiration of Licensure. (1) Licensure periods and expiration dates shall be pursuant to KRS 311A.095.

(2) If a paramedic license lapses or expires, the paramedic shall cease provision of emergency medical services.

(3) A paramedic who has allowed his or her license to lapse or expire shall be required to reinstate his or her licensure pursuant to Section 4 of this administrative regulation.

Section 8. Downgrading Licensure. (1) A paramedic currently licensed as a paramedic by the board shall be eligible for licensure downgrade if:

(a) The license is in good standing with no pending disciplinary action;

(b) The applicant submits a completed Paramedic License Downgrade Application in KEMSIS; and

(c) The applicant pays the fee pursuant to 202 KAR 7:030;

(2) A paramedic shall only be eligible to downgrade his or her license to an Advanced Emergency Medical Technician, Emergency Medical Technician, or Emergency Medical Responder certification.

(3) Certification periods and expiration dates shall be pursuant to KRS 311A.095.

(4) The applicant shall undergo a background check pursuant to KRS 311A.050 and 311A.100. The background check shall be:

(a) Statewide in scope for an applicant with current certification in Kentucky;

- (b) Less than six (6) months old when the applicant submits to the board all requirements for certification; and
- (c) Provided by a vendor that has been contracted through the board.

[(5)] The applicant shall provide proof of:

- (a) 1. Current certification by the NREMT as a paramedic; or
- 2. Successful completion of the NREMT Paramedic National Continued Competency Program Paramedic for Continuing Education which shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601; and

(b) Completion of training in:

- 1. Pediatric Abusive Head Trauma required by KRS 311A.120; and
- 2. Awareness of Sexual Violence Training required by KRS 311A.120.

[(5)][(6)] Downgrade shall be denied if the applicant has not met the requirements of this section or has been subject to disciplinary action that prevents certification at the time of application.

[(6)][(7)] The applicant shall be responsible for meeting the renewal requirements of the downgraded certification level issued prior to expiration of that certification.

[(7)][(8)] To reinstate the certification or license that was previously held, the applicant shall meet the regulatory requirements for that level of certification or licensure.

[(8)][(9)] The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon downgrading his or her license.

[(9)][(10)] Once the applicant has downgraded his or her certification or license, the applicant shall not provide emergency medical services at the previous certification or license level held.

[(10)][(11)] An applicant applying for downgrade that does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

[(11)][(12)] All endorsements, certifications, or licenses held at the previous certification or license level shall be void at the completion of the downgrade.

Section 9. Surrender of License. (1) A paramedic surrendering licensure shall:

- (a) Submit a completed Paramedic License Surrender Application in KEMSIS; and
- (b) Pay the fee pursuant to 202 KAR 7:030.

(2) The applicant shall notify the board's licensed service director with whom the applicant is affiliated immediately upon surrendering his or her license.

Section 10. Reporting Requirements. (1) A paramedic shall maintain current demographic information in KEMSIS including:

- (a) Legal name;
- 1. Any changes to the paramedic's legal name shall be submitted using the Name Change application in KEMSIS; and

2. One (1) of the following documents as verification of name change:

- a. Social Security card;
- b. Driver's license; or
- c. Passport;
- (b) Mailing address;
- (c) Email address; and
- (d) Phone number.

(2) A paramedic that does not comply with this section shall be subject to disciplinary action pursuant to KRS Chapter 311A.

Section 11. Determination of Death Protocol. (1) The paramedic shall determine and document that the following signs of death are present:

- (a) Unresponsiveness;
- (b) Apnea;
- (c) Absence of a palpable pulse at the carotid site;
- (d) Bilaterally fixed and dilated pupils; and
- (e) Except in a case of trauma, asystole determined in two (2) leads on an electrocardiograph.

(2) The paramedic shall determine that one (1) of the following factors or conditions exist:

- (a) Lividity of any degree;
- (b) Rigor mortis of any degree;
- (c) Presence of venous pooling in the body;
- (d) Damage or destruction of the body which is incompatible with life;

(e) A copy of the Kentucky Emergency Medical Services Do Not Resuscitate (DNR) Order or identification bracelet or other means of identification evidencing a patient's desire not to be resuscitated in accordance with KRS 311A.170; or

(f) A properly executed Kentucky Medical Orders for Scope of Treatment (MOST) form.

(3) If a paramedic has determined and documented that the conditions of subsections (1) and (2) of this section exist, the paramedic may, subject to the provisions of this administrative regulation, declare the patient dead.

(4) The paramedic may contact medical control or other licensed physician, if authorized in writing by the medical director, for advice and assistance in making a determination required by this administrative regulation.

(5) If a paramedic determines a patient to be dead, the paramedic shall remain on the scene unless the paramedic's personal safety is jeopardized, until the arrival of the coroner, deputy coroner, or law enforcement officer from that jurisdiction.

Section 12. Discontinuance of Resuscitative Efforts. (1) A paramedic may discontinue resuscitation if:

(a) The patient has suffered cardiac arrest prior to arrival at the hospital;

(b) The paramedic has performed the resuscitative efforts required in the resuscitation protocol of the ambulance service medical director;

(c) The resuscitative efforts were unsuccessful; and

(d) The patient meets the criteria established in Section 11(1) of this administrative regulation.

(2) A paramedic may also discontinue resuscitation:

(a) If the safety of the paramedic is at risk; or

(b) At mass casualty incidents.

(3) A paramedic may discontinue resuscitation initiated by someone other than a paramedic if:

(a) The patient has suffered cardiac arrest;

(b) The resuscitative efforts required in the resuscitation protocol of the ambulance service medical director have been performed and documented;

(c) The resuscitative efforts were unsuccessful; and

(d) The patient meets the criteria established in Section 11(1) of this administrative regulation.

(4) If a paramedic discontinues resuscitation on a patient prior to transport of the patient to a medical facility, the paramedic shall make the notifications required by KRS 72.020 and at least one (1) member of the ambulance crew shall remain on the scene until the arrival of a coroner, deputy coroner, or law enforcement officer.

(5) If a paramedic discontinues resuscitation on a patient during transport to a medical facility, the paramedic shall make the notifications required by KRS 72.020 to the officials of the county in which the paramedic discontinued resuscitation. Upon making the notification, the paramedic shall determine from the coroner whether to remain at that location, to return the deceased to a facility within the primary service area of the ambulance provider, or to continue on to the medical facility with the deceased.

(6) A paramedic shall discontinue resuscitation efforts if presented with a properly executed Kentucky Emergency Medical Services Do Not Resuscitate (DNR) Order, or properly executed Kentucky Medical Orders for Scope of Treatment (MOST) form.

Section 13. Training of Paramedics in Determination of Death and Preservation of Evidence.

(1) The training program shall not be less than one (1) hour in length and, at a minimum, shall include:

(a) Information on and a copy of KRS 311A.170;

(b) Information on and a copy of this administrative regulation;

(c) Information on and a copy of KRS 72.020;

(d) Information on and a copy of KRS 446.400;

(e) Information on the duties of and role of the coroner and state

medical examiner; and

(f) Information on preservation of evidence at the scene of a death.

(2) The training shall be:

(a) Provided as part of a paramedic training course conducted by an approved EMS-TEI via:

1. Classroom instruction;
2. Video conferencing or other distance learning media; or
3. Video presentation or computer based learning; and
- (b) Conducted under the supervision of a medical director.

(3) The medical director of the ambulance service or EMS provider conducting the training shall request the coroner of the county in which the training is provided to attend and participate in the training.

(4) The EMS-TEI or the medical director providing the training shall maintain the following records:

(a) A copy of the course outline used in the training to verify that the training has been conducted in accordance with the requirements of this administrative regulation;

(b) A sign-in sheet with the printed and signed names and certification or license numbers and state of license of all paramedics who successfully completed the training, including the signature of the educator supervising the education program; and

(c) Curriculum vitae for each member of the course faculty.

(5) A certificate or letter of certification shall be provided to each participant in the program at the conclusion of the training.

(6) The board office shall maintain an approved curriculum, Prehospital Determination of Death, that may be used by entities providing training specified by this administrative regulation.

Section 14. Critical Care Endorsement. (1) A paramedic licensed by the board may be granted a critical care endorsement upon completion of the Application for Paramedic Critical Care Endorsement, payment of the fee pursuant to 202 KAR 7:030, and completion of a board-approved training program that minimally meets the objectives of the University of Maryland Baltimore Campus CCEMTP Program. ~~[The ambulance service director and EMS medical director shall validate verification of the program having met the specified training standards;]~~

(2) The critical care endorsement shall be valid if the paramedic maintains current licensure as a paramedic by the board.

(3) A paramedic with a critical care endorsement may perform the skills and procedures included in the paramedic's education and training subject to authorization by the medical director through established protocols.

Section 15. Exemptions from Paramedic Administrative Regulations. The Kentucky licensure requirements for a paramedic shall not apply to:

(1) United States military members, National Guard personnel, or employees of the United States government if the individual provides emergency medical services:

- (a) On land owned by the United States government;
- (b) In facilities owned by the United States government;
- (c) In the performance of official duties under federal law; or
- (d) As part of assistance for a mass casualty or disaster incident pursuant to federal law or official state assistance request; or

(2) A paramedic licensed in another state or territory of the United States who:

- (a) Enters Kentucky with a patient being transported to a medical facility or other final destination in Kentucky; or
- (b) Travels through Kentucky during the course of a patient transport from an out-of-state location to a destination outside of Kentucky.

Section 16. Public Notice of Negative Action. The board office shall cause to be published on the board website the name of a paramedic that:

- (1) Is fined;
- (2) Is placed on probationary status;
- (3) Is placed on restricted status;
- (4) Is suspended; or
- (5) Has had his or her certification revoked.

Section 17. The paramedic shall document all items required by Sections 11 and 12 of this administrative regulation on the Patient Care Report required by KRS 311A.190.

Section 18. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "National Emergency Medical Services Education Standards-Paramedic Instructional Guidelines", The United States Department of Transportation, National Highway Traffic Safety Administration, DOT HS 811 077E, January 2009;

(b) "Paramedic Initial Licensure Application" in KEMSIS, April 2021;

(c) "Paramedic License Renewal Application" in KEMSIS, April 2021;

(d) "Paramedic Reciprocity Licensure Application" in KEMSIS, April 2021;

(e) Kentucky Board of Emergency Medical Services, Prehospital Determination of Death Training Curriculum (05-02);

(f) "Paramedic Reinstatement License Application" in KEMSIS, April 2021;

(g) "Kentucky Emergency Medical Services Do Not Resuscitate (DNR) Order", April 2021;

(h) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;

(i) "National EMS Scope of Practice Model", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;

(j) "Kentucky Medical Orders for Scope of Treatment (MOST) Form", April 2021;

(k) "Application for Paramedic Critical Care Endorsement" in KEMSIS, April 2021;

(l) "Paramedic License Downgrade Application" in KEMSIS, April 2021;

(m) "Paramedic License Surrender Application", in KEMSIS April 2021;

(n) "National Registry of Emergency Medical Technicians National Continued Competency Program Paramedic", October 2016;

(o) "National Registry of Emergency Medical Technicians Advanced Level Examination Coordinator Manual", November 1, 2016;

(p) "Name Change Application" in KEMSIS, April 2021;

(q) "Military Extension Application" in KEMSIS, April 2021; and

(r) "United States Citizenship and Immigration Services (U.S.C.I.S) Permanent Resident Card (form I-551/Green Card)", April 2021.

(2) This material may be inspected, obtained, or copied, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601 [2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509], by appointment, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: [kyems.com](https://kbems.ketes.edu) [https://kbems.ketes.edu].

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 1:00 PM Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send

written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.025 requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, relicensure and reciprocity for paramedics. This administrative regulation establishes those requirements and procedures.

(b) The necessity of this administrative regulation: KRS 311A.025 requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, relicensure and reciprocity for paramedics. This administrative regulation is necessary to establish those requirements and procedures.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.025 by establishing the requirements and procedures for licensure, relicensure, and reciprocity for paramedics.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.025 requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, relicensure and reciprocity for paramedics. This administrative regulation assists in the effective administration of KRS 311A.025 by establishing those requirements and procedures.

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

(a) How the amendment will change this existing administrative regulation: This amendment brings the requirements for paramedic licensure into conformity with the requirements of the National Registry of Emergency Medical Technicians (NREMT) by removing the minimum age requirement and certain education requirements. Applicants for Kentucky paramedic licensure are still required to successfully complete a board-approved training program and successfully complete all EMS-TEI training requirements, including the National Emergency Medical Services Educational Standards-Paramedic Instructional Guidelines and the educational standards established in 202 KAR 7:601. The requirement to undergo a pre-enrollment background check has been stricken from this amendment. However, background checks remain required for initial licensure as a paramedic. This amendment clarifies that only the National Component of the NREMT Continued Competency Program for Paramedic Continuing Education is required for licensure renewal and reinstatement. Finally, this amendment removes the requirement that proof of current NREMT certification and proof of certain training be provided when a paramedic downgrades his or her license to an Emergency Medical Responder, Emergency Medical Technician, or Advanced Emergency Medical Technician certification. Those provisions are unnecessary and redundant because an individual downgrading to an EMR, EMT, or AEMT certification would be required to maintain such proof pursuant to the EMR, EMT, and AEMT regulations: 202 KAR 7:201, 7:301, and 7:330, respectively.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to bring Kentucky's minimum requirements for paramedic licensure into conformity with the NREMT requirements, to remove the redundant requirements of a pre-enrollment background check and proof of NREMT certification and proof of certain training when downgrading to a lower certification level, and to offer more individuals the opportunity to become licensed paramedics in Kentucky. EMS agencies across the Commonwealth face staffing shortages and the intent of this amendment is to remove requirements that are inconsistent with

national standards and requirements that are redundant or unnecessary to allow additional individuals to become licensed paramedics and thereby mitigate EMS staffing shortages.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.025 by establishing the requirements and procedures for licensure, relicensure, and reciprocity for paramedics.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.025 requires the board to promulgate administrative regulations relating to requirements and procedures for licensure, relicensure and reciprocity for paramedics. This amendment will assist in the effective administration of KRS 311A.025 by establishing those requirements and procedures.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical services providers, paramedics, individuals seeking paramedic licensure, and local governments.

(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: Emergency medical service providers, paramedics, individuals seeking paramedic licensure, and local governments shall implement and satisfy the standards and requirements of this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Individuals seeking paramedic licensure will benefit from decreased licensure requirements and processing time. Emergency medical service providers and local governments will benefit from a larger pool of eligible applicants for paramedic licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body 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 funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies equally to all licensed agencies.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will affect the Kentucky Board of Emergency Medical Services, emergency medical services providers, and local governments.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.025 requires the board to promulgate

administrative regulations relating to requirements and procedures for licensure, relicensure and reciprocity for paramedics. This administrative regulation establishes those requirements and procedures.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any costs on state or local government.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not impose any costs on state or local government.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year? This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years? This administrative regulation will not impose any costs.

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

Cost Savings (+/-): This administrative regulation will not generate any cost savings.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES (Amendment)

202 KAR 7:555. Ground agencies.

RELATES TO: KRS 311A.030, 311A.190, 29 C.F.R. 1910.1030
STATUTORY AUTHORITY: KRS 311A.020, 311A.025,

311A.030, 311A.190

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the

licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure[Emergency Medical Services] or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation establishes minimum licensing requirements.

Section 1. Utilization of Ground Vehicles by Class I, II, III, and IV Licensed Agencies.

(1) At the time of initial inspection, each agency shall inform the Kentucky Board of Emergency Medical Services (KBEMS) office of the make, model, year, vehicle identification number or serial number, and license tag number for each vehicle the agency plans to use for medical care and transportation.

(2) A vehicle shall not be placed into operation until the board has conducted a physical inspection of the vehicle and determined it meets the requirements of 202 KAR Chapter 7.

(3) Each agency shall complete a Vehicle Delete application in the Kentucky Emergency Medical Services Information System (KEMSIS), no later than the next business day after the permanent removal of any licensed vehicle from service by the license holder.

(4) (a) A licensed agency may use a replacement vehicle that meets all of the requirements of 202 KAR Chapter 7 on a temporary basis while a permitted vehicle is out of service. The agency shall complete an Add TEMPORARY Vehicle/Aircraft Part 1 application in KEMSIS within twenty-four (24) hours of the replacement.

(b) A temporary replacement vehicle shall not be used for more than thirty (30) days annually unless the KBEMS office has verified, through a physical inspection, that it meets the requirements of 202 KAR Chapter 7.

(5) The KBEMS office shall be notified by a completed Add TEMPORARY Vehicle/Aircraft Part 2 application in KEMSIS within twenty-four (24) hours or on the next business day if a temporary vehicle is removed from service and the original licensed vehicle is returned to service.

(6) (a) An agency that fails to report using a temporary vehicle shall be required to immediately cease use of the replacement vehicle until the reporting requirements are met.

(b) An agency that fails to remove a temporary vehicle from service after thirty (30) days shall be fined \$500 for each day or partial day the vehicle is in service and not reported.

(7) This administrative regulation shall not prevent a licensed agency from utilizing other means of transporting patients in:

(a) Disasters;

(b) Mass casualty incidents; or

(c) Extraordinary scene conditions that would impair access to the safety or care of the patient or personnel operating at the scene.

Section 2. Provider Management Requirements.

(1) All licensed agencies shall maintain:

(a) An organizational chart that establishes lines of authority, including the designation of:

1. An administrator responsible for assuring compliance with KRS Chapter 311A and 202 KAR Chapter 7 during the daily operation of the service; and

2. A designee who shall serve in the absence of the administrator;

(b) Records and reports at the ambulance agency base station including:

1. An original, electronic equivalent, or copy of all patient care records consistent with the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at www.nemsis.org/technical-resources/version-3;

2. An electronic copy of all completed patient care reports, which shall be maintained to ensure confidentiality and safekeeping for at least seven (7) years from the date on which the service was rendered, or in the case of a minor, at least three (3) years after the minor reaches the age of majority; and

3. Copies of Patient Care Reports for the preceding twelve (12) months, which shall be accessible and be immediately available to

the board, KBEMS office, or representatives upon request;

(c) Personnel files for each employee or volunteer who staffs a vehicle of a licensed agency. Personnel files shall be maintained for at least one (1) year following separation from employment. As a minimum, all personnel files shall contain:

1. A pre-employment and annual criminal background check administered by the Kentucky Administrative Office of the Courts;

2. A copy of the employee's valid KBEMS certification or licensure card; and

3. A copy of each employee's completion of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses;

(d) A policy for the provision of a pre-employment and annual health assessment of employees of the agency, which shall include reporting mechanisms for work-related illness or injury;

(e) A written plan for providers to consult with online adult and pediatric medical direction. This plan shall address as a minimum:

1. The availability of medical direction twenty-four (24) hours a day, seven (7) days a week;

2. The availability of medical direction during an emergency event;

3. The provision of medical direction by a medical professional with a higher level of training or expertise; and

4. Recommended actions if:

a. There is an equipment failure, a communication barrier, or other unusual circumstance; and

b. It is not possible to contact online medical direction

(f) A plan and records for the provision of continuing education for staff and volunteers, including:

1. A written plan for the method of assessment of staff continuing education needs; and

2. A coordinated plan to meet those needs, including a provision that all continuing education shall be provided either by a licensed TEI or in accordance with 202 KAR 7:601;

(g) An infection control plan in accordance with 29 C.F.R. 1910.1030;

(h) A written plan for training or educating personnel for responding to hazardous materials, criminal, and potential terrorist incidents, including plans for the protection and decontamination of patients, ambulances, equipment, and staff;

(i) A written policy regarding the appropriate destination of a patient who expires during transport if a valid Kentucky EMS Do Not Resuscitate (DNR), or Medical Orders for Scope of Treatment (MOST) form is present;

(j) A written plan for the quality assessment of patient care and provider quality improvement, including a monthly review of patient care reports and evaluation of staff performance related to patient care. This plan shall address as a minimum:

1. Employee health and safety;

2. Compliance with protocols and operating procedures;

3. Assessment of dispatch protocols;

4. Vehicle operations and vehicle safety;

5. Additional training necessary for the patient care provider or providers;

6. Equipment preventive maintenance programs; and

7. A process for the resolution of customer complaints;

(k) A written plan for training personnel and responding to mass casualty incidents and disasters;

(l) A written orientation program for all personnel, including at a minimum:

1. Validation of certification or license with KBEMS;

2. Validation of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses within sixty (60) days of employment for any employee who staffs a licensed vehicle;

3. Validation of Driver's License if applicable;

4. A review of all agency policies, procedures, and protocols;

5. Communication equipment at the base station and on each vehicle;

6. Operational aspects of the agency fleet and equipment;

7. Inspection and routine maintenance of agency fleet, facilities, and equipment;

8. Appropriate processes for disinfection of agency fleet,

facilities, and equipment;

9. Local navigation and geographic orientation; and

10. Completion of Patient Care Reports and other documentation as established by the agency;

(m) Proof of professional liability malpractice insurance of a minimum of \$1,000,000; and

(n) Proof of vehicular liability insurance.

(2) Each agency shall notify the board at least twenty-four (24) hours prior to the transfer of coverage, cancellation, lapse, or other cessation or change in professional liability malpractice insurance or vehicular liability insurance.

(3) Each agency shall verify valid staff certification or licensure as of the first day of the calendar year.

(4) If ceasing to operate, an agency shall provide the board with the physical storage location of all Patient Care Reports within five (5) business days of closure. These reports shall be maintained by the owner of the licensed agency, or a contracted third party to meet the timeline established in subsection (1)(b) of this section.

(5) Each agency that allows an employed emergency responder to provide medical services while off duty in accordance with 202 KAR 7:701, Section 6, shall maintain and implement a policy regarding which employees are approved to provide medical services off duty by the agency's medical director and the manner in which worker's compensation and general liability insurance covers employees off duty. The policy shall be signed by both the agency's administrator and medical director, shall be reviewed annually, and shall include:

(a) Direction on which employees may remove medical equipment from the agency's premises for the purpose of providing care off duty;

(b) Direction on which equipment may be removed from the agency's premises for the purpose of providing care off duty; and

(c) A provision that controlled substances shall not be removed from the agency's premises for the purposes of providing care off duty.

(6) Each agency shall in the county in which the agency's base station or a satellite is located:

(a) Document evidence of participation in a local, county, regional, or state disaster or preparedness exercise within the preceding twelve (12) months;

(b) Coordinate with the county emergency management director plans for the possible use of agency personnel for use in the emergency operations center in a disaster; and

(c) Maintain a hard copy or electronic equivalent of the most current adopted city, county, or urban county government emergency management agency's emergency operations plan at the ambulance base station.

Section 3. Operating Requirements. (1) Each licensed agency, except Class IV and VIII, shall provide service twenty-four (24) hours a day, seven (7) days a week. Class IV and VIII agencies shall operate during the hours of operation for their geographical service area or designated event.

(2) Each licensed agency shall retain staffing schedules for at least the previous twelve (12) months.

(3) Each agency administrator or designee shall be familiar with emergency management reporting and procurement processes and software platforms utilized to communicate the needs of the local government to state agencies.

(4) A licensed Class I, II, III, VI, or VII agency that ceases to provide continuous service on a twenty-four (24) hour basis shall surrender its license to the board's office within twenty-four (24) hours of the agency ceasing to provide continuous service.

(5) A licensed agency shall have a written plan to assure all requests for service shall be promptly answered.

(6) A licensed agency shall have a written scope of care policy to include the types of services performed, limitations of response, and the types of medical teams provided.

(7) Any agency licensed and located within the geographical service area that determines it is unable to have a vehicle responding within ten (10) minutes from the initial time an emergency call is received ~~from the dispatch center~~ shall request that ~~notify~~ the next closest appropriate licensed agency ~~to~~

respond.

(8) If an agency licensed for a specific geographical service area is unable to respond to a non-emergency call within two (2) hours from the initial time a non-emergency call is received, the requesting healthcare facility may contact any licensed agency and request that the agency conduct the transport.

(9)[(8)] An agency shall enter into a mutual aid agreement with another Kentucky licensed ambulance agency operating within the same or contiguous counties that provide response to medical emergencies. These agreements shall be in writing and address:

(a) The type of mutual aid assistance to be provided, including advanced life support (ALS) or basic life support (BLS) medical care and transport and ALS or BLS medical first response;

(b) Response personnel, including levels of training or education and provisions for joint in-service training or education if appropriate;

(c) Response vehicles, including unit identifiers and the station or location from which the vehicles shall be operated;

(d) A plan of action for the mutual aid agreement, including dispatch and notification procedures;

(e) Radio and other communications procedures between the ambulance agency and other response agencies with which the agency has mutual aid agreements;

(f) On-scene coordination and scene control including medical direction if several agencies respond to the same incident;

(g) Exchange of patient information, records, and reports as allowed by law; and

(h) The effective dates and process for amendment or termination.

(10)[(9)] A ground agency shall send a written request for a mutual aid agreement to at least two (2) contiguous counties and retain a copy of each request and each county's response;

(11)[(40)] Each agency shall maintain a policy or affiliation agreement with the primary call-taking center that provides dispatch services for all or part of the service area of the ground agency. The agreement shall state at a minimum that:

(a) Requests for emergency ambulance service shall be dispatched or notified within two (2) minutes from determining that the caller is requesting ambulance response;

(b) If the closest licensed agency for that geographic service area is unable to have a vehicle responding to an emergency call within ten (10) minutes from the time the call is dispatched, the agency shall notify the next closest appropriate licensed agency to respond; and

(c) The agreement shall specify which patient information shall be collected by the call-taking center during a call for service.

(12)[(41)] If a ground agency is unable to secure a written affiliation agreement with the dispatch center, the ground agency shall retain all written correspondence to the dispatch center requesting an affiliation agreement and the dispatch center's denial of the agency's request.

(13)[(42)] An agency shall not respond to requests for emergency service outside of its licensed geographic service area without first receiving authorization from the licensed agency in the geographic service area in which the request originates.

(14)[(43)] A licensed Class I ground agency that is located in a geographical service area containing multiple destination hospitals, with regard to the furnishing of 911 response and transportation, shall not engage in:

(a) Exclusive or coercive practices regarding transportation decisions with regard to any affiliated hospital or hospital emergency department;

(b) Preferential transportation to any affiliated hospital emergency department if the transports are not justified by time, place, patient convenience, or other objective factors affecting a patient;

(c) Noncompetitive transportation to any affiliated hospital emergency department; or

(d) Transports to any affiliated hospital emergency department if that hospital is not the closest to the patient location or most appropriate based on the availability of particular services or patient preference.

(15)[(44)] An agency that cannot meet the timelines established in subsection (11)[(40)] of this section shall contact another licensed

agency and receive an estimated time of arrival to the request for service. If the mutual aid agency can arrive at the location where the request originated more quickly than the agency licensed for the geographic service area, the agency licensed for the geographic service area shall request mutual aid from its neighboring agency to respond to the call.

(16)[(45)] An agency shall not refuse a request for emergency pre-hospital response if a unit is available in its geographic service area.

(17)[(46)] An agency shall not exhaust its resources by answering a nonemergency call or for response to mutual aid requests.

(18)[(47)] This administrative regulation shall not be construed to prevent a licensed agency from providing medical first response emergency or nonemergency pre-hospital care at or below the level for which the agency is licensed through the use of designated agency-owned response vehicles.

(19)[(48)] A communications system shall be developed, coordinated, and maintained by each licensed agency. The communication system shall comply with paragraphs (a) through (f) of this subsection.

(a) Radio equipment used in emergency medical services vehicles shall be appropriately licensed through the Federal Communications Commission (FCC). Copies of the current FCC licenses shall be on file in the agency office.

(b) Each ambulance shall have an operational push-to-talk two-way radio programmed with all very high frequency (VHF) Kentucky State Mutual Aid Frequencies in accordance with the Commonwealth of Kentucky Field Operations Guide (KY-FOG).

(c) Each ambulance shall be equipped with a minimum of one (1) mobile two-way radio located in the driver's compartment.

(d) Each ambulance shall have a minimum of two (2) portable push-to-talk two-way radios capable, under normal conditions, of operating on the agency, dispatch center, mutual aid, and hospital frequencies.

(e) Each ambulance shall be equipped with two-way radio communication equipment with the ability to communicate from the driver's compartment and patient care compartment.

(f) One (1) alternative method of two-way communication may be substituted for one (1) portable two-way radio.

Section 4. Medical Directors. (1) Each licensed agency shall have a medical director who meets the requirements established in 202 KAR 7:801.

(2) A licensed agency shall notify KBEMS within twenty-four (24) hours of a decision to discontinue a medical director agreement by either the agency or the medical director.

(3)(a) If an agency is found to be operating without a medical director, the agency shall be provided emergency medical direction by the KBEMS Medical Advisor for a fee of \$100 per day for the first thirty (30) calendar days the agency is without a medical director.

(b) The fee shall increase to \$500 per day after thirty (30) calendar days.

Section 5. Public Notice of Negative Action. The board office shall cause to be published, on the KBEMS web site or similar publication of the board, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

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

(a) "Commonwealth of Kentucky Field Operations Guide (KY-FOG)", (6/2012) found at <https://kwiec.ky.gov/SiteCollectionDocuments/KYFOG.pdf>;

(b) "NHTSA NEMSIS Data Dictionary", (v3.40) U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at https://www.nemsis.org/media/nemsis_v3/3.4.0.150302/DataDictionary/PDFHTML/DEMMS/NEMSISDataDictionary.pdf;

(c) "Vehicle Delete application in KEMSIS", (12/2019);

(d) "Add TEMPORARY Vehicle/Aircraft application Part 1 in KEMSIS", (12/2019); and

(e) "Add TEMPORARY Vehicle/Aircraft application Part 2 in KEMSIS", (12/2019).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601 [418 James Court, Suite 50, Lexington, Kentucky 40505], Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at: kyems.com.

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 1:00 p.m. Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, Phone: (859) 225-4714, Email: administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for ambulance providers and medical first response agencies.

(b) The necessity of this administrative regulation: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation is necessary to establish requirements for ambulance providers and medical first response agencies.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of KRS 311A.020 and 311A.030 by establishing requirements for ambulance providers and medical first response agencies.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This administrative regulation assists in the effective administration of those statutes by establishing requirements for ambulance providers and medical first response 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 a minimum response time for non-emergency calls and permits assistance from other agencies when the minimum response time cannot be met.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to ensure timely responses to non-emergency calls.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.020 and 311A.030 by establishing minimum response times for ambulance providers and medical first response agencies.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies. This amendment will assist in the effective administration of those statutes by establishing a minimum response time for non-emergency calls.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All ambulance services, medical first response agencies, and many healthcare facilities will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Ambulance services and medical first response agencies will have to meet the minimum response times established by this administrative regulation or request assistance from another agency.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Compliance with this administrative regulation will not require entities to incur any additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): healthcare facilities will benefit from a minimum response time being established for non-emergency calls. Ambulance services and medical first response agencies will benefit from being permitted to request assistance from other agencies when the minimum response time cannot be met.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body to implement this administrative regulation.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: No funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies to all ambulance services and medical first response agencies.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The administrative regulation will affect all ambulance services and medical first response agencies.

(2) Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the Board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and medical first response agencies.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? Administration of this administrative regulation will not require any costs.

(d) How much will it cost to administer this program for subsequent years? Administration of this administrative regulation will not require any costs.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not require any additional expenditures.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year? This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years? This administrative regulation will not impose any costs.

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

Cost Savings (+/-): This administrative regulation will not generate any cost savings.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.

**KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES
(Amendment)**

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

RELATES TO: KRS 311A.050, 311A.120, 311A.130, [KRS]Chapter 362, Chapter 365

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.060, 311A.120, 311A.125, 311A.130

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.120 and 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation establishes requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and also establishes standards for the certification and recertification of emergency medical services educators and providers.

Section 1. Education Committee.

(1) The board shall create and recognize a standing committee on EMS Education.

(2) The Education Committee shall consist of seven (7) voting members representative of EMS Educators in the Commonwealth of Kentucky. The Education Committee shall consist of:

(a) One (1) voting member of the board;

(b) One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI 4;

(c) One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI 3;

(d) One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI 2;

(e) One (1) director, coordinator, or lead instructor affiliated with a board-certified EMS-TEI CE; and

(f) Two (2) EMS educators at large affiliated with a board-certified EMS-TEI.

(3) The Education Committee shall schedule on an annual basis at least six (6) regular meetings of the committee.

(4) The purpose and charge of the Education Committee shall be to:

(a) Assist the board in developing a strategic plan for EMS education in the Commonwealth of Kentucky;

(b) Act as a resource for EMS educators and EMS-TEIs in the Commonwealth of Kentucky; and

(c) Assume the lead role in formulating, drafting, and sending to the board for approval and subsequent promulgation of all administrative regulations that set the standards and requirements for EMS education and EMS provider certification in the Commonwealth of Kentucky.

Section 2. EMS-TEI Certification.

(1) Only an entity certified by the board as an EMS-TEI may conduct training and education programs in the Commonwealth of Kentucky that lead to certification or licensure by the board. Training shall include:

(a) In person, online, or hybrid; and

(b) Laboratory, clinical, or field internship if required by this administrative regulation.

(2) An applicant for certification as an EMS-TEI in the Commonwealth of Kentucky may be certified at the following levels:

(a) EMS-TEI 1, which includes EMR and continuing education;

(b) EMS-TEI 2, which includes EMR, EMT, and continuing education;

(c) EMS-TEI 3, which includes EMR, EMT, AEMT, and continuing education;

(d) EMS-TEI 4, which includes EMR, EMT, AEMT, Paramedic, and continuing education; or

(e) EMS-TEI CE, which includes continuing education only.

(3) An applicant may seek one (1) level of certification during the two (2) year certification term. A single applicant shall not hold more than one (1) identical TEI certification simultaneously.

(4) An applicant for a level of EMS-TEI certification shall meet all requirements for that level.

(5) An applicant for certification as an EMS-TEI shall electronically submit a completed Training and Educational Institution (TEI) Application, the appropriate EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only), and upload all required documentation listed in the EMS-TEI pre-inspection worksheet to the EMS-TEI KEMSIS account.

(6) An applicant shall submit a nonrefundable fee pursuant to 202 KAR 7:030 with the Training and Education Institution (TEI) Application.

(7) An applicant applying for an EMS-TEI certification shall meet all requirements for that level within sixty (60) days of submitting the Training and Education Institution (TEI) Application for certification. An applicant that exceeds the sixty (60) day requirement shall reapply and resubmit all required fees.

(8) An Emergency Medical Services (EMS) training and educational entity not residing in the Commonwealth of Kentucky, but seeking to do business in Kentucky as an EMS-TEI, shall obtain EMS-TEI certification with the board before teaching any EMS courses that lead to certification or licensure by the board.

(a) These courses include:

1. Initial EMS certification or licensure courses; and
2. EMS continuing education courses.

(b) This does not include continuing education courses covered in Section 13(1) of this administrative regulation.

(9) An EMS-TEI that had its certification revoked shall be eligible to apply for certification as an EMS-TEI two (2) years after the date of revocation. This shall be enforced by name of entity holding the EMS-TEI certification and name of owner or operator listed on the TEI Application and official business license or licenses filed by the entity, owner or operator with local, county and state officials.

(10) An EMS-TEI may surrender its certification prior to the end of a certification period by notifying the board in writing of the intent to do so thirty (30) days prior to the intended effective date of the surrender.

(a) An EMS-TEI surrendering its certification while classes are underway shall notify the students impacted by the closure in writing at least thirty (30) days prior to the intended effective date of closure.

(b) An EMS-TEI surrendering its certification while courses are underway shall complete the courses underway before surrendering its EMS-TEI certification or fully refund all tuition and fees paid by the students in the courses underway that are impacted by the EMS-TEI closure.

(11) An EMS-TEI that does not comply with subsection (10) of this section shall not be eligible to reapply for EMS-TEI certification for a period of five (5) years from the date of closure. This administrative regulation shall not preclude civil action against the TEI Owner, Director, or business.

Section 3. Certification Requirements for EMS-TEIs.

(1) If an applicant is required to file as a business entity with Kentucky's Secretary of State, the applicant for EMS-TEI certification shall provide proof of registration with the Kentucky Secretary of State to the board that the EMS-TEI is legally able to conduct business in the Commonwealth of Kentucky. The applicant shall provide documentation of exemption status if not registered with the Kentucky Secretary of State and proof of registration with local, county, or state officials as an individual operator or a Doing Business As (DBA).

(2) If an applicant is required to notify, obtain permission, or obtain a license from another regulatory entity in the Commonwealth of Kentucky to operate as an educational entity, it shall be the responsibility of the applicant to make the appropriate notifications, obtain permission, or obtain license to legally operate in the Commonwealth of Kentucky. An EMS-TEI that fails to comply with subsection (1) of this section or this subsection shall be subject to disciplinary action by the board pursuant to KRS Chapter 311A.

(3) Facilities. Facilities where EMS-TEI courses are conducted shall be:

(a) Maintained and operated in compliance with the safety and health requirements pursuant to local, city, and county ordinances and federal and state laws;

(b) Sponsored or approved by a sponsoring agency;

(c) Offered with an enrollment that shall not exceed the design characteristics of the facilities;

(d) Offered in a controlled environment, including:

1. Temperature;
2. Humidity; and
3. Lighting; and

(e) Offered with instruction in classrooms and laboratories that shall:

1. Provide appropriate space for students to participate in classroom activities, kinematic learning, and practice activities;
2. Provide appropriate space for instructor preparation; and
3. Provide adequate and secure storage for instructional materials.

(4) An applicant shall provide the board with an organizational chart indicating, at a minimum:

(a) The names, contact information, and addresses of the owner, operator, chief administrative officer, and other personnel necessary for operation of the entity as an EMS-TEI;

(b) The name and contact information of the EMS-TEI's director;

(c) The name and contact information of the EMS-TEI's medical director;

(d) Proof that the medical director is qualified pursuant to 202 KAR 7:801;

(e) A Memorandum of understanding or contract executed between the owner of the EMS-TEI and the medical director outlining the relationship, duties, and requirements of a medical director for an EMS-TEI. The memorandum of understanding or contract shall include at a minimum that:

1. The medical director shall be responsible for medical oversight of the program;

2. The medical director shall review and approve the educational content of the program curriculum;

3. The medical director shall review and approve the instruments and processes used to evaluate students in didactic, laboratory, clinical, and field internship;

4. The medical director shall review the progress of each student throughout the program, and assist in the determination of appropriate corrective measures, if necessary;

5. The medical director shall engage in cooperative involvement with the program director; and

6. The medical director's interaction shall be in a variety of settings, such as lecture, laboratory, clinical, field internship. Interaction may be by synchronous electronic methods.

(f) The name and contact information of the EMS-TEI's program coordinator; and

(g) The names and contact information of all EMS-TEI Instructors.

(5) EMS training courses that require accreditation shall conform to the requirements of the~~[by the]~~ National Registry of EMT's (NREMT). An EMS-TEI shall submit [current-] accreditation documentation to the board upon request.

(a) For programs that require national accreditation, an~~[An]~~ accreditation letter of review is acceptable in the interim for newly formed EMS-TEIs that are required by CAAHEP ~~[the NREMT]~~ to obtain accreditation~~[for testing purposes]~~. ~~[This does not apply to out of state applicants. Out of state applicants that are required by the NREMT to obtain accreditation for testing purposes shall provide documentation of full accreditation prior to receiving EMS-TEI certification by the board.]~~

(b) Continuous accreditation status shall be maintained by the EMS-TEI as required by this administrative regulation. Failure to maintain continuous accreditation status by the TEI shall be grounds for summary revocation of the TEI certification.

(6) EMS-TEIs shall obtain and maintain professional liability malpractice insurance of a minimum of \$1 million. The EMS-TEI shall provide proof of professional liability malpractice insurance upon initial certification, certification renewal, and upon application for certification upgrade.

Section 4. Certification Periods and Inspections.

(1) An EMS-TEI shall display the current certificate issued through the board:

- (a) In a prominent place in the EMS-TEI's business;
- (b) In the classroom if classes are being conducted away from the primary business location; and
- (c) Provided electronically to the student if the classes are being conducted online.

(2) Certification of an EMS-TEI shall be valid for a period of two (2) years unless limited by disciplinary action.

(3) Prior to expiration of the two (2) years certification period, an EMS-TEI may apply for recertification for a subsequent two (2) year period.

(4) Upon application for recertification, an applicant shall electronically submit:

(a) A Training and Educational Institution (TEI), Certification Renewal Application through the EMS-TEI KEMSIS account with the board;

(b) The appropriate EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only); and

(c) Upload all required documentation listed in the EMS-TEI pre-inspection worksheet (Level 1-4 or CE Only) to the EMS-TEI KEMSIS account.

(5) An EMS-TEI seeking certification renewal shall pay all applicable nonrefundable fees upon application. Failure to pay fees or subsequent rejection of a payment method shall result in denial of the Training and Educational Institution (TEI) Application.

(6) An applicant for EMS-TEI renewal shall meet all renewal requirements prior to the expiration date of the TEI certification.

(a) A TEI that does not comply with all renewal requirements prior to the certification expiration date shall expire.

(b) A TEI that allows the TEI certification to expire shall be required to apply as an initial EMS TEI.

(7) An EMS-TEI applying for initial or certification upgrade shall undergo an inspection prior to offering classes. The type of inspection, on-site or virtual, shall be determined by the office of the board and the EMS-TEI shall be responsible for establishing the virtual connection at their facility if necessary.

(8) Each inspection shall ensure that the EMS-TEI has met all applicable requirements of this administrative regulation. If the board's inspection finds that the EMS-TEI has failed to meet a requirement, the EMS-TEI shall correct all deficiencies prior to offering a class and receiving subsequent certification as an EMS-TEI.

(9) The board may conduct inspections of EMS-TEIs for initial, renewal, certification upgrade, or to monitor compliance with statutory and regulatory requirements for TEIs. Inspections may be scheduled or unscheduled.

(10) The office of the board shall conduct an application review of required documentation and inspection of the EMS-TEI applicant no later than sixty (60) days following the submission of the Training and Educational Institution (TEI) Application by the EMS-TEI applicant for initial certification and upgrades.

(11) Approval of notice of intent to upgrade shall not extend the two (2) year EMS-TEI certification period.

(12) An EMS-TEI requesting a name change or change in ownership shall notify the board in KEMSIS no later than thirty (30) days prior to the name change or change in ownership by completing:

(a) A new Training and Educational Institution (TEI) Application electronically through the EMS-TEI KEMSIS account;

(b) Legal documentation reflecting the legal name or ownership change, or registration with the Kentucky Secretary of State Office reflecting the change which shall be uploaded with the TEI application in KEMSIS; and

(c) Payment of the application fee pursuant to 202 KAR 7:030 in KEMSIS.

Section 5. EMS-TEI Operating Requirements.

(1) Each EMS-TEI shall maintain files for a period of three (3) years beyond the end date of each EMS Course program that contains the following documentation:

(a) For courses requiring accreditation, all documents necessary

for the EMS-TEI to have met the accrediting agency's standards, policies, and guidelines;

(b) A copy of the last accreditation self-study and letter of accreditation;

(c) The student attendance sign-in sheets for each course taught, including:

- 1. Lectures;
- 2. Practical skills lessons; and
- 3. Clinical and field rotations;

(d) A master copy of each set of examinations administered and answer keys for the exams;

(e) A master copy of practical skills examination forms;

(f) A master copy of each course syllabus;

(g) Current, written affiliation agreements executed between hospitals or EMS agencies and the EMS-TEI;

(h) Health records for students as may be required by the EMS-TEI or as expressly required in written affiliation agreements and determined necessary for students to complete clinical assignments, field-internships, or summative field evaluations;

(i) Records of all disciplinary actions taken against a student, if applicable. Records shall include notification to students of the complaint; responses, if applicable, made by or on behalf of the student; and actions taken as a result of a complaint or other documented incident, grievance, or deficiency;

(j) For students requiring remediation, documentation of specific activities or procedures requiring remediation and actions taken in response to deficiencies, including how the specific remediation was accomplished and the success or failure of remediation;

(k) A master file of the objectives and competencies to be achieved by students during each educational program; and

(l) Documentation of other requirements that the EMS-TEI has established as part of the offered courses.

(2) Failure of an EMS-TEI to maintain records required by the board shall result in disciplinary action against an EMS-TEI.

(3) The board shall require an EMS-TEI to submit a copy of the EMS-TEI's annual accreditation report electronically through the EMS-TEI's KEMSIS account if accreditation is necessary for licensure or certification of the students taking the EMS-TEI's offered course.

(4) EMS-TEIs shall conduct an annual review and revision of all courses and programs to ensure the EMS-TEI has complied with necessary updates to courses, programs, and accepted educational standards. The participants involved with the annual review shall include:

- (a) The program director;
- (b) Course coordinator;
- (c) Medical director;
- (d) An instructor or a faculty member that was actively involved in teaching courses during the preceding twelve (12) months of the annual review; and

(e) A student that successfully completed a course offered through the EMS-TEI during the preceding twelve (12) months of the annual review.

(5) An EMS-TEI shall document in writing the required annual review and updates resulting from the annual assessment.

(6) Documentation of the annual review shall be in writing, signed by the program director, program coordinator, and medical director. The annual review shall be maintained in the course or TEI program files and submitted to the board electronically with the TEI renewal application.

(7) An EMS-TEI shall assure that all physical resources required by the curriculum, including classrooms, skill practice areas, notices of where to purchase or access textbooks, instructional aides, equipment, and supplies shall be:

(a) Available at each class session where skills are taught or practiced;

(b) Adequate in number to allow for practice by students enrolled; and

(c) In good working order and well-maintained.

(8) An EMS-TEI shall maintain and protect the privacy of all records pertaining to the health and safety of patients, students, and faculty members that are obtained or developed through or as a result of participation in training and educational activities with the

EMS-TEIs.

(9) The EMS-TEI shall be responsible for knowing and following all federal and state laws relevant to safeguarding privacy of records, including educational and health records.

(10) The EMS-TEI shall develop and make available to all prospective students a clearly defined admissions policy.

(11) An EMS-TEI's admission policy shall include specific requirements for students to gain admission, maintain enrollment, and all academic requirements necessary to successfully complete the offered course or program. The admission policy shall be provided to the student at the start of the course and a verified receipt by signature shall be kept in the student's file including any changes to the admission policy while the student is enrolled in the course. Admissions policies shall include at a minimum:

(a) Tuition rates and fees associated with the training and education program;

(b) Fees and other costs associated with remediation;

(c) The availability of any bridge programs or advanced placement;

(d) Any credit for previous educational, experimental learning, certifications, or transfer hours;

(e) ~~(e)~~ A descriptive synopsis of the curriculum for each type of course taught;

(f) ~~(d)~~ Course educational objectives;

(g) ~~(e)~~ Classroom lecture and skills practice schedules;

(h) ~~(f)~~ Clinical or field rotation locations with beginning and ending dates;

(i) ~~(g)~~ Participation requirements for each clinical or field rotation site;

(j) ~~(h)~~ Continued course competency and course completion requirements; and

(k) ~~(i)~~ Citations to and language of prohibited actions pursuant to KRS 311A.050 that provide grounds for sanctions against or denial of individuals making application for certification or licensure by the board.

(12) EMS-TEIs shall establish written policies that provide for:

(a) The creation and use of course or program advertising that accurately portrays the course or program content as offered by the EMS-TEI;

(b) A uniform process for filing, investigating, and resolving complaints or grievances by applicants, students, preceptor sites, patients, members of the general public, or faculty members;

(c) A procedure for a student to withdraw from a course and a clear statement of refund policies and the steps necessary for a student to obtain a refund of tuition or fees already paid;

(d) Faculty to acquire or develop examinations for each course offered;

(e) The establishment of and adherence to examination procedures and policies;

(f) The requirements for a student to take and pass examinations in courses the EMS-TEI offers including requirements that shall be met during the course for the student to be eligible to take the National Registry of EMTs certification exam; and

(g) Public disclosure, using Web-based materials, concerning the EMS-TEI student cumulative pass rate on the NREMT certification exam for the calendar year. The disclosure shall be updated by January 31 of each year and shall include at a minimum:

1. All provider levels tested;
2. Date range for which the report was calculated;
3. EMS-TEI name, number, and physical address;
4. Number of students that took the exam; and
5. Cumulative pass rate calculated by percentage.

(13) An EMS-TEI shall assure that each student, while participating in a clinical or field rotation, is clearly identified as a student. Identification shall be accomplished by use of:

(a) Nameplate;

(b) A uniform; or

(c) Other publicly apparent means.

(14) A student or a faculty member shall maintain proper personal and professional conduct during classroom, clinical, and field internship activities.

(15) EMS-TEIs shall have a program director who shall be responsible for:

(a) All aspects of the program, including administration, organization, and supervision of the educational program;

(b) Assuring the quality and credentials of the program coordinator, EMS educators, EMS educator adjuncts, and students accepted into the EMS-TEI's programs or courses;

(c) Assuring the security of examination results and materials;

(d) Monitoring the activities of the EMS-TEI's faculty and students;

(e) Maintaining records and documents and submit reports;

(f) Continuously reviewing the quality and improvement of the educational program;

(g) Long range planning and ongoing development of the program;

(h) The orientation, training, and supervision of clinical and field internship preceptors; and

(i) The effectiveness and quality of fulfillment of responsibilities delegated to another qualified individual.

(16) EMS-TEIs shall include faculty and instructional staff who shall be responsible for:

(a) Didactic, clinical instruction, or supervised practice in each location where students are assigned; and

(b) Coordination, supervision, and frequent assessment of the students' progress in achieving acceptable program requirements.

(17) A certified EMS-TEI shall maintain an ongoing level of competence, evidenced by a minimum pass rate for each level of instruction of sixty (60) ~~[seventy-(70)]~~ percent calculated upon a cumulative pass rate of students who have taken the National Registry of EMTs and other board-approved exam(s) within the twenty-four (24) months immediately preceding the EMS-TEI's renewal date.

(a) The minimum pass rate shall be calculated, and compliance determined by, the office of the board.

(b) An EMS-TEI that fails to maintain a sixty (60) ~~[seventy-(70)]~~ percent pass rate for each level of instruction as required by this subsection shall notify all students enrolled in courses offered by the EMS-TEI that the EMS-TEI is not in compliance with testing standards.

(18) If an EMS-TEI fails to meet an ongoing level of competence determined according to this administrative regulation and demonstrated by compliance with KRS Chapter 311A and 202 KAR Chapter 7, the EMS-TEI shall be subject to a plan of correction mediated through the office of the board. An EMS-TEI that cannot maintain an ongoing level of competence may be subject to discipline pursuant to KRS Chapter 311A.

(19) If requested by the office of the board, the EMS-TEI shall submit graduate data to the Kentucky Center for Education and Workforce Statistics including:

(a) Student's name;

(b) Date of birth;

(c) Social Security number;

(d) Gender;

(e) Ethnicity;

(f) Residency at point of graduation; and

(g) The Classification of Instructional Programs (CIP) code, if applicable.

(20) The EMS-TEI director shall keep the EMS-TEI KEMSIS account information updated, including:

(a) The EMS-TEI demographics;

(b) The EMS-TEI personnel roster; and

(c) The EMS-TEI policy and procedures required by this administrative regulation.

(21)(a) The program director of EMS-TEIs offering initial certification courses shall create and maintain, with current information, a National Registry of EMTs educational program account.

(b) The EMS education program name, director name, address, and contact information listed with NREMT shall match the EMS-TEI program information listed in KEMSIS.

Section 6. Disciplinary Action.

(1) As certified entities under the board's jurisdiction, all EMS-TEIs shall be subject to the disciplinary procedures and sanctions established in KRS Chapter 311A.

(2) Discipline of an EMS-TEI as a certified entity shall not prevent the board from taking disciplinary action against a certified or licensed individual associated with the EMS-TEI at any level of certification or licensure applicable.

Section 7. Reporting Requirements for EMS-TEI.

(1) An EMS-TEI shall submit electronically to the board the documents as required by this section for all EMS courses or psychomotor ~~skill verification~~[testing] that lead to certification by The National Registry of EMTs or certification or licensure by the board.

(2) An EMS-TEI shall submit the following documents to the board office:

(a) Course Notification Application submitted no less than fourteen (14) days prior to the course start date;

1. An EMS-TEI shall notify the board within fourteen (14) days of any changes to a board approved class ~~[or psychomotor testing]~~ start and end date using Course Change Notification Application.

2. All EMR courses shall utilize the EMR Portfolio Skills Form for evaluation of psychomotor skills in the initial courses.

3. All EMT courses shall utilize the EMT Portfolio Skills Form for evaluation of psychomotor skills in the initial courses.~~[A course or psychomotor test shall have a start date within the twelve (12) months from the date on which the course or psychomotor testing number is issued.]~~

~~(b) An Initial Educational Course Roster submitted within fourteen (14) days of the course start date listed on the Course Notification Application;~~

~~(c) If applicable, the Comprehensive Skills Evaluation Report within thirty (30) days of the course completion date listed on the Course Notification Application;~~

~~(b)(d) A Final Educational Course Roster within thirty (30) days of course completion date listed on the Course Notification Application.;~~

~~[(e)1. A Psychomotor Exam Application submitted no less than fourteen (14) days prior to the psychomotor exam start date; and~~

~~2. Psychomotor examinations leading to board certification or licensure shall be conducted using board approved psychomotor examination procedures.]~~

(3) Upon submission of all documents required by this section for courses ~~[or psychomotor testing]~~ that lead to certification by The National Registry of EMTs and licensure or certification by the board, the TEI shall be assigned a course ~~[or psychomotor testing]~~ number or other identifier.

(4) An EMS-TEI that fails to provide documents as required by subsection (2) of this section shall be subject to disciplinary action pursuant to KRS Chapter 311A up to and including revocation of the TEI.

(5) A course ~~[or psychomotor testing]~~ shall not commence until the EMS-TEI has obtained an identification code and notified the board as required in this section.

(6) A course ~~[or psychomotor testing]~~ that does not meet all requirements of this administrative regulation may not lead to certification or licensure for the EMS students enrolled in the course ~~[or psychomotor testing]~~.

(7) An EMS-TEI shall notify the board within seven (7) days of any changes to the lead instructor of an initial course that leads to certification or licensure by the board.

(8) (a) An EMS-TEI shall notify the board within seven (7) days of cancellation of an initial certification or licensure course.

(b) An EMS-TEI that cancels an initial certification or licensure course that is underway or planned shall fully refund all tuition and fees paid by the students in the course that are impacted by the course cancellation.

Section 8. Requirements for All Training and Education Courses.

(1) All EMS educational programs in Kentucky that lead to EMS Provider certification by The National Registry of Emergency Medical Technicians (NREMT) and certification or licensure by the board shall:

(a) Comply with this administrative regulation;

(b) Not begin until the EMS-TEI has paid all documents required pursuant to Section 7 of this administrative regulation;

(c) Not begin until the EMS-TEI has paid all fees required pursuant to 202 KAR 7:030;

(d) Use the National Emergency Medical Services Education Standards that are appropriate for the level of EMS provider course being offered;

(e) Teach students the Kentucky and National EMS Scope of Practice Models;

(f) Meet the course administrative and faculty requirements in this administrative regulation, if applicable, as established by the NREMT approved accrediting agency; and

(g) Use educators certified by the board as EMS educators who are minimally certified or licensed at the level of the offered course.

(h)1. An EMS-TEI shall ensure that all student course work including lectures, practical skills lessons, and clinical or field rotations for courses that lead to certification by the National Registry of EMTs and certification and licensure by the board be completed within sixty (60) days of the course completion date listed on the Course Notification Application.

2. The board shall not accept any changes made to course completion documents listed in Section 7 of this administrative regulation if submitted more than sixty (60) days after the course completion date as listed on the Course Notification Application.

3. In exceptional circumstances, as determined by the board in instances such as if there is an emergent medical condition or a death in the immediate family, the EMS-TEI may submit a Final Course Roster of students approved by the EMS-TEI program director and medical director for course work extension required in Section 5 of this administrative regulation.

(i) The EMS-TEI director shall approve all students to test with the National Registry of EMTs within seven (7) days of successful completion of an initial certification course and completion of all necessary documents and applications by the student.

(2) The EMS-TEI may use an assistant instructor who is not a board-certified educator to instruct no more than forty (40)~~[twenty-five (25)]~~ percent of the classroom education time for initial certification or licensure courses.

(3) The EMS-TEI shall maintain an instructor to student ratio of no more than 1:20~~[15]~~ for classroom sessions where skills are practiced. These sessions shall not proceed without the presence of:

(a) A certified educator for the first twenty (20)~~[fifteen (15)]~~ students; and

(b) An additional educator or adjunct faculty for each one (1) to twenty (20)~~[fifteen (15)]~~ additional students. Additional adjunct faculty used shall:

1. Not be required to be certified as an EMS educator, but shall be certified by the board as an EMS provider at or above the level for the course being taught; or

2. Be a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA); and

(4) The EMS-TEI program director and medical director shall approve any assistant instructor or adjunct faculty before the individual may assist in instruction.

(5) The EMS-TEI shall have a medical director qualified pursuant to 202 KAR 7:801, who shall:

(a) Be employed by or under memorandum of understanding or a written contract with the EMS-TEI to serve as the medical director of the program;

(b) Be routinely available to the EMS-TEI to provide consultation regarding issues related to the training and education program;

(c) Participate in the approval of the didactic clinical and evaluation material and student progress review;

(d) Meets the applicable accrediting agency standards, policies, and guidelines;

(e) Provide medical consultation and guidance to the course faculty; and

(f) Certify the skills of all EMS-TEI students who are enrolled in courses leading to EMS Provider certification by The National Registry of Emergency Medical Technicians (NREMT) or certification or licensure by the board.

(6) An EMS-TEI shall maintain a written contractual affiliation agreement or memorandum of understanding with each clinical

rotation site that outlines, at a minimum, the responsibilities of each entity and reporting requirements for students involved in clinical and field training and education.

(7) An EMS-TEI shall provide faculty from the EMS-TEI training and education program, clinical coordinators, or designees under contract with the EMS-TEI to oversee student activity while in the clinical or field internship setting.

(8) The EMS-TEI shall provide clinical or field preceptor training to all clinical or field preceptors overseeing students during clinical or field internship rotations.

Section 9. Emergency Medical Responder Training and Education Course Requirements.

(1) Each Emergency Medical Responder (EMR) training and education course shall:

(a) Include all training and education requirements established in KRS Chapter 311A, 202 KAR 7:201, and 202 KAR 7:701;

(b) Use the National Emergency Medical Services Education Standards – Emergency Medical Responder Instructional Guidelines for the duration of course including individual class segments; and

(c) Ensure student competency throughout the course by an EMS-TEI[a] validated examination measuring process.

(2) To be eligible for certification as an EMR, a student shall also receive instruction covering the National and Kentucky EMS Scope of Practice for an EMR.

(3) EMR candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:201.

Section 10. Emergency Medical Technician Training and Education Course Requirements.

(1) Each Emergency Medical Technician (EMT) training and education course shall:

(a) Include all training and education requirements established in KRS Chapter 311A, 202 KAR 7:301, and 202 KAR 7:701;

(b) Use the National Emergency Medical Services Education Standards – Emergency Medical Technician Instructional Guidelines for duration of course and individual class segments; and

(c) Ensure student competency throughout the course by an EMS-TEI[a] validated examination measuring process.

(2) To be eligible for certification as an EMT, a student shall receive instruction covering the National and Kentucky EMS Scope of Practice for an EMT.

(3) Each student shall complete clinical and field rotation that meets the requirements for EMT education as determined by this administrative regulation, including the National and Kentucky EMS Scope of Practice for an EMT student as approved by the applicable accrediting agency's minimum requirements.

(4) ~~Clinical or~~ The minimum requirements of clinical or field rotations for EMTs shall include:

~~(a) Clinical and~~ (a) Clinical and field rotations ~~for EMTs shall be conducted at a licensed ambulance service or other licensed health care facility selected by the EMS-TEI director and medical director that, if applicable, meets nationally accepted accreditation standards or EMS-TEI requirements to verify EMT course competency.[:]~~

~~[(b) Interviews and assessments on a minimum of ten (10) patients with at least five (5) interviews and assessments conducted in a pre-hospital ambulance service setting; and~~

~~(c) Recording the patient history and assessment on a care report form for each of the ten (10) patients required in paragraph (b) of this subsection.:]~~

(5) If a student fails to achieve the goals established by the EMS-TEI for the EMT education program, the EMS-TEI program director and medical director shall require the student to repeat the failed portion of the EMT education program.

(6) If a student is required to repeat a portion of the EMT education program, the program director and medical director shall have a written procedure for remediation that ensures the student shall be provided with adequate due process protections that include at a minimum:

(a) Notification of allegations or academic issues;

(b) A right for the student to be heard on the subject of the allegations or academic issues;

(c) A right for the student to appeal the decision of the EMS-TEI to the director and medical director about the allegations or academic issues; and

(d) The notification to the student shall be in writing and signed by:

1. The student;

2. The TEI Administrator;

3. The Medical Director; and

4. The Course Coordinator.

(7) EMT candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:301.

(8) EMT students shall meet health and immunization standards as required through established TEI policy, or policies established by contracted TEI clinical sites.

Section 11. Advanced-Emergency Medical Technician Training and Education Programs.

(1) Advanced-Emergency Medical Technician (AEMT) training and education course requirements. Each AEMT training and education course shall:

(a) Include all training and education pursuant to KRS Chapter 311A, 202 KAR 7:330, and 202 KAR 7:701;

(b) Use the National Emergency Medical Services Education Standards – Advanced Emergency Medical Technician Instructional Guidelines for duration of course and individual class segments; and

(c) Ensure student competency throughout the course by an EMS-TEI [a] validated examination measuring process.

(2) To be eligible for certification as an AEMT, a student shall complete a clinical and field rotation that meets the requirements for AEMT education as determined by this administrative regulation including the National and Kentucky EMS Scope of Practice for an AEMT student as approved by the applicable accrediting agency's minimum requirements.

~~(3) [The minimum requirements of clinical and field rotations for AEMTs shall include:~~

~~(a) Clinicals or field rotations for AEMTs shall be conducted at a licensed ambulance service[:] or other licensed health care facility selected by the EMS-TEI director and medical director that, if applicable, meets nationally accepted accreditation standards or EMS-TEI requirements to verify AEMT course competency.[:]~~

~~(b) Interviews and assessments on a minimum of twenty (20) patients, including at least ten (10) interviews and assessments while the student is actively in the role of team leader with a licensed ambulance service; and~~

~~(c) Record of patient history and assessment on a care report form for each of the twenty (20) patients required in paragraph (b) of this subsection.:]~~

(4) If a student fails to achieve the goals established by the EMS-TEI for the AEMT education program, the EMS-TEI program director and medical director shall require the student to repeat the failed portion of the AEMT education program.

(5) If a student is required to repeat a portion of the AEMT education program, the program director and medical director shall have a written procedure for remediation that ensures the student shall be provided with adequate due process protections that include at a minimum:

(a) Notification of allegations or academic issues;

(b) A right for the student to be heard on the subject of the allegations or academic issues;

(c) A right for the student to appeal the decision of the EMS-TEI to the director and medical director about the allegations or academic issues; and

(d) The notification to the student shall be in writing and signed and dated by the:

1. Student;

2. TEI Administrator;

3. Medical Director; and

4. Course Coordinator.

(6) AEMT candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:330.

(7) AEMT students shall meet health and immunization standards as required through established TEI policy, or policies established by contracted TEI clinical sites.

Section 12. Paramedic Training and Education Programs.
Paramedic training and education course requirements.

(1) Each Paramedic training and education course shall:

(a) Include all training and education as required by this administrative regulation, KRS Chapter 311A, 202 KAR 7:401, 202 KAR 7:701, and any other Kentucky statutes or administrative regulations that place mandates upon paramedic students;

(b) Use the National Emergency Medical Services Education Standards – Paramedic Instructional Guidelines for duration of course and individual class segments; and

(c) Ensure student competency throughout the course by an EMS-TEI [a] validated examination measuring process.

(2) To be eligible for licensure as a paramedic, a student shall complete a clinical or field rotation that meets the requirements for paramedic education as determined by this administrative regulation including the National and Kentucky EMS Scope of Practice for a Paramedic student as approved by the applicable accrediting agency's minimum requirements.

(3) The minimum requirements of clinical or field rotations for paramedics shall include:

(a) Clinicals or field rotations conducted at a licensed ambulance service or other licensed health care facility selected by the EMS-TEI director and medical director that, if applicable, meets nationally accepted accreditation standards or EMS-TEI requirements to verify paramedic course competency; and

(b) A record of [Record] patient history and assessment on a care report form for each of the patients required in this section.

(4) If a student fails to achieve the goals established by the EMS-TEI for the EMS education program, the EMS-TEI program director and medical director shall require the student to repeat the failed portion of the paramedic education program.

(5) If a student is required to repeat a portion of the paramedic education program, the program director and medical director shall have a written procedure for remediation that ensures the student shall be provided with adequate due process protections that include at a minimum:

(a) Notification of allegations or academic issues;

(b) A right for the student to be heard on the subject of the allegations or academic issues;

(c) A right for the student to appeal the decision of the EMS-TEI to the director and medical director about the allegations or academic issues; and

(d) The notification to the student shall be in writing and signed and dated by the:

1. Student;
2. TEI Administrator;
3. Medical Director; and
4. Course Coordinator.

(6) Paramedic candidates shall meet all student eligibility requirements pursuant to 202 KAR 7:401.

(7) Paramedic students shall meet health and immunization standards as required through established TEI policy, or policies established by contracted TEI clinical sites.

Section 13. Continuing Education.

(1) Training and education courses provided to individuals that fulfill the continuing education requirements necessary to receive a certification or licensure from the board shall be provided by:

(a) An entity certified by the board as an EMS-TEI;

(b) An agency or department having contractual agreements with a board certified EMS-TEI that is in good standing and not subject to disciplinary action;

(c) A board approved symposia, state, national, or international school;

(d) A board approved or nationally accredited online or distance education provider with up to 100[, but which shall not provide more than ninety (90)] percent of the total continuing education hours to fulfill the continuing education requirements for renewal pursuant to KRS Chapter 311A or 202 KAR Chapter 7; or

(e) One (1) or more of the approved continuing education entities listed below:

1. The Commission on Accreditation for Pre-Hospital Continuing

Education (CAPCE);

2. Kentucky Board of Nursing;

3. Kentucky Board of Medical Licensure;

4. Kentucky Board of Respiratory Care;

5. Department of Homeland Security and all department components;

6. U.S. Fire Administration and all department components;

7. Kentucky Department of Criminal Justice (DOCJT);

8. Kentucky Cabinet for Health and Family Services; or

9. Courses approved by any State EMS Office that are offered and or completed outside the Commonwealth of Kentucky.

(2) Continuing education courses shall:

(a) Contain material relevant to the job specifications and professional development of EMS personnel; and

(b) Be conducted at an EMS level appropriate for the discipline of the participants.

(3) EMS-TEIs that provide continuing education shall provide course completion documentation by hardcopy or electronically to all participants that successfully complete the continuing education course. The course completion documentation shall contain at a minimum the following items:

(a) Official name of the EMS-TEI as listed in the EMS-TEI KEMSIS account and certification number of the EMS-TEI issued by the board;

(b) Name of primary instructor and state EMS office EMS provider number;

(c) Name of course;

(d) Breakdown of completed hours and subject categories instructed that meet the continuing education requirements established by 202 KAR 7:201, 202 KAR 7:301, 202 KAR 7:330, and 202 KAR 7:401; and

(e) Signature of one (1) of the following EMS-TEI representatives:

1. Director;
2. Course coordinator; or
3. Course instructor.

Section 14. Continuing Education Instructor Requirements.

(1) The following persons shall be qualified to conduct continuing education courses for persons certified or licensed by the board:

(a) An EMS provider licensed or certified by the board that holds a CE, EMR, EMT, AEMT, or Paramedic Educator credential;

(b) A physician (DO or MD) or Physician Assistant (PA) licensed in Kentucky or another state, who has specific expertise in an area of a prehospital discipline;

(c) A registered nurse (RN) or Advanced Practice Registered Nurse (APRN) licensed in Kentucky or another state, who has specific expertise in an area of a prehospital discipline; or

(d) [An EMS Educator certified in Kentucky; or

{e}] An individual who is at least one (1) of the following and who shall be limited to teaching the specific subject approved by the EMS-TEI director and medical director:

1. Certified by a state or federal agency to teach or perform subject matter relevant to the National Emergency Medical Services Education Standards and National and Kentucky EMS Scope of Practice for a prehospital discipline;

2. Certified by a nationally recognized entity to provide EMS related training and education;

3. A presenter at a National or State Symposium accredited by an agency or other board approved entity; or

4. A presenter approved by an EMS medical director who has specific expertise in an area of a prehospital discipline.

(2) The EMS-TEI or other approved contractual department or agency providing continuing education shall be required to:

(a) Maintain a roster, objectives, and outline for every continuing education course taught on file for a period of three (3) years beyond the end date of each EMS course;

(b) Maintain all documentation to have met the applicable accreditation agency standards, policies, and guidelines established in this administrative regulation; and

(c) Meet the requirements of this administrative regulation.

(3) If requested by the board, the EMS-TEI shall submit to the

board the required documents for EMS continuing education courses taught within the preceding three (3) years that lead to re-certification or re-licensure by the board, including:

- (a) Contractual agreements;
- (b) The continuing education instructor curriculum vitae or resume that includes at a minimum the educator's name, address, phone number, email address, education history, and employment history documenting the qualifications listed in subsection (1) of this section have been met;
- (c) A completed Continuing Education Course Student Roster. The course roster shall include the participants name, signature or digital equivalent, participant KEMSIS number, and board EMS credential held. If rosters are created or stored electronically, there shall be a verification of attendance component that may be verified by the board if requested; and
- (d) Objectives, syllabi, outline, and a list of instructor resources used for each continuing education course.

Section 15. Pilot Programs.

- (1) A board certified TEI that is in good standing may apply for an Educational Pilot Program.
- (2) A pilot program shall involve specialized training and education, as well as associated procedures not otherwise provided for in 202 KAR Chapter 7.
- (3) Educational Pilot Programs shall be subject to the provisions of 202 KAR 7:565.

Section 16. EMS Educators.

- (1) An EMS Educator may be certified at the following levels:
 - (a) EMR Educator, which certifies the individual to teach EMR initial certification and continuing education courses;
 - (b) EMT Educator, which certifies the individual to teach EMR and EMT initial certification and continuing education courses;
 - (c) AEMT Educator, which certifies the individual to teach EMR, EMT, and AEMT initial certification and continuing education courses;
 - (d) Paramedic Educator, which certifies the individual to teach EMR, EMT, AEMT, and Paramedic initial certification and continuing education courses; or
 - (e) CE Educator, which certifies the individual to teach continuing education courses at or below the level of EMS provider certification or license issued by the board.
- (2) Depending on the level of certification sought, an applicant for certification as a Kentucky EMS educator shall:
 - (a) Already hold a certificate or license in Kentucky as an Emergency Medical Responder (EMR), an Emergency Medical Technician (EMT), an Advanced Emergency Medical Technician (AEMT), or a paramedic; or
 - (b) 1. Hold a license in Kentucky or another state as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA);
 - 2. A Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA) shall be considered an advanced EMS provider at the paramedic level only for the purpose of credentialing the individual as an EMS educator;
 - (c) Not be issued a certificate as an EMS educator for a level of instruction higher than his or her EMS provider certification or license;
 - (d) Have successfully completed:
 - 1. A board-approved EMS educator course that meets the objectives of the National Highway Traffic Safety Administration National Guidelines for Educating EMS Instructors and the National Emergency Medical Services Education Standards which is designed to represent a common core for teaching knowledge and skills to assist in the education of adult learners; or
 - 2. Holds an unrestricted and current license or certification as a teacher or educator through a state board of education in the United States;
 - (e) ~~Provide documentation using the KBEMS Lecture and Skill Verification Form that the applicant has assisted with a course that meets the following requirements:~~
 - 1. The board has approved the course as leading to certification

or licensure;

- 2. Assistance with the course has been under the supervision of a board-certified EMS educator through a board-certified EMS-TEI with the approval of the program director and medical director; and
- 3. The courses in which the applicant may assist to meet the requirements of subsection (3) of this section shall be in a board-approved initial course at or below the level of educator the applicant is seeking.
- 4. Continuing education courses shall not be accepted to meet the requirements of this section;
- (f) Submit a completed:
 - 1. CE Educator Initial Application;
 - 2. EMR Educator Initial Application;
 - 3. EMT Educator Initial Application;
 - 4. AEMT Educator Initial Application; or
 - 5. Paramedic Educator Initial Application;
- (f)(g) Pay all fees pursuant to 202 KAR 7:030; and
- (g)(h) Undergo a background check pursuant to KRS 311A.050 and 311A.100.
 - 1. The background check shall be:
 - a. National in scope for an applicant not currently certified or licensed at any level in Kentucky;
 - b. Statewide in scope for an applicant with current certification or licensure in Kentucky;
 - c. Less than six (6) months old when the applicant submits to the board all requirements for Educator certification; and
 - d. Provided by a vendor that has been contracted through the board.
 - 2. An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.
- ~~[(3) Applicants applying for EMR, EMT, AEMT, or Paramedic Educator certification shall Submit documented proof on the Lecture and Skills Verification Form that the applicant:~~
 - ~~(a) Completed a minimum of five (5) presentations meeting the objectives of the National Emergency Medical Services Education Standards for Educating EMS Instructors; and~~
 - ~~(b) Demonstrated skills from at least five (5) subjects meeting the objectives of the National Emergency Medical Services Education Standards for Educating EMS Instructors.]~~
- ~~(3) [(4)] Applicants applying for CE Educator shall present documented proof of completing a board approved nationally recognized or EMS-TEI instructor course.~~
- ~~(4) [(5)] The expiration date of an EMS educator certification shall correspond to those established in KRS Chapter 311A and 202 KAR Chapter 7.~~

Section 17. Renewal of EMS Educator Certification.

- (1) An EMS educator shall be eligible to renew the EMS educator certification if the applicant for renewal:
 - (a) Has maintained state certification or licensure as an EMS provider or as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA) at a level equal to or greater than the level at which they are certified as an EMS educator;
 - (b) Retains evidence of completing all training and education pursuant to KRS Chapter 311A;
 - (c) ~~During the preceding two (2) years, has been actively engaged in instruction and obtained at least four (4) hours on topics related to methods of instruction (MOI);~~
 - ~~(d) Is not subject to discipline pursuant to KRS Chapter 311A;~~
 - ~~(d) [(e)] Has paid fees pursuant to 202 KAR 7:030; and~~
 - ~~(e) [(f)] Has submitted to the board a completed Educator Renewal Application.~~
 - (2) The EMS educator shall maintain all training and education documentation outlined in this administrative regulation for three (3) years from the date of completion.
 - (3) The board office may audit an EMS educator's continuing education and EMS provider continuing education records.

Section 18. EMS Educator reinstatement. An EMS Educator whose certification has lapsed may reinstate. To reinstate a

certificate, the EMS educator shall:

- (1) Submit a completed:
 - (a) Application for CE Educator Reinstatement;
 - (b) Application for EMR Educator Reinstatement;
 - (c) Application for EMT Educator Reinstatement;
 - (d) Application for AEMT Educator Reinstatement; or
 - (e) Application for Paramedic Educator Reinstatement;
- (2) ~~Submit evidence of at least four (4) hours of training in methodology of instruction (MOI);~~
- (3) Pay the reinstatement fee pursuant to 202 KAR 7:030;
- (3) [(4)] Submit evidence of previous certification as an EMS Educator in Kentucky; and
- (4) [(5)] Undergo a background check pursuant to KRS 311A.050 and 311A.100.
 - (a) The background check shall be:
 1. National in scope for an applicant not currently certified or licensed at any level in Kentucky;
 2. Statewide in scope for an applicant with current certification or licensure in Kentucky;
 3. Less than six (6) months old when the applicant submits to the board all requirements for Educator certification; and
 4. Provided by a vendor that has been contracted through the board.
 - (b) An applicant shall not directly submit a background check to meet the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

Section 19. Transition for Currently Certified Educators. An educator certified prior to the effective date of this administrative regulation shall be transitioned as follows:

- (1) Level I Educator shall be certified as an EMR Educator;
- (2) Level II Educator shall be certified as an EMT Educator or AEMT Educator;
- (3) Level III Educator shall be certified as a Paramedic Educator; and
- (4) Level IIIR Educator shall be certified as a Paramedic Educator.

Section 20. EMS Educator Reciprocity. A person certified as an EMS Educator or board approved equivalent in another state or United States territory shall be eligible for Kentucky EMS Educator certification upon:

- (1) Submission of a completed:
 - (a) Application for CE Educator Reciprocity;
 - (b) Application for EMR Educator Reciprocity;
 - (c) Application for EMT Educator Reciprocity;
 - (d) Application for AEMT Educator Reciprocity; or
 - (e) Application for Paramedic Educator Reciprocity;
- (2) Payment of the educator fee pursuant to 202 KAR 7:030;
- (3) (a) Submission of proof that the applicant is certified as an EMS Educator or board approved equivalent[educator] or certified as a teacher or educator through a state board of education in another state or United States territory;
- (b) The applicant may only apply for educator certification at the same level of Educator certification currently held in another state or United States territory;
- (4) Submission of certification or license by the board as an EMS provider or license as a Registered Nurse (RN), Advanced Practice Registered Nurse (APRN), Physician (DO or MD), or Physician Assistant (PA); and
- (5) Submission to a background check pursuant to KRS 311A.050 and 311A.100.
 - (a) The background check shall be:
 1. National in scope for an applicant not currently certified or licensed at any level in Kentucky;
 2. Statewide in scope for an applicant with current certification or licensure in Kentucky;
 3. Less than six (6) months old when the applicant submits to the board all requirements for Educator certification; and
 4. Provided by a vendor that has been contracted through the board.
 - (b) An applicant shall not directly submit a background check to meet

the requirements of this section. The background check shall be submitted to the board by the company that conducts the background check.

Section 21. Educator Oversight. The board may conduct unscheduled visits to an EMS educator's classroom or to an EMS psychomotor examination site to verify compliance with KRS Chapter 311A and 202 KAR Chapter 7, instructional quality, and evaluative standards required by this administrative regulation.

Section 22. Incorporation by reference.

- (1) The following material is incorporated by reference:
 - (a) "Training and Educational Institution (TEI) Application in KEMSIS", 2019 July;
 - (b) "Course Notification Application in KEMSIS", July 2019;
 - (c) "Initial Educational Course Roster", September 2012;
 - (d) "National Emergency Medical Services Education Standards", National Highway Traffic Safety Administration, DOT HS 811 077A, January 2009;
 1. "National Emergency Medical Services Education Standards-Emergency Medical Responder Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077B, January 2009;
 2. "National Emergency Medical Services Education Standards-Emergency Medical Technician Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077C, January 2009;
 3. "National Emergency Medical Services Education Standards-Advanced Emergency Medical Technician Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077D, January 2009;
 4. "National Emergency Medical Services Education Standards-Paramedic Instructional Guidelines", National Highway Traffic Safety Administration, DOT HS 811 077E, January 2009.
 - (e) "National EMS Scope of Practice Model 2007", National Highway Traffic Safety Administration, DOT HS 810 657, February 2007;
 - (f) "National EMS Scope of Practice Model 2019", National Highway Traffic Safety Administration, DOT HS 812 666, February 2019;
 - (g) "2002 National Guidelines for Educating EMS Instructors", National Highway Traffic Safety Administration, August 2002;
 - (h) CoAEMSP Interpretations of the CAAHEP 2015 Standards and Guidelines for the Accreditation of Educational Programs in the EMS Professions", February 2019;
 - (i) ~~"Lecture and Skills Verification Form", July 2019;~~
 - (j) [(j)] "Final Educational Course Roster", September 2012;
 - (k) [(k)] "Continuing Education Course Student Roster", September 2012;
 - (l) [(l)] "Course Change Notification Application" in KEMSIS, July 2019;
 - (m) [(m)] "Psychomotor Exam Application" in KEMSIS, July 2019;
 - (n) [(n)] "Comprehensive Skill Evaluation Report", July 2019;
 - (o) [(o)] "CE Educator Initial Application" in KEMSIS, February 2013;
 - (p) [(p)] "EMR Educator Initial Application" in KEMSIS, July 2019;
 - (q) [(q)] "EMT Educator Initial Application" in KEMSIS, July 2019;
 - (r) [(r)] "AEMT Educator Initial Application" in KEMSIS, July 2019;
 - (s) [(s)] "Paramedic Educator Initial Application" in KEMSIS, July 2019;
 - (t) [(t)] "Application for CE Educator Reciprocity" in KEMSIS, July 2019;
 - (u) [(u)] "Application for EMR Educator Reciprocity" in KEMSIS, July 2019;
 - (v) [(v)] "Application for EMT Educator Reciprocity" in KEMSIS, July 2019;
 - (w) [(w)] "Application for AEMT Educator Reciprocity" in KEMSIS, July 2019;
 - (x) [(x)] "Application for Paramedic Educator Reciprocity" in KEMSIS, July 2019;
 - (y) [(y)] "Application for CE Educator Reinstatement" in KEMSIS, July 2019;

(y)[(z)] "Application for EMR Educator Reinstatement" in KEMSIS, July 2019;
 (z)[(aa)] "Application for EMT Educator Reinstatement" in KEMSIS, July 2019;
 (aa)[(bb)] "Application for AEMT Educator Reinstatement" in KEMSIS, July 2019;
 (bb)[(cc)] "Application for Paramedic Educator Reinstatement" in KEMSIS, July 2019; [and]
 (cc)[(dd)] "Application for Educator Renewal" in KEMSIS, July 2019;[-]
 (dd) "EMR Portfolio Skills Form", December 2022; and
 (ee) "EMT Portfolio Skills Form", December 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601[2464 Fortune Drive, Suite 195, Lexington, Kentucky 40509], by appointment, 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: [kyems.com](https://kbems.ketes.edu)[<https://kbems.ketes.edu>].

JOHN R. HOLDER, Chair

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 2:40 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 1:00 p.m. Eastern Standard Time at the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: John K. Wood, Legal Counsel, Kentucky Board of Emergency Medical Services, 163 E. Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email administrativeregulations@wgmfirm.com.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: John K. Wood

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 311A.110, KRS 311A.115, KRS 311A.120, and KRS 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation establishes requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and also establishes standards for the certification and recertification of emergency medical services educators and providers.

(b) The necessity of this administrative regulation: KRS 311A.110, KRS 311A.115, KRS 311A.120, and KRS 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation is necessary to establish requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and establish standards for the

certification and recertification of emergency medical services educators and providers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 311A.110, KRS 311A.115, KRS 311A.120, and KRS 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation conforms to the content of these statutes by establishing requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and establishing standards for the certification and recertification of emergency medical services educators and providers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 311A.110, KRS 311A.115, KRS 311A.120, and KRS 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation assists in the effective administration of these statutes by establishing requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and establishing standards for the certification and recertification of emergency medical services educators and providers.

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

(a) How the amendment will change this existing administrative regulation: This amendment will modify and update educational mandates for all levels of EMS personnel entering the field, as well as regulatory requirements for EMS training and educational institutions, educators, and renewal requirements for educators and training and educational institutions. This amendment will (1) clarify the requirements of EMS-TEIs, (2) reduce EMS-TEI pass-rate requirements to help avoid EMS-TEI disciplinary actions, (3) bring psychomotor skills testing requirements into conformity with the requirements of the National Registry by requiring use of the Portfolio process for evaluating psychomotor skills, (4) allow assistant instructors to teach up to 40% of courses to mitigate the shortage of EMS educators, (5) increase the permissible student to instructor ratio to mitigate the shortage of EMS educators, (6) remove minimum patient contact requirements to allow EMS Educators to determine student competency on an individual basis and avoid delays in student certification or licensure, (7) allow 100% of courses to be conducted online as permitted by the National Registry, (8) remove the student teaching requirement, (9) remove unnecessary or redundant documentation requirements, and (10) allow the board to recognize and approve equivalent educator certifications from other U.S. states and territories.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to bring this administrative regulation into alignment with nationally accepted educational standards and training center requirements, to clarify EMS-TEI requirements, to modify EMS-TEI requirements to mitigate the shortage of EMS Educators, to remove patient contact requirements to prevent delays in certification or licensure and to mitigate the shortage of EMS personnel, and to remove unnecessary or redundant requirements.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of KRS 311A.025, KRS 311A.110, KRS 311A.115, KRS 311A.120, KRS 311A.125, KRS 311A.130 by establishing requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and establishing standards for the certification and recertification of emergency medical services educators and providers.

(d) How the amendment will assist in the effective administration of the statutes: KRS 311A.020 requires the board to establish procedures and processes for committees and subcommittees. This amendment will assist in the effective administration of KRS

311A.025, KRS 311A.110, KRS 311A.115, KRS 311A.120, KRS 311A.125, KRS 311A.130 by establishing requirements for an organization to be approved by the board as an Emergency Medical Service Training and Education Institute (EMS-TEI) and establishing standards for the certification and recertification of emergency medical services educators and providers.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Kentucky Board of Emergency Medical Services, local governments, emergency medical services providers, emergency medical services educators, and emergency medical services personnel will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensed agencies shall conform to the procedures and standards established by this administrative regulation regarding approval as an Emergency Medical Service Training and Education Institute (EMS-TEI) and certification and recertification as emergency medical services educators and providers. Students seeking certification or licensure from the board shall conform to the procedures and standards established by 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 will be no cost to any entity identified in question (3).

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All entities will benefit from enhanced educational delivery guidance and requirements that are consistent with national standards.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation: There will be no cost to the administrative body to implement this administrative regulation.

(a) Initially: There will be no cost to the administrative body to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the administrative body 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 funding source is necessary to implement and enforce this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

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

(9) TIERING: Is tiering applied? Tiering is not applied to this administrative regulation because this amendment applies equally to all licensed agencies.

FISCAL NOTE

(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 Emergency Medical Services, local governments, emergency medical services providers, emergency medical services educators, and emergency medical services personnel will be affected by this administrative regulation.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 311A.110, KRS 311A.115, KRS 311A.120, and KRS 311A.125 require the board to promulgate administrative regulations establishing standards related to the training and education of emergency medical services personnel. KRS 311A.130 requires proper in-service and in-house in-service training and education. KRS 311A.025 requires the board to establish levels of certification. This administrative regulation establishes requirements for an organization to be approved by the board as an Emergency Medical Service

Training and Education Institute (EMS-TEI) and also establishes standards for the certification and recertification of emergency medical services educators and providers.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will generate no revenue for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will generate no revenue for subsequent years.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not impose any costs on state or local government.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not impose any costs on state or local government.

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

Revenues (+/-): This administrative regulation will not generate revenue.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation will not generate any cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation will not generate any cost savings.

(c) How much will it cost the regulated entities for the first year? This administrative regulation will not impose any costs.

(d) How much will it cost the regulated entities for subsequent years? This administrative regulation will not impose any costs.

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

Cost Savings (+/-): This administrative regulation will not generate any cost savings.

Expenditures (+/-): This administrative regulation will not impose any costs.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. This administrative regulation will not have a major economic impact.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 3:120. Commercial nuisance wildlife control.

RELATES TO: KRS 150.183, 150.275, 150.410, 150.330, 50 C.F.R. 21.41

STATUTORY AUTHORITY: KRS 150.025(1)(h), 150.105, 150.275, 150.235, 150.365, 150.170

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or

carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act. 50 C.F.R. 21.41 provides federal permitting requirements for depredating migratory birds and allows a NWCO to herd or scare depredating migratory birds without a federal permit, except that federally endangered or threatened species and bald or golden eagles shall not be scared or herded.

Section 1. Definitions.

(1) "Commercial purposes" means taking nuisance wildlife in exchange for payment, ~~for~~ trade, or associated with job duties as part of employment.

(2) "Enhanced Rabies Surveillance ~~Zone~~area" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.

(3) "Federally-protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act ~~or~~and the Bald and Golden Eagle Protection Act.

(4) "Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, ~~or~~ safety, or property, ~~or natural resources~~.

(5) "Nuisance wildlife control operator" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.

(6) "NWCO" means a nuisance wildlife control operator as defined in this administrative regulation.

(7) "Permit" means the nuisance wildlife control operator's permit issued pursuant to this administrative regulation.

(8) "Rabies vector species" means a:

- (a) Coyote (*Canis latrans*);
- (b) Gray fox (*Urocyon cinereoargenteus*);
- (c) Raccoon (*Procyon lotor*);
- (d) Red fox (*Vulpes vulpes*);
- (e) Spotted skunk (*Spilogale putorius*); or
- (f) Striped skunk (*Mephitis mephitis*).

(9) "Rural habitat" means an area of the state not included within the boundaries of an incorporated or unincorporated city, village or borough, and having a population in excess of 1,500 inhabitants.

Section 2. Permitting Requirements[NWCO Permit].

(1) A permit authorizes a NWCO to take nuisance wildlife year-round using lethal or non-lethal capture methods, provided the NWCO has written or oral authorization from the person requesting control.

(2)[(4)] A person shall apply for and obtain a valid NWCO permit, prior to conducting NWCO activities, by submitting~~on a form provided by the department.~~

(a) A correct and complete Commercial NWCO Permit Application; and

(b) A Commercial NWCO Annual Activity Report for renewal applications.

(3)[(2)] The department shall only~~not~~ grant a permit to a person who:

- (a) Is~~Less than~~ eighteen (18) years old or over;
- (b) Who~~Has not~~ been convicted of a violation of KRS Chapter 150 or the administrative regulations promulgated under its authority

within the denial period established in this administrative regulation;~~one (1)-year of the date of application; or~~

(c) Provides proof of a passing score on the National Wildlife Control Training Program course, except a person who passed the department issued examination prior to the effective date of this administrative regulation are not required to complete the National Wildlife Control Training Program course;~~Who fails to achieve a score of seventy (70) percent or better on an examination administered by the department.~~

(d) Remits the correct annual permit fee as established in 301 KAR 3:022;

(e) Provides a complete and correct Commercial NWCO Permit Application; and

(f) Provides a valid email address.

(3) Nothing in this subsection shall prohibit persons under eighteen (18) years old from assisting a NWCO.

(4) A person may appeal the denial of a permit for a violation of KRS Chapter 150 or the administrative regulations adopted under its authority by following the procedures established in Section 7 of this administrative regulation.]

(4)[(5)] A NWCO shall always have their[his] permit in their[his] possession [at all times]when performing the acts authorized by a NWCO permit[taking or transporting wildlife].

(5)[(6)] The NWCO permit shall be valid from March 1 through the last day of February.

(6) A permitted NWCO wishing to sell the pelts of a furbearer[s] taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.

Section 3. Reporting Requirements.

(1) A NWCO shall keep records of all wildlife taken in the course of NWCO duties on the NWCO Annual Activity Report.

(2)[(4)] A NWCO shall submit a NWCO Annual Activity Report to the Department:

(a) No later than March 30; and

(b) Prior to a permit being renewed.[file an annual activity report with the department between March 1 and March 30 of each year.

(2) The annual activity report shall be filed:

(a) On a form:

1. Provided by the department; or

2. Photocopied from the department form.]

(3)[(b)] The Commercial NWCO Annual Activity Report[form] shall contain the information regarding the activity for the period from February[March] 1 of the previous year through January 31[the last day of February] of the current year.

(4)[(3)] The department shall not renew the permit of an operator who does not:

(a) Submit the Commercial NWCO Annual Activity Report[annual activity report] as required by this section; or

(b) ~~Does not~~ Provide the information required by the Commercial NWCO Annual Activity Report[annual activity report form].

(6)[(4)] Report documents and all records of NWCO activity, including the current or previous year's activity and written permission for releases, shall be made available to department staff upon request.

Section 4. Restrictions on Taking Wildlife.

(1) A NWCO shall only dispatch or release captured wildlife according to the requirements in this administrative regulation, except for federally protected species that meet the criteria in Sections 4, 6, and 7 of this administrative regulation.

(2)[(4)] A NWCO shall not:

(a) Transport nuisance wildlife to a wildlife rehabilitator or any person or facility that holds wildlife captive, except that a NWCO shall immediately transport injured, ill, orphaned, or exhausted federally protected species to a permitted wildlife rehabilitator within Kentucky;

(b) Release wildlife in any area that restricts their free movement or holds them captive;

(c) Hold wildlife for more than forty-eight (48) hours;

(d)[(a)] Take federally protected wildlife unless [the NWCO has

ja valid permit for the activity is issued by the U. S. Fish and Wildlife Service for the species of nuisance wildlife, except that a federal permit is not required to herd or scare migratory birds, excluding bald and golden eagles and endangered or threatened species;

(e)[(b)] Take the species established in subparagraphs 1. through 8.[5-] unless authorized by the commissioner:

1. Copperbelly water snake (*Nerodia erythrogaster neglecta*);
2. White-tailed deer (*Odocoileus virginianus*);
3. Elk (*Cervus canadensis*);
4. Black bear (*Ursus americanus*);[-ør]
5. Wild turkey (*Meleagris gallopavo*);[-ør]
6. Kirtland's snake (*Clonophis kirtlandii*);
7. Alligator Snapping turtle (*Macrochelys temminckii*);
8. Hellbender (*Cryptobranchus alleganiensis*); or

(f)[(e)] Dispatch or cause death to bats[Use lethal capture methods to take bats].

[(2) A NWCO may take other nuisance wildlife year-round using lethal or nonlethal capture methods, provided the NWCO has written or oral authorization from the person requesting control.]

Section 5. Legal Means of Take.[Methods of taking nuisance wildlife.]

(1) A NWCO using traps shall comply with:

- (a) KRS 150.410; and
- (b) The trapping requirements in 301 KAR 2:251.

(2) A NWCO using a gun shall provide proof of completion of the Kentucky Hunter Education Program or a course offered by another jurisdiction that meets the course standards set by the International Hunter Education Association.

Section 6. Dispatch[Disposal] of Captured Wildlife[animals].

[(1) A NWCO may euthanize or release captured wildlife, except that a NWCO shall:

(a) Euthanize any rabies vector species captured within the enhanced rabies surveillance area before being moved; and

(b) Shall not transport a rabies vector species into or out of the enhanced rabies surveillance area.

(2) Acceptable methods of euthanizing wildlife shall include:

- (a) Captive bolt;
- (b) Gunshot;

(c) Drowning, for wildlife trapped in water sets, pursuant to 301 KAR 2:251;

(d) Cervical dislocation or thoracic compression for small mammals and birds;

(e) Mechanical stunning, if followed immediately by an acceptable euthanasia method;

(f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;

(g) Noninhalants including Secobarbital/dibucaine; or

(h) Commercially available agents for striped skunks, in accordance with manufacturer's specifications.]

(1)[(3)] The department may, upon issuing a permit, specify that certain species shall be dispatched[euthanized].

(a) The requirement that a species be dispatched may apply statewide or to certain geographical regions.

(b) If the requirement that a species be dispatched is made to apply:

1. Statewide, all permits issued in that permit year shall contain the same requirement; or

2. To a limited geographical area, all permits issued in that area shall contain the same requirement.

(2) A NWCO shall dispatch:

(a) House sparrow (*Passer domesticus*)

(b) European starling (*Sturnus vulgaris*)

(c) Pigeon (*Columba domestica* or *Columba livia*)

(d) Nutria (*Myocaster coypus*)

(e) House mouse (*Mus musculus*)

(f) Rat (*Rattus norvegicus* or *Rattus rattus*)

(g) Wildlife that shows obvious symptoms of disease or injury, except for federally protected species and bats.

(h) Any rabies vector species captured within the Enhanced Rabies Surveillance Zone at the capture site before being moved.

(3)[(2)] Legal[Acceptable] methods of dispatching[euthanizing]

wildlife shall include:

(a) Captive bolt;

(b) Gunshot;

(c) Submersion[Drowning], for wildlife trapped in water sets, pursuant to 301 KAR 2:251;

(d) Cervical dislocation or thoracic compression for small mammals and birds, except for federally protected species and bats;

(e) Mechanical stunning, if followed immediately by an acceptable dispatch[euthanasia] method;

(f) Inhalants, including halothane, isoflurane, carbon monoxide, or carbon dioxide;

[(g) Noninhalants including Secobarbital/dibucaine; or]

[(g)[(h)] Commercially available agents for striped skunks, in accordance with manufacturer's specifications, except that prohibited methods of dispatch listed in this section shall not be used; or.]

(h) Commercially available rodenticides used on small rodents in accordance with manufacturer specifications, except that prohibited methods of dispatch listed in this section shall not be used.

(4) Prohibited methods of dispatch:

(a) Extra-label use of chemicals, toxicants, or poisons is prohibited.

(b) Per KRS 150.365, the following methods of take are prohibited:

1. Fire;

2. Explosives;

3. Mechanical, electrical, or hand operated sonic recording devices; or

4. Gas or smoke in a den, hole, or nest of wildlife.

Section 7. Release of Captured Wildlife.

(1) A NWCO shall:

(a) Transport wildlife for release in a safe manner that minimizes stress to the animal;

(b) Only release non-rabies vector species of wildlife:

1. On-site; or

2. In a rural habitat suitable for the particular species in which wildlife movement is unrestricted; and

3. With the written permission of:

a. The private landowner of at least 100 contiguous acres;

b. The private landowners of contiguous properties totaling at least 100 acres; or

c. The agency responsible for management of public land totaling at least 300 acres.

(c) Only release rabies vector species of wildlife captured outside the Enhanced Rabies Surveillance Zone:

1. On-site;

2. In a rural habitat suitable for the particular species within the county of capture in which wildlife movement is unrestricted; and

3. With the written permission of:

a. The private landowner of at least 100 contiguous acres;

b. The private landowners of contiguous properties totaling at least 100 acres; or

c. The agency responsible for management of public land totaling at least 300 acres.

(2) A NWCO shall not:

(a) Transport a rabies vector species into, out of, or within the enhanced rabies surveillance zone;

(b) Release nuisance wildlife in unsuitable habitat including any enclosed area that restricts free movement of wildlife or holds wildlife captive.

[(4) A NWCO shall:

(a) Euthanize wildlife that shows obvious symptoms of disease or injury;

(b) Transport wildlife for release in a safe manner that minimizes stress to the animal;

(c) Not release wildlife:

1. Except in a rural habitat suitable for the particular species;

and

2. Without the written permission of:

a. The private landowner of at least 100 contiguous acres;

- b. The private landowners of contiguous properties totaling at least 100 acres; or
- c. The agency responsible for management of public land totaling at least 300 acres;]

Section 8. Disposal of Carcasses.

(1)(d) A NWCO shall dispose of all wildlife carcass[carcasses] by:

1. Complete incineration of the entire carcass and all of its parts and products;
2. Placing the carcass in a contained landfill as established in KRS Chapter 224;
3. Burying the carcass and all its parts and products in the earth:
 - a. In a location that is never covered with the overflow of ponds or streams;
 - b. Not less than 100 feet from any watercourse, sinkhole, well, spring, public highway, residence, or stable; and
 - c. At least one (1) foot deep and covered with one (1) foot of earth; or
4. Removing the carcass by a duly licensed rendering establishment[; and

(e) Not hold wildlife for more than forty-eight (48) hours except as otherwise provided by administrative regulations promulgated by the department.

(5) A permitted NWCO wishing to sell the pelts of furbearers taken during the statewide furbearer hunting and trapping season shall also possess a valid trapping license or hunting license, if applicable.]

Section 9.[Section 7.] Revocation and Denial of Permits and Appeal Procedure.[Permit revocation, appeal process.]

(1) The department shall revoke the permit without refund, deny the issuance of a new permit, or deny a renewal of an existing or lapsed permit and confiscate wildlife of a person[the permit of a nuisance wildlife control operator] who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;
 2. 301 KAR Chapters 1 through 5;
 3. Any federal statute or regulation related to hunting, fishing, or wildlife; or
 4. Another state's fish and wildlife law.
- (b) Fails to comply with the provisions of this administrative regulation or 301 KAR 2:041, 301 KAR 2:075, 301 KAR 2:081, or 301 KAR 2:251;

(c) Provides false information on a Commercial NWCO Permit Application, Commercial NWCO Annual Activity Report, federal permit, written permission for wildlife release, or records;

(d) Takes nuisance wildlife with methods not approved in this regulation or 301 KAR 2:251;

(e) Takes nuisance wildlife for commercial purposes without a valid commercial nuisance wildlife control permit;

(f) Takes federally protected species without a federal permit;

(g) Possesses wildlife over forty-eight (48) hours;

(h) Fails to dispatch rabies vector species at capture site in the Enhanced Rabies Surveillance Zone;

(i) Transports rabies vector species into, out of, or within the Enhanced Rabies Surveillance Zone;

(j) Transports rabies vector species captured outside the Enhanced Rabies Surveillance Zone to a location outside the county of capture;

(k) Fails to comply with any provision of KRS Chapter 150, any administrative regulation of the department, or hunting, fishing, or wildlife laws of the federal government.

(l) Allows non-permitted persons to assist or conduct NWCO activities or have direct contact with wildlife.

(2) A person whose permit is denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

(a) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or revocation.

(b) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(c) The hearing officer's recommended order shall be

considered by the commissioner and the commissioner shall issue a final order pursuant to KRS Chapter 13B.

(3) Denial period.

(a) An applicant for a NWCO permit whose permit has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications shall be denied for the period established below:

1. The initial denial period shall be one (1) year;

2. A second denial period shall be three (3) years;

3. A third or subsequent denial period shall be five (5) years.

(b) During the denial period, a person whose nuisance wildlife control operator permit has been denied or revoked shall not operate as a NWCO or assist in nuisance wildlife control activities.

[(a) Is convicted of a violation of a federal fish and wildlife law, a Kentucky fish and wildlife law, including KRS Chapter 150 or Title 301 KAR, or another state's fish and wildlife law; or

(b) Knowingly provides false information on:

1. The application for a permit; or

2. The Annual Activity Report.

(2) An individual whose permit has been revoked shall be ineligible to apply for another Nuisance Wildlife Control Operator Permit or be an assistant on another Nuisance Wildlife Control Operator Permit for a period of three (3) years.

(3) An individual whose permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.]

Section 10.[Section 8.] Incorporation by Reference[Items incorporated by Reference].

(1) The following material is incorporated by reference:

(a) "Commercial Nuisance Wildlife Control (NWCO) Permit Application," 2022 edition[August 2004]; and

(b) "Commercial Nuisance Wildlife Control Operator (NWCO) Annual Activity Report[Form]," 2022 edition.[August 2004;]

(2) The material may be inspected, copied, or obtained subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane[Game Farm Road], Frankfort, Kentucky, Monday through Friday from 8 a.m. to 4:30 p.m. or online at:

(3) This material may also be found on the department's Web site at: <https://fw.ky.gov/Wildlife/Pages/Commercial-Nuisance-Wildlife-Control-Operator.aspx> for general NWCO information.

RICH STORM, Commissioner

APPROVED BY AGENCY: December 14, 2022

FILED WITH LRC: December 15, 2022 at 11:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 28, 2023, at 9:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for commercial nuisance wildlife control permits and nuisance wildlife control operators.

(b) The necessity of this administrative regulation: This

regulation authorizes the department to issue permits to qualified persons to take and transport wildlife causing damage under commercial nuisance wildlife control permits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will fulfill the purposes of KRS 150.170 and KRS 150.105 by providing a permitting mechanism for commercial nuisance wildlife control operators to take wildlife causing damage or threat to agriculture, human health, or property.

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

(a) How the amendment will change this existing administrative regulation: This amendment will improve training requirements for nuisance wildlife control operators, limit movement of rabies vector species, require dispatch of exotic species, and clarify the legal use of poison on wildlife.

(b) The necessity of the amendment to this administrative regulation: This amendment will limit potential spread of disease and exotic species. Training for nuisance wildlife control operators will be improved.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are currently 212 nuisance wildlife control operator permit holders.

(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: New permittees will be required to take the new training and testing program. Nuisance wildlife control operators will be required to adhere to restrictions regarding transport and release of rabies vector species and dispatch of exotic wildlife.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of the training program is \$200.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Improved training will equip nuisance wildlife control operators with expertise to better communicate with the public and eliminate wildlife causing damage.

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

(a) Initially: There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the

implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

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

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

(9) TIERING: Is tiering applied? No. Tiering is not applied because all Nuisance Wildlife Control Operators must comply with the requirements of this administrative regulation.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources will assist Nuisance Wildlife Control Operators with understanding changes to this administrative regulation. The Department will not be impacted fiscally.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1)(h) authorizes the department to promulgate any other administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.105 authorizes the commissioner, with the approval of the commission, to authorize any person to destroy or bring under control any wild animal, fish, or wild birds, protected or unprotected, which are causing damage to persons, property, other animals, or spreading diseases. KRS 150.275 authorizes the department to issue permits to qualified persons to take and transport wildlife at any time for commercial nuisance wildlife control. This administrative regulation establishes the requirements for commercial nuisance wildlife control permits, and nuisance wildlife control operators. KRS 150.235 prohibits persons from performing acts authorized to be performed by a permit without first procuring the permit and the permit or license shall be kept on their person while conducting acts. KRS 150.170 prevents persons from doing any act or assisting a person with an act authorized by any kind of license or permit unless they hold the kind of permit that authorizes the act.

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

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

Revenues (+/-): None; see 3(a) and (b) above.

Expenditures (+/-): None; see 3(b) and (c) above.

Other Explanation:

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation

generate for the regulated entities for the first year? N/A

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? N/A

(c) How much will it cost the regulated entities for the first year? N/A

(d) How much will it cost the regulated entities for subsequent years? N/A

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

Cost Savings (+/-): N/A

Expenditures (+/-): N/A

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A

(2) State compliance standards. N/A

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

EDUCATION AND LABOR CABINET Kentucky Board of Education Department of Education (Amendment)

704 KAR 3:303. Required academic standards.

RELATES TO: KRS 156.070, 156.160, 158.645, 158.6451, 158.6453, 160.290

STATUTORY AUTHORITY: KRS 156.070, 156.160, 158.6453, 160.290

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, and 158.6451, and 158.6453. KRS 158.6453 requires the revision of academic content standards. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. This administrative regulation incorporates by reference the required academic standards, which contain the general courses of study and academic content standards for use in Kentucky's common schools unless specifically incorporated in another administrative regulation in [Title]704 KAR[.] Chapter 8.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the required academic standards.

Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards", December 2022~~[August—2020]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Program Standards,

Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Monday through Friday, 8:00 a.m. through 4:30 p.m. This material may be reviewed at: https://education.ky.gov/curriculum/standards/kyacadstand/Docs/ents/Kentucky_Academic_Standards_Arts_and_Humanities.pdf.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON GLASS, Ed.D., Commissioner of Education

LU S. YOUNG, Ed.D. Chairperson

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 12:25 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 10:00 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the minimum content standards for use in Kentucky's common schools.

(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453.

(c) How this administrative regulation conforms to the content of the authorizing statute: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 158.6453 requires the revision of academic content standards. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. This administrative regulation incorporates by reference the required academic standards, which contain the general courses of study and academic content standards for use in Kentucky's common schools unless specifically incorporated in another administrative regulation in Title 704, Chapter 8.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the Required Academic Standards, which contain the general courses of study and academic content standards for use in Kentucky's common schools. KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools,

with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453.

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

(a) How the amendment will change this existing administrative regulation: This regulation will amend the document incorporated by reference in 704 KAR 3:303 to remove the standards incorporated by reference in 704 KAR 8:120.

(b) The necessity of the amendment to this administrative regulation: This regulation will amend the document incorporated by reference in 704 KAR 3:303 to remove the standards incorporated by reference in 704 KAR 8:120.

(c) How the amendment conforms to the content of the authorizing statute: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education.

(d) How the amendment will assist in the effective administration of the statutes: This regulation will amend the document incorporated by reference in 704 KAR 3:303 to remove the standards incorporated by reference in 704 KAR 8:120. This will increase the efficiency of the review and revision process.

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

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment will not require any additional action by local schools, districts, or school councils.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The changes to this administrative regulation will not result in any additional cost to local schools, districts, or school councils.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The compliance of public schools, school districts and school councils ensure that each student will be qualified for graduation as they will have met the minimum content requirements provided in 704 KAR 3:305. Graduation rates are used as part of each school's accountability model and are reported on each school's report card.

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

(a) Initially: Minimal staff time at the Kentucky Department of Education will be required to implement this amendment.

(b) On a continuing basis: Minimal staff time at the Kentucky Department of Education will be required to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: State 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 funding will be necessary to implement this amendment.

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

(9) TIERING: Is tiering applied? Tiering was not applied. This administrative regulation applies equally to all school districts.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Department of Education staff time will be impacted to revise the document incorporated by reference.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education.

(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. This amendment will not have any impact on expenditure or revenue.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? Minimal KDE staff time will be required to implement this amendment.

(d) How much will it cost to administer this program for subsequent years? Minimal staff time at the Kentucky Department of Education will be required to implement this amendment.

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

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This administrative regulation does not generate cost savings.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This administrative regulation does not generate cost savings.

(c) How much will it cost the regulated entities for the first year? Once curriculum documents are revised, implementation costs will decrease.

(d) How much will it cost the regulated entities for subsequent years? Once curriculum documents are revised, implementation costs will decrease.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. Once curriculum documents are revised, implementation costs will decrease.

Cost Savings (+/-): N/A

Expenditures (+/-): The amendment to this regulation will not result in additional expenditures for the regulated entities.

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13).

**EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)**

704 KAR 8:060. Required Academic Standards for Social Studies.

RELATES TO: KRS 156.070, 156.160, 158.196, 158.645, 158.6451, 158.6453, 160.290

STATUTORY AUTHORITY: 156.070, 156.160, 158.6453(2), 160.290

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment[s] strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. KRS 158.6453(2) requires the Kentucky Department of Education to implement a comprehensive process for the review of academic standards and assessment with the advice of a standards and assessments review and development committee. This administrative regulation incorporates by reference the Kentucky Academic Standards for Social Studies, which contain the general courses of study and academic content standards of social studies, for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the Kentucky Academic Standards for Social Studies.

Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards for Social Studies", December 2022[April 2019], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material may be viewed at: <https://education.ky.gov/curriculum/standards/kyacadstand/Docs/ Kentucky Academic Standards for Social Studies 2022.pdf>

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON E. GLASS, Ed.D., Commissioner of Education
LU S. YOUNG, Ed.D., Chairperson

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 12:25 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 22, 2023 at 10:00 a.m. in the State Board Room, 5th Floor, Kentucky Department of Education, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this meeting shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative

regulation to:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation fulfills the requirements of KRS 158.6453 and sets forth the minimum content requirements to be met by a student per the Kentucky Academic Standards for Social Studies.

(b) The necessity of this administrative regulation: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645 and 158.6451, and 158.6453. KRS 158.6453 requires the revision of academic content standards. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. This administrative regulation incorporates by reference the required academic standards for social studies, which contain the general courses of study and academic content standards for use in Kentucky's common schools unless specifically incorporated in another administrative regulation in Title 704, Chapter 8.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the Kentucky Academic Standards for Social Studies, which contain the general courses of study and academic content standards for use in Kentucky's common schools. KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645 and 158.6451, and 158.6453. This regulation conforms to the requirements provided in KRS 158.196 entitled, Instructional materials standards and concepts – Documents and speeches to be included.

(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 document incorporated by reference under 704 KAR 8:060 has been amended to conform to the requirements of KRS 158.196.

(b) The necessity of the amendment to this administrative regulation: The amendments to the regulation are necessary in order to conform to the July 1, 2023 deadline provided in KRS 158.196.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. This amendment incorporates the required foundational documents and speeches per KRS 158.196 into the Kentucky Academic Standards for Social Studies.

(d) How the amendment will assist in the effective administration of the statutes: The amended document incorporated by reference will allow for the effective administration of KRS 158.196 by embedding twenty-two foundational documents and speeches into the middle and high school social studies standards.

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

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

(a) List the actions that each of the regulated entities identified in question will have to take to comply with this administrative regulation or amendment: The standards outlined in 704 KAR 8:060 are the standards for social studies. The regulated entities must use these outlined standards when making local choices regarding curriculum and instruction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): A 2008 study published by LRC called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The compliance of public schools, school districts and school councils will ensure that each student will be qualified for graduation as they will have met the minimum content requirements for social studies as provided in 704 KAR 3:305. Graduation rates are used as part of each school's accountability model and are reported on each school's report card.

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

(a) Initially: The Department spent \$150,000 administrative costs for the revision to the social studies standards that are incorporated by reference in 704 KAR 8:060 to be compliant with KRS 158.6453 and KRS 158.196, as well as staff time to oversee its administration.

(b) On a continuing basis: Additional staff time will be needed to support schools and districts in the implementation of the revised Kentucky Academic Standards (KAS) for Social Studies as it relates to the requirements of KRS 158.196.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The Kentucky Department of Education will not be able to use the research-based model of leadership networks to provide support to districts as they implement new standards without an increase in funding.

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

(9) TIERING: Is tiering applied? Tiering was not applied. This administrative regulation applies equally to all school districts.

FISCAL NOTE

(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? Public schools, school districts, school councils and the Kentucky Department of Education (KDE).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160 requires the Kentucky Board of Education to

establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. The revisions conform to the requirements provided in KRS 158.196.

(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 2008 study published by the Legislative Research Commission called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? A 2008 study published by LRC called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year. Additional staff time will be impacted through implementation.

(d) How much will it cost to administer this program for subsequent years? Once curriculum documents are revised, implementation cost will decrease.

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

Revenues (+/-): N/A

Expenditures (+/-): A 2008 study published by the Legislative Research Commission called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? N/A

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? N/A

(c) How much will it cost the regulated entities for the first year? A 2008 study published by LRC called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

(d) How much will it cost the regulated entities for subsequent years? Once curriculum documents are revised, implementation costs will decrease.

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

Cost Savings (+/-): N/A

Expenditures (+/-): A 2008 study published by LRC called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13).

**EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)**

707 KAR 1:002. Definitions.

RELATES TO: KRS 157.200, 157.220, 157.224, 157.226, 157.230, 157.250, 157.260, 157.270, 157.280, 157.285, 157.290, 157.360, 158.030, 158.100, 158.150, 160.290, 34 C.F.R. 300.1-300.818, 20 U.S.C. 1400-1419

STATUTORY AUTHORITY: KRS 156.070(1), 156.160, 157.220, 157.224, 157.260, 167.015

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts. KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of these programs. KRS 156.035 authorizes the Kentucky Board of Education to implement any act of Congress appropriating funds to the state and to provide for the proper apportionment and disbursement of these funds in accordance with state and federal laws. 20 U.S.C. 1407 and 1412 and 34 C.F.R. 300.100 require that policies and procedures be adopted to assure the apportionment and disbursement of federal funds for exceptional children programs in accordance with applicable laws. This administrative regulation establishes definitions for this chapter of administrative regulations regarding

special education.

Section 1. Definitions. (1) "Admissions and release committee" or "ARC" means a group of individuals described in 707 KAR 1:320, Section 3, that is responsible for developing, reviewing, or revising an individual education program (IEP) for a child with a disability.

(2) "Adverse effect" means that the progress of the child is impeded by the disability to the extent that the educational performance is significantly and consistently below the level of similar age peers.

(3) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not mean a medical device that is surgically implanted, or the replacement of such a device.

(4) "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. This term shall include:

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, like those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the child.

(5) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional-behavior disability.

(6) "Business day" means Monday through Friday except for federal and state holidays, unless a holiday is specifically included in the designation of business day as in 707 KAR 1:370, Section 1.

(7) "Caseload for special classes" means the number of children with disabilities assigned to a teacher of exceptional children for the purpose of providing individualized specially designed instruction and related services in a special class setting.

(8) "Change of placement because of disciplinary removals" means a change of placement occurs if:

(a) The removal is for more than ten (10) consecutive school[schools] days; or

(b) The child has been subjected to a series of removals that constitute a pattern (which is determined on a case-by-case basis) because:

1. The series of removals total more than ten (10) school days in a school year;

2. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

3. Of additional factors, including the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one (1) another.

(9) "Child with a disability" means a child evaluated in accordance with 707 KAR 1:300, as meeting the criteria listed in the definitions in this section for autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental

disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment which has an adverse effect on the child's educational performance and who, as a result, needs special education and related services.

(10) "Class size for resource classes" means the number of children with disabilities assigned to a teacher of exceptional children per period, block, or the specified length of time set by the individual school.

(11) "Collaboration" means, for purposes of determining class size in 707 KAR 1:350, Section 2, a teacher of exceptional children works with children with disabilities in the regular classroom to provide specifically[specially]-designed instruction and related services.

(12) "Complaint" means a written allegation that a local education agency (LEA) has violated a requirement of the Individuals with Disabilities Education Act (IDEA) or an implementing administrative regulation, and the facts on which the statement is based.

(13) "Compliance" means the obligations of state or federal requirements are met.

(14) "Compliance monitoring report" means a written description of the findings of an investigation, like on-site monitoring, citing each requirement found in noncompliance.

(15) "Consent" means:

(a) A parent has been fully informed of all information relevant to the activity for which consent is sought, in his native language, or other mode of communication;

(b) A parent understands and agrees in writing to the carrying out of the activity for which his consent is sought, and the consent describes the activity and lists the records, if any, that will be released and to whom;

(c) A parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; and

(d) If a parent revokes consent, that revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

(16) "Controlled substance" means a drug or other substance identified under 21 U.S.C. Section 812(c).

(17) "Core academic subjects" means English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography.

(18) "Corrective action plan or "CAP" means a written improvement plan describing activities and timelines, with persons responsible for implementation, developed to correct identified areas of noncompliance, including directives from the Kentucky Department of Education, specifying actions to be taken to fulfill a legal obligation.

(19) "Course of study" means a multiyear description of coursework from the student's current school year to the anticipated exit year designed to achieve the student's desired postschool goals.

(20) "Day" means calendar day unless otherwise indicated as business day or school day.

(21) "Deaf-blindness" means concomitant hearing and visual impairments that have an adverse effect on the child's education performance, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for children with deafness or children with blindness, unless supplementary assistance is provided to address educational needs resulting from the two (2) disabilities.

(22) "Developmental delay" or "DD" means that a child within the ages of three (3) through eight (8) has not acquired skills, or achieved commensurate with recognized performance expectations for his age in one (1) or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

(a) Scores of two (2) standard deviations or more below the mean in one (1) of the areas listed above as obtained using norm-referenced instruments and procedures;

(b) Scores of one and one-half (1 1/2) standard deviations below the mean in two (2) or more of the areas listed above using norm-referenced instruments and procedures; or

(c) The professional judgment of the ARC that there is a significant atypical quality or pattern of development. Professional judgment shall be used only where normal scores are inconclusive and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.

(23) "Education records" means records as defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

(24) (a) "Emotional-behavioral disability" or "EBD" means that a child, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one (1) or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

1. Severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with adults or peers;

2. Severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;

3. A general pervasive mood of unhappiness or depression; or

4. A tendency to develop physical symptoms or fears associated with personal or school problems.

(b) This term does not apply to children who display isolated (not necessarily one (1)) inappropriate behaviors that are the result of willful, intentional, or wanton actions unless it is determined through the evaluations process that the child does have an emotional-behavioral disability.

(25) "Enforcement" means the Kentucky Department of Education takes steps to ensure federal and state special education requirements are implemented.

(26) "Extended school year services" means specially designed instruction and related services that are provided to a child with a disability beyond the normal school year in accordance with the child's IEP at no cost to the parents.

(27) "Free appropriate public education" or "FAPE" means special education and related services that:

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the Kentucky Department of Education included in 707 KAR Chapter 1 and the Program of Studies, 704 KAR 3:303, as appropriate;

(c) Include preschool, elementary school, or secondary school education in the state; and

(d) Are provided in conformity with an individual education program (IEP) that meets the requirements of 707 KAR 1:320.

(28) "Functional" means activities and skills that are not considered academic or related to a child's academic achievement as measured on statewide assessments pursuant to 703 KAR Chapter 5.

(29) "Hearing impairment", sometimes referred to as "deaf" or "hard of hearing", means a hearing loss that:

(a) May be mild to profound, unilateral or bilateral, permanent or fluctuating[, and is determined by:

1. An average pure-tone hearing loss in the speech range (500Hz, 1000Hz, and 2000Hz) of at least 25dB in the better ear;

2. An average pure-tone hearing loss in the high-frequency range (2000Hz, 4000Hz, and 6000Hz) of at least 45dB in the better ear; or

3. An average pure-tone unilateral hearing loss in the speech range (500Hz, 1000Hz, and 2000Hz) of at least 60dB in the impaired ear];

(b) Results in difficulty identifying linguistic information through hearing; and

(c) Has an adverse effect on the child's educational performance.

(30) "High school diploma" means the student has completed the required course of study with the minimum number of credit hours as required by 704 KAR 3:305 and any applicable local district requirements. "High school diploma" does not mean a certificate of completion or a GED.

(31) "Home school" means for purposes of 707 KAR Chapter 1 only, a private school primarily conducted in one's residence.

(32) "IDEA" means the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 through 1450, as amended.

(33) "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child in question.

(34) "Individual education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed and revised in accordance with 707 KAR 1:320.

(35) "Interpreting services" means, with respect to children who are deaf or hard of hearing, oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services such as communication access real-time translation (CART) C-Print and Type Well and special interpreting services for children who are deaf-blind.

(36) "Local educational agency" or "LEA" means a public local board of education or other legally constituted public authority that has either administrative control or direction of public elementary or secondary schools in a school district or other political subdivision of the Commonwealth. LEA also means any other public institution or agency, including the Kentucky School for the Blind (KSB) and the Kentucky School for the Deaf (KSD), that is charged by state statute with the responsibility of providing educational services to children with disabilities.

(37) "Mental disability" means that a child has one (1) of the following:

(a) A mild mental disability (MMD) in which:

1. Cognitive functioning is at least two (2) but no more than three (3) standard deviations below the mean;

2. Adaptive behavior deficit is at least two (2) standard deviations below the mean;

3. A severe deficit exists in overall academic performance including acquisition, retention, and application of knowledge; and

4. Manifestation is typically during the developmental period; or

(b) A functional mental disability (FMD) in which:

1. Cognitive functioning is at least three (3) or more standard deviations below the mean;

2. Adaptive behavior deficits are at least three (3) or more standard deviations below the mean;

3. A severe deficit exists in overall academic performance including acquisition, retention, and application of knowledge; and

4. Manifestation is typically during the developmental period.

(38) "Monitoring" means gathering and reviewing information to determine if a project or program meets state and IDEA requirements including the implementation of corrective action plans.

(39) "Multiple disabilities" or "MD" means concomitant impairments that have an adverse effect on the child's educational performance, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one (1) of the impairments. Examples of MD include mental disability-blindness, and mental disability-orthopedic impairment. Multiple disabilities does not mean deaf-blindness nor does it mean a speech or language impairment in combination with another category of disability.

(40) "Native language" means, if used in reference to an individual of limited English proficiency, the following:

(a) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child;

(b) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment; or

(c) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication that is normally used by the individual, such as sign language, Braille, or oral communication.

(41) "Orthopedic impairment" or "OI" means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes:

(a) An Impairment caused by a congenital anomaly such as clubfoot, or absence of some member;

(b) An Impairment caused by disease such as poliomyelitis, or bone tuberculosis; and

(c) An impairment from other causes such as cerebral palsy, amputations, and fractures or burns that causes contractures.

(42) "Other health impairment" or "OHI" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

(a) Is due to a chronic or acute health problem, such as acquired immune deficiency syndrome, asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette [Tourette] syndrome, or tuberculosis; and

(b) Adversely affects a child's educational performance.

(43) "Parent" means:

(a) A biological or adoptive parent of a child;

(b) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;

(c) A person acting in the place of a biological or adoptive parent such as a grandparent, stepparent, or other relative with whom the child lives, or a person who is legally responsible for the child's welfare;

(d) A foster parent if the biological or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of parents under 707 KAR Chapter 1, and has no interest that would conflict with the interests of the child;

(e) A foster parent if the biological or adoptive parents grant authority in writing for the foster parent to make educational decisions on the child's behalf, and the foster parent is willing to make educational decisions required of parents under 707 KAR Chapter 1, and has no interest that would conflict with the interests of the child; or

(f) A surrogate parent who has been appointed in accordance with 707 KAR 1:340, Section 6.

(44) "Participating agency" means a state or local agency other than the LEA that is financially and legally responsible for providing transition services to a child with a disability.

(45) "Personally identifiable information" means information that includes the name of the child, the child's parents, or other family member, the address of the child, a personal identifier, including the child's Social Security number or student number, or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(46) "Postsecondary goals" means those goals that a student hopes to achieve after leaving high school.

(47) "Private school children with disabilities" means children with disabilities enrolled by their parents in private elementary or secondary school as defined by IDEA regulations, 34 C.F.R. Part 300.13 and 300.36, and not children with disabilities enrolled in private schools upon referral by a LEA.

(48) "Public expense" means that the LEA either pays for the full cost of the services to meet the requirements of 707 KAR Chapter 1 or ensures that the services are otherwise provided at no cost to the parent. Nothing in these administrative regulations shall relieve an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

(49) "Qualified personnel" means personnel who meet the statutory or regulatory qualifications for each respective profession currently applicable in this state.

(50) "Reasonable efforts to obtain voluntary compliance" means active and ongoing efforts by the Kentucky Department of Education through technical assistance and negotiation to arrive at an acceptable corrective action plan and follow through on an agreed-upon corrective action plan.

(51)(a) "Related services" means transportation and such developmental, corrective, or supportive services as are required to assist a child with a disability to benefit from special education. It includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes.

(b) "Related services" also means school health services and school nurse services, social work services in school, and parent counseling and training.

(c) "Related services" do not include a medical device that is surgically implanted, the optimization of that device's functioning (such as mapping) maintenance of that device, or the replacement of that device.

(d) The definition of "related services" does not:

1. Limit The responsibility of the LEA to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school;

2. Prevent the routine checking of an external component of a surgically implanted device to make sure it is functioning properly; or

3. Limit The right of a child with a surgically [-] implanted device to receive related services that are determined by the ARC to be necessary for the child to receive FAPE.

(52) "Sanctions" means actions such as technical assistance, consultation, or training, that are taken by the Kentucky Department of Education in response to a LEA's failure to comply with the required standards in state and federal laws and administrative regulations.

(53) "School day" means any day, including a partial day, that children ~~attend[are in attendance]~~ at school for instructional purposes. School day means the same thing for all children in school, including children with or without disabilities.

(54) "Serious bodily injury" means bodily injury as defined in 18 U.S.C. Section 1365(h)(3).

(55) "Services plan" means a written statement that describes the special education or related services that the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary that is developed in accordance with 707 KAR 1:370.

(56) "Special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability including instruction in the classroom, in the home, in hospitals and institutions, and in other settings. Special education means speech-language pathology services, (if the service is considered special education rather than a related service), travel training, and vocational education.

(57) "Special education mentor" means individuals with exceptional expertise, experience, and certification in special education administration or teaching granted the authority described in KRS 157.197.

(58) "Specially-designed instruction" means adapting as appropriate the content, methodology, or delivery of instruction to address the unique needs of the child with a disability and to ensure access of the child to the general curriculum included in the Program of Studies, 704 KAR 3:303.

(59) "Specific learning disability" or "LD" means a disorder that adversely affects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The specific learning disability (LD) may include dyslexia, dyscalculia, dysgraphia, developmental aphasia, and perceptual/motor disabilities. The term does not include deficits that are the result of other primary determinant or disabling factors such as vision, hearing, motor impairment, mental disability, emotional-behavioral disability, environmental or economic disadvantaged, cultural factors, limited English proficiency, or lack

of relevant research-based instruction in the deficit area.

(60) "Speech or language impairment" means a communication disorder, including stuttering, impaired articulation, a language impairment, a voice impairment, delayed acquisition of language, or an absence of language, that adversely affects a child's educational performance.

(61) "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable a child with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 707 KAR 1:350.

(62) "Transition services" means a coordinated set of activities for a child with a disability that:

(a) Is designed to be within a results-oriented process, that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(b) Is based on the individual student's needs, considering [taking into account] the child's strengths, preferences, and interests; and

(c) Includes:

1. Instruction;

2. Related services;

3. Community experiences;

4. The development of employment and other post-school adult living objectives; and

5. If appropriate, acquisition of daily living skills and functional vocational evaluation.

(63) "Traumatic brain injury" or "TBI" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury does not mean brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Traumatic brain injury means open or closed head injuries resulting in impairments in one (1) or more areas, including:

(a) Cognition;

(b) Language;

(c) Memory;

(d) Attention;

(e) Reasoning;

(f) Abstract thinking;

(g) Judgment;

(h) Problem-solving;

(i) Sensory, perceptual, and motor abilities;

(j) Psychosocial behavior;

(k) Physical functions;

(l) Information processing; and

(m) Speech.

(64) "Travel training" means instruction to children with significant cognitive disabilities and any other children with disabilities, as appropriate, to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within that environment, such as school, home, work and community.

(65) "Visual impairment" or "VI" means a vision loss, even with correction that:

~~[(a) Requires specialized materials, instruction in orientation and mobility, Braille, visual efficiency, or tactile exploration;~~

~~[(b)] has an adverse effect on the child's educational performance; and~~

~~[(c) Meets the following:~~

~~1. The child has visual acuity with prescribed lenses that is 20/70 or worse in the better eye; or~~

~~2. The child has visual acuity that is better than 20/70 and the child has one (1) of the following conditions:~~

~~a. A medically-diagnosed progressive loss of vision;~~

~~b. A visual field of twenty (20) degrees or worse;~~

~~c. A medically-diagnosed condition of cortical blindness; or~~

d. A functional vision loss].

(66) "Ward of the state" means a child who has been committed to the Cabinet for Families and Children or the Department of Juvenile Justice through a legal process, whether the commitment is voluntary or nonvoluntary and the biological or adoptive parental rights have been terminated.

(67) "Weapon" means "dangerous weapon" as defined in 18 U.S.C. 930(g)(2).

(68) "Withholding" means no further payment of specified funds are made to an approved recipient.

JASON GLASS; Commissioner

LU YOUNG, Chair

APPROVED BY AGENCY: December 12, 2022

FILED WITH LRC: December 14, 2022 at 12:25 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 10:00 a.m., in the State Board Room, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. The public hearing will be audio recorded. Pursuant to KRS 13A.270, a transcript of the public hearing will not be made unless a written request for a transcript is made and payment for the transcript is made by the requestor. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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, Interim General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: The regulation defines terms used in the administrative regulations promulgated to provide for programs for students with disabilities.

(b) The necessity of this administrative regulation: This regulation is necessary to establish a common vocabulary for the interpretation of regulations affecting students with disabilities.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The authorizing statutes permit and require the Kentucky Board of Education to promulgate regulations implementing the Individuals with Disabilities Education Act.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation provides a common and consistent understanding of the terms defined.

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

(a) How the amendment will change this existing administrative regulation: The amendments delete provisions of the regulation that are inconsistent with the language of the Individuals with Disabilities Education Act and with the guidance of the Office of Special Education Programs, United States Department of Education.

(b) The necessity of the amendment to this administrative regulation: The Office of Special Education Programs has indicated that it is monitoring the compliance of state regulations with the Individuals with Disabilities Education Act.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment removes qualifiers that are inconsistent with the accurate implementation of the Individuals with Disabilities Education Act.

(d) How the amendment will assist in the effective administration of the statutes: The alignment of the amendment with the Individuals

with Disabilities Education Act reduces confusion and eliminates the possibility of inconsistent interpretations of state regulation and the Individuals with Disabilities Education Act.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky's public school districts will be affected.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities already receive annual training on the implementation of the Individuals with Disabilities Education Act, and will continue to receive this training.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): More transparent compliance with the Individuals with Disabilities Education Act and Kentucky's implementing regulations.

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

(a) Initially: Additional costs are not anticipated.

(b) On a continuing basis: Additional costs are not anticipated.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding.

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

(9) TIERING: Is tiering applied? Tiering is not applied. The regulation does not have a disproportionate impact on certain classes of regulated entities.

FISCAL NOTE

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

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.070(1), 156.160, 157.220, 157.224, 157.260, 167.015, 20 U.S.C. 1407 and 1412 and 34 C.F.R. 300.100.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no additional revenue generated by this administrative regulation.

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

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

(c) How much will it cost to administer this program for the first year? Amendments to 707 KAR 1:002 will have no impact on state funds.

(d) How much will it cost to administer this program for subsequent years? Amendment adds no additional costs.

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

Revenues (+/-):

Expenditures (+/-):

Other Explanation: The regulation does not generate revenue or establish fees.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? This regulation does not generate cost savings for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? This regulation does not generate cost savings for regulated entities.

(c) How much will it cost the regulated entities for the first year? Amendments impose no additional costs on regulated entities.

(d) How much will it cost the regulated entities for subsequent years? Amendments impose no additional costs on regulated entities.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation: The regulation does not generate revenue, establish fees, or carry additional costs.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] The amendment of this administrative regulation will not have a major economic impact.

**EDUCATION AND LABOR CABINET
Department of Workplace Standards
(Amendment)**

803 KAR 1:006. Employer-employee relationship.

RELATES TO: KRS Chapter 337

STATUTORY AUTHORITY: KRS 337.295

NECESSITY, FUNCTION, AND CONFORMITY: KRS 337.295 authorizes the commissioner to promulgate regulations. The function of this administrative regulation is to define what constitutes an employer-employee relationship.

Section 1. Definitions.

(1) "Employee" is defined by KRS 337.010(1)(e) and (2)(a).

(2) "Employer" is defined by KRS 337.010(1)(d).

Section 2. The Employer-Employee Relationship.

(1) In order for KRS Chapter 337 to be applicable there must be an employer-employee relationship. An employer-employee relationship requires an employer, employee, and the act or condition of work.

(2) The principal test for determining whether an employment relation exists is whether the possible employer controls or has the right to control the work to be done by the possible employee to the extent of prescribing how the work shall be performed.

(3)[(2)] To determine whether an individual is an employee for purposes of an employer-employee relationship, [the-]factors that shall be considered include, although no single one is regarded as controlling:

(a) The extent to which the services rendered are an integral part of the principal's business;

[(b) The permanency of the relationship;]

[(b)[(e)] The amount of the alleged contractor's investment in facilities and equipment;

[(c)[(d)] An alleged contractor's opportunities for profit and loss;

[(d)[(e)] The amount of initiative, judgement, or foresight in open market competition with others required for the success of the claimed independent enterprise, [-and]

[(4)[(f)] Where the facts clearly establish that the possible employee is the subordinate party, the relation is one of employment.]The nature and degree of control by the principal.] Factors[The factors] to be considered when determining control

include:

[(a)[4-]] Whether there are restrictive provisions in the agreement between the possible employer and possible employee which require the work be satisfactory to the possible employer and detailing how the work is to be performed;

[(b)[2-]] Whether the possible employer has control over the business of the person performing work even though the possible employer does not control the particular circumstances of the work;

[(c)[3-]] Whether an agreement is indefinite or for a long period of time;

[(d)[4-]] Whether the possible employer may cancel the agreement at his or her discretion, and on how much notice;

[(e)[5-]] Whether the possible employer may discharge employees of an alleged independent contractor;

[(f)[6-]] Whether the work done by an alleged independent contractor is the same or similar to that done by admitted employees; and

[(g)[7-]] The degree of independent business organization and operation.

[(5)[(3)] In addition to the factors in subsection (3)[(2)(f)] of this section, if control cannot be firmly established, the following factors may[shall] be considered when determining if an alleged independent contractor is an employee:

(a) Whether the work done by the alleged independent contractor is listed on the payroll with the appropriate tax deductions;

(b) Whether the payments to the alleged independent contractor are charged to a labor and salary account or selling expense account;

(c) Whether the employees of the alleged independent contractor must be approved by the possible employer;

(d) Whether the possible employer keeps the books and prepares payroll for the possible employee;

(e) Whether the alleged independent contractor is assigned to a particular territory without freedom of movement outside thereof;

(f) Whether the alleged independent contractor has an independent economic or other interest in his or her work, other than increasing his or her own pay;

(g) How the respective tax returns of the parties list the remuneration paid; and

(h) Whether the possible employer has control over the manner in which the work is to be performed.

[(6)[(4)] The following factors shall be immaterial to the determination of whether an employer-employee relationship exists:

(a) The place where the work is performed;

(b) The absence of a formal employment agreement;

(c) Whether the state or local government grants a license to the alleged independent contractor;

(d) The measurement, method, or designation of compensation;

(e) The fact that no compensation is paid and the alleged independent contractor must rely entirely on tips, if other indications of employment are present; and

(f) Whether the alleged independent contractor is paid by the piece or by the job or on a percentage or commission basis.

Section 3. Work. The subject matter of the employer-employee relationship must be work or its equivalent. The essential elements of work are:

(1) Physical or mental exertion, whether burdensome or not;

(2) Controlled or required by the employer; and

(3) Pursued necessarily and primarily for the benefit of the employer and their business.

Section 4. Religious, Charitable and Nonprofit Organizations, Schools, Volunteer Workers, Members of Religious Orders.

(1) Persons such as nuns, monks, lay brothers, deacons, and other members of religious orders who serve pursuant to their religious obligations in the schools, hospitals, and other institutions operated by their church or religious order shall not be considered to be employees.

(2) Individuals who volunteer their services to religious, charitable and similar nonprofit organizations and schools not as employees or in contemplation of pay for the services rendered shall not be considered employees.

(3) Although the volunteer services described in subsection (2) of this section do not create an employer-employee relationship, the organizations for which they are performed may have employees performing compensated service whose employment is subject to KRS Chapter 337.

(a) In accordance with KRS Chapter 337, where an employer-employee relationship exists, employees shall not be paid less than statutory wages for hours worked in the workweek.

(b) There are circumstances where an employee may donate services as a volunteer and the time so spent shall not be compensable work.

(c) An employer-employee relationship shall not exist with respect to the volunteer time between the organization and the volunteer or between the volunteer and the person for whose benefit the service is performed.

(4) As part of an overall education program, public or private schools and institutions of higher learning may permit or require students to engage in activities conducted primarily for the benefit of the participants as a part of the educational opportunities provided to the students by the school or institution. These activities do not result in an employer-employee relationship between the student and the school or institution. The fact that a student may receive a minimal payment or stipend for participation in the activities shall not create an employer-employee relationship.

[(5)](a) Tasks performed as a normal part of a program of treatment, rehabilitation, or vocational training shall not be considered as work of a kind requiring a hospital patient, school student, or institutional inmate to be considered an employee of the hospital, school, or institution.

(b) Initial participation by a student with disabilities in a school-work program or sheltered workshop program shall not constitute an employer-employee relationship if the following conditions are met:

1. The activities are educational, are conducted primarily for the benefit of the participants, and comprise one of the facets of the educational opportunities provided to the individuals. The individual may receive some payment for his or her work in order to have a more realistic work situation, or as an incentive to the individual or to ensure that the employer will treat the individual as a worker;

2. The time in attendance at the school plus the time in attendance at the experience station, either in the school or with an outside employer, does not substantially exceed time the individual would be required to attend school if following a normal academic schedule. Time in excess of one (1) hour beyond the normal school schedule or attendance at the experience station on days when school is not in session shall be considered substantial; and

3. The individual does not displace a regular employee or impair the employment opportunities of others by performing work which would otherwise be performed by regular employees who would be employed by the school or an outside employer.

Section 5. Outside Work or Homework Performed by Independent Contractor.

(1) A homemaker is an employee, even though there may be a buying and selling arrangement between the parties.

(2) If the employer asserts outside work or homework is performed by independent contractors, the following factors shall be considered in determining whether employee-employer relationship exists:

(a) Whether the employer has the right to control the manner of the performance of the work or the time in which the work is to be done;

(b) Whether the employer pays taxes for Social Security, unemployment, or workers' compensation insurance;

(c) Whether the homemaker ever collected any benefits such as unemployment or workers' compensation, because of unemployment by the employer;

(d) Whether the employer furnishes the material or finances directly or indirectly the purchase of the material which the homemaker uses;

(e) When the practice of buying and selling between the employer and the homemaker began, and what the mechanics of the transaction are;

(f) Whether the homemaker bills the employer for the work

done;

(g) Whether bills of sale are prepared;

(h) Whether sales taxes are paid, or are state or local exemptions obtained because of retail purposes;

(i) Whether payments are made in cash or by check;

(j) How the homemaker profits under the buying-selling arrangement compared with wages as a homemaker;

(k) Whom the homemaker considers to be the employer;

(l) Whether the homemaker has a license to do business; and

(m) The equipment used, what its value is, and who furnishes it.

Section 6. Trainees and Student-trainees. Whether trainees or students are employees under KRS Chapter 337, depends upon all circumstances of their activities on the premises of the employer. If all the following criteria apply, the trainees or students shall not be employees under KRS Chapter 337:

(1) The training, even though it includes actual operation of the facilities of the employer, is similar to that which would be given in a vocational school;

(2) The training is for the benefit of the trainees or students;

(3) The trainees or students do not displace regular employees, but work under their close observation;

(4) The employer that provides the training derives no immediate advantage from the activities of the trainees or students and on occasion operations may actually be impeded;

(5) The trainees or students are not necessarily entitled to a job at the conclusion of the training period; and

(6) The employer and the trainees or students understand that the trainees or students are not entitled to wages for the time spent in training.

Section 7. This administrative regulation was found deficient by the Administrative Regulation Review Subcommittee on May 10, 2022.

KIMBERLEE C. PERRY, Commissioner

JAMIE LINK, Secretary

APPROVED BY AGENCY: December 12, 2022

FILED WITH LRC: December 14, 2022 at 2:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023, at 10:00 a.m. (EDT) at the Kentucky Education and Labor Cabinet, 500 Mero Street, Frankfort, Kentucky 40601 in the first-floor hearing room 133CE. 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 cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Duane Hammons, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 3rd Floor, Frankfort, Kentucky 40601, phone (502) 564-1507, fax (502) 564-5484, email Kenneth.hammons@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Duane Hammons

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides guidance on what constitutes an employee-employer relationship.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clarify what constitutes an employee-employer relationship in order to help determine whether the statutes are applicable.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 337.295 authorizes the commissioner to promulgate administrative regulations under KRS 337.275 to 337.325,

337.345, and 337.385 to 337.405.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides guidance on what constitutes an employee-employer relationship within KRS Chapter 337 which guides the department in determining whether an employer is subject to statutory requirements.

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

(a) How this amendment will change this existing administrative regulation: The amendments will provide clarity on when an individual should be classified as an employee versus an independent contractor.

(b) The necessity of the amendment to this administrative regulation: The amendments are necessary to ensure clarity in the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 337.295 authorizes the commissioner to promulgate administrative regulations under KRS Chapter 337. These amendments fix typographical and language errors to ensure that there is clarity in the regulation.

(d) How the amendment will assist in the effective administration of the statutes: The regulation will fix typographical and language errors and ensure there is greater clarity in what constitutes the employer-employee relationship under KRS Chapter 337.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all subject employers who employ employees in the Commonwealth subject to KRS Chapter 337, as well as their employees.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are required by this 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 associated with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Improved employee and employer protections and guidance for what constitutes an employee-employer relationship to help determine applicability of statutes.

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

(a) Initially: This administrative regulation is not anticipated to generate any new or additional costs.

(b) On a continuing basis: This administrative regulation is not anticipated to generate any new or additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current state 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: This administrative regulation is not anticipated to generate any increase in fees or funding.

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

(9) TIERING: Is tiering applied? Tiering is not applied. All subject employers and employees covered by KRS Chapter 337 are treated equally.

FISCAL NOTE

(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? Most state and local governmental entities are subject to KRS Chapter 337.

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

regulation. KRS 337.295.

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

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

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

(c) How much will it cost to administer this program for the first year? There is no cost to this amendment.

(d) How much will it cost to administer this program for subsequent years? There is no cost to this administrative regulation as it is simply updating 803 KAR 1:006.

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

Revenues (+/-): Unknown

Expenditures (+/-): Unknown

Other explanation: This administrative regulation does not impose any additional requirements or expenditures as it is simply updating 803 KAR 1:006.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There is no additional cost for entities covered by 803 KAR 1:006 with respect to this amendment as the amendment simply provides regulatory clarification.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There is no additional cost to the entities covered by 803 KAR 1:006. This amendment does not impose any additional expenditures to employers.

(c) How much will it cost the regulated entities for the first year? There is no additional cost for regulated entities to comply with this administrative regulation, and this amendment does not impose any additional expenditures to employers.

(d) How much will it cost the regulated entities for subsequent years? There is no additional cost to the regulated entities to comply with this administrative regulation, and this amendment does not impose any additional expenditures to employers.

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

Cost Savings (+/-): See above.

Expenditures (+/-): No increase.

Other Explanation:

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] It is not anticipated that this amendment will have an overall negative or adverse economic impact on the Department of Workplace Standards.

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*.

FINANCE AND ADMINISTRATION CABINET
Kentucky Retirement Systems
(New Administrative Regulation)

105 KAR 1:001. Definitions for KAR Title 105.

RELATES TO: KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852

STATUTORY AUTHORITY: KRS 61.505(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pension Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate all administrative regulations that are consistent with the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation establishes definitions for Title 105 of the Kentucky Administrative Regulations.

Section 1. Definitions as used in Title 105 of the Kentucky Administrative Regulations, unless otherwise required by context or otherwise defined in a specific administrative regulation:

(1) "AAC" means:

(a) Prior to April 1, 2021, the Administrative Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.

(b) Beginning April 1, 2021, the separate or joint Administrative Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.645(16) and 78.782(16).

(2) "Accumulated employer credit" is defined in KRS 16.505(39), 61.510(40), and 78.510(37)

(3) "Accumulated account balance" is defined in KRS 16.505(40), 61.510(41), and 78.510(38)

(4) "Accumulated contributions" is defined in KRS 16.505(7), 61.510(12), and 78.510(12).

(5) "Act in line of duty" or "in line of duty" is defined in KRS 16.505(19) and 78.510(48).

(6) "Active member" means a member who is participating in the systems.

(7) "Actuarial equivalent" is defined in KRS 16.505(13), 61.510(17), and 78.510(17).

(8) "Agency" means:

(a) Prior to April 1, 2021, the Kentucky Retirement Systems, which administered the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System; and

(b) Beginning April 1, 2021, the Kentucky Public Pensions Authority, which is authorized to carry out the day-to-day administrative needs of the Kentucky Retirement Systems (comprised of the State Police Retirement System and the Kentucky Employees Retirement System) and the County Employees Retirement System.

(9) "Agency reporting official" is defined in KRS 78.510(20).

(10) "Alternate payee" is defined in KRS 16.505(38), 61.510(39), and 78.510(36).

(11) "Authorized leave of absence" is defined in KRS 16.505(14).

(12) "Beneficiary" is defined in KRS 16.505(25), 61.510(26), and 78.510(25).

(13) "Boards" means the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System.

(14) "Bona fide promotion or career advancement" is defined in KRS 61.598(1) and 78.545(22).

(15) "Career threshold" is defined in KRS 61.702(4)(e).9.a. and 78.5536(4)(e)9.a.

(16) "County" is defined in KRS 78.510(3).

(17) "Creditable compensation" is defined in KRS 16.505(8), 61.510(13), and 78.510(13).

(18) "Current rate of pay" is defined in KRS 16.505(24), 61.510(25), and 78.510(24).

(19) "Current service" is defined in KRS 16.505(4), 61.510(10), and 78.510(10).

(20) "DAC" means:

(a) Prior to April 1, 2021, the Disability Appeals Committee of the Board of Trustees of the Kentucky Retirement Systems.

(b) Beginning April 1, 2021, the separate or joint Disability Appeals Committees of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System in accordance with KRS 61.665(4) and 78.545(11).

(21) "Department" is defined in KRS 61.510(3).

(22) "Dependent child" is defined in KRS 16.505(17) and 78.510(49).

(23) "Disability retirement date" is defined in KRS 16.505(16), 61.590(5)(b), and 78.510(51).

(24) "Duty-related injury" is defined in KRS 61.621(2) and 78.545(20).

(25) "Early retirement date" is defined in KRS 16.505(20), 61.590(5)(c), and 78.545(4).

(26) "Employee" is defined in KRS 61.510(5) and 78.510(6).

(27) "Employer" is defined in KRS 16.505(3), 61.510(6), and 78.510(7).

(28) "Employer's effective cessation date" is defined in KRS 61.522(1)(c) and 78.535(1)(c).

(29) "End of day" means 11:59 p.m. Eastern Time, on the date referenced.

(30) "Examiner" means the medical examiners as provided in KRS 61.665 and 78.545(11).

(31) "File" means a form or document has been received at the retirement office by mail, fax, secure email, in-person delivery, or via Self Service on the Web site maintained by the agency (if available).

(32) "Final compensation" is defined in KRS 16.505(9), 61.510(14), and 78.510(14).

(33) "Final rate of pay" is defined in KRS 16.505(10), 61.510(15), and 78.510(15).

(34) "Fiscal year" is defined in KRS 16.505(32), 61.510(19), and 78.510(19).

(35) "Gainful employment" means work in any capacity that is, or may be, performed with regularity and is, or may be, usually done for pay, whether or not pay is received, including seasonal, volunteer, part-time, and on-call work.

(36) "Grandfathered service" is defined in KRS 61.552(9)(b) and 78.545(7).

(37) "Hazardous disability" is defined in KRS 16.505(23) and 78.510(47).

(38) "Hazardous position" means a regular full-time officer as defined in 16.505(22), or a "hazardous position" as defined in 61.592(1)(a), 78.510(42), and 78.5520(1).

(39) "Hospital and medical insurance plan" is defined in KRS 61.702(1)(a) and 78.5536(1)(a).

(40) "In line of duty" or "act in line of duty" is defined in KRS 16.505(19) and 78.510(48).

(41) "Inactive member" means a member who is not participating in the system.

(42) "Increment" is defined in KRS 61.510(29) and 78.510(44).

(43) "Instructional staff" is defined in KRS 61.510(48).

(44) "Invalid," when used in reference to a form, means that the form does not meet the requirements to be valid, and shall not be processed by the agency.

(45) "Last day of paid employment" is defined in KRS 16.505(30), 61.510(32), and 78.510(45).

(46) "Level percentage of payroll amortization method" is defined in KRS 61.510(28) and 78.510(43).

(47) "Medical information" as used in KRS 61.610, 61.615, 61.665, 78.5526 and 78.5528, means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests. Written statements from medical providers alone are not medical information unless accompanied by supporting contemporaneous records as discussed in this subsection.

(48) "Member" is defined in KRS 16.505(21), 61.510(8), and 78.510(8).

(49) "Membership date" is defined in KRS 16.505(35), 61.510(36), and 78.510(33).

(50) "Month" is defined in KRS 16.505(34), 61.510(35), and 78.510(32).

(51) "Monthly average pay" is defined in KRS 16.505(41), 61.510(45), and 78.510(52).

(52) "Monthly contribution rate" is defined in KRS 61.702(1)(b) and 78.5536(1)(b).

(53) "Nominal fee" is defined in KRS 61.510(43) and 78.510(40).

(54) "Non-core services independent contractor" is defined in KRS 61.5991(9).

(55) "Nonhazardous position" is defined in KRS 61.510(44) and 78.510(41).

(56) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date.

(57) "Normal retirement date" is defined in KRS 16.505(15), 61.510(18), 61.590(5)(a), and 78.510(18).

(58) "Objective medical evidence" is defined in KRS 16.505(31), 61.510(33), and 78.510(46).

(59) "Officers and employees of the General Assembly" is defined in KRS 61.510(20).

(60) "Optional allowance" is defined in KRS 16.505(18).

(61) "Participant" is defined in KRS 16.505(36), 61.510(37), and 78.510(34).

(62) "Participating" is defined in KRS 16.505(33), 61.510(34), and 78.510(31).

(63) "Participating employer" means any employer that participates in one (1) of the systems operated by the agency.

(64) "Participation date" means the earlier of "membership date" as defined in this section or the date on which the member began participating in another state-administered retirement system if the member has not retired or taken a refund from the other state-administered retirement system.

(65) "Past service" is defined in KRS 61.552(5)(a) and 78.545(7).

(66) "Person" means a natural person.

(67) "Premium" means the monthly dollar cost required to provide hospital and medical insurance plan coverage for a recipient, a recipient's spouse, or a disabled or dependent child.

(68) "Prior service" is defined in KRS 16.505(5), 61.510(11), and 78.510(11).

(69) "Provide," when used in reference to a form or other document, means the agency makes a form or document available on its Web site (if appropriate) or by mail, fax, secure email, or via Self Service on the Web site maintained by the agency (if available).

(70) "Qualified domestic relations order" is defined in KRS 16.505(37), 61.510(38), and 78.510(35).

(71) "Recipient" is defined in KRS 16.505(26), 61.510(27), and 78.510(26).

(72) "Reemployment" means the retired member's first date of employment with a participating employer following his or her most recent retirement date.

(73) "Regular full-time officers" is defined in KRS 16.505(22),

(74) "Regular full-time position" is defined in KRS 61.510(21) and 78.510(21).

(75) "Retired member" is defined in KRS 16.505(11),

61.510(24), and 78.510(23).

(76) "Retirement allowance" is defined in KRS 16.505(12), 61.510(16), and 78.510(16).

(77) "Retirement office" is defined in KRS 16.505(28), 61.510(31), and 78.510(29).

(78) "School board" is defined in KRS 78.510(4).

(79) "School term or year" is defined in KRS 78.510(28).

(80) "Service" is defined in KRS 16.505(6), 61.510(9), and 78.510(9).

(81) "State" means the Commonwealth of Kentucky.

(82) "Systems" means the State Police Retirement System (KRS 16.505 to 16.652), the Kentucky Employees Retirement System (KRS 61.510 to 61.705), and the County Employees Retirement System (KRS 78.510 to 78.852).

(83) "Total and permanent disability" is defined in KRS 16.582(1)(a) and 78.5524(1)(a)1.

(84) "Valid," when used in reference to a form, means that all required sections of a form are filled out, the form has been fully executed by the required person or the person's legal representative, and all supporting documentation required by the form is included with the form.

(85) "Volunteer" is defined in KRS 61.510(42) and 78.510(39).

DAVID L. EAGER, Executive Director

APPROVED BY AGENCY: December 7, 2022

FILED WITH LRC: December 14, 2022 at 10:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, February 23, 2023, at 2:00 p.m. at the Kentucky Public Pension Authority, 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until Tuesday, February 28, 2023. 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: Jessica Beaubien, Policy Specialist, Kentucky Public Pension Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, phone (502) 696-8800 ext. 8570, fax (502) 696-8615, email Legal.Non-Advocacy@kyret.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jessica Beaubien

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes definitions for Title 105 of the Kentucky Administrative Regulations.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the definitions for Title 105 of the Kentucky Administrative Regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statute by establishing definitions for Title 105 of the Kentucky Administrative Regulations, which contains administrative regulations for the Kentucky Public Pensions Authority and the systems for which it provides operations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing definitions for the administrative regulations in Title 105 of the Kentucky Administrative Regulations.

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

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation may affect over 400,000 members of the systems for which the Kentucky Public Pensions Authority provides operations as well as their spouses, dependent children, and beneficiaries. Additionally, this administrative regulation may affect 1,452 employers that participate in the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System. Finally, this administrative regulation will affect the Kentucky Public Pensions Authority and the three (3) systems for which it provides operations, the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation will not cost any additional funds.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will assist all entities identified in question (3) with understanding the administrative regulations in Title 105 of the Kentucky Administrative Regulations.

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

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no funding needed.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.

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

(9) TIERING: Is tiering applied? Tiering is not applied.

FISCAL NOTE

(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? 1,452 employers that participate in the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System may 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 61.505(1)(g).

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None.

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

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

(c) How much will it cost to administer this program for the first

year? None.

(d) How much will it cost to administer this program for subsequent years? None.

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

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: There is no fiscal impact associated with this administrative regulation.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None.

(c) How much will it cost the regulated entities for the first year? None.

(d) How much will it cost the regulated entities 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.

Cost Savings (+/-): None.

Expenditures (+/-): None.

Other Explanation: There is no fiscal impact associated with this administrative regulation.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact.

FINANCE AND ADMINISTRATION CABINET Kentucky Retirement Systems (New Administrative Regulation)

105 KAR 1:365. Hybrid cash balance plan.

RELATES TO: KRS 16.505, 16.578, 16.583, 61.505, 61.510, 61.542, 61.552, 61.5955, 61.597, 61.625, 61.637, 61.640, 61.680, 61.702, 78.510, 78.545, 78.5512, 78.5516, 78.5532, 78.5536, 78.5540, 78.5542, 38 U.S.C. § 4301-4335, 26 U.S.C. § 414(u)

STATUTORY AUTHORITY: KRS 61.505(1)(g)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority on behalf of the Kentucky Retirement Systems and the County Employees Retirement System to promulgate all administrative regulations that are consistent with the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. KRS 16.583, 61.597, 78.5512, and 78.5516 create a hybrid cash balance plan tier for members of the State Police Retirement System, Kentucky Employees Retirement System, and County Employees Retirement System with participation dates on or after January 1, 2014, or members making an election pursuant to KRS 61.5955 and 78.545. This administrative regulation establishes the procedures and requirements for the administration of the hybrid cash balance plan tier.

Section 1. Definitions.

(1) "Decompression" means service purchased by a member for a period of time not to exceed ninety (90) days between the member's discharge from active-duty military service and the member's return to employment with a participating employer, if the member returned from military leave and did not immediately return to work, in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). Decompression shall be credited to the member's account after the member has paid the

employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615. The employer also shall pay the employer contributions for this period of time in accordance with KRS 61.565 and 78.635.

(2) "Military omitted" means service purchased by a member with a participation date on or after January 1, 2014, who was called to active-duty military in accordance with KRS 61.552(1) and 78.545. Military omitted is credited to the member's account only if the member has paid the employee contributions that would have been paid by the member for this period of time in accordance with KRS 16.543, 61.543, and 78.615. The employer also shall pay the employer contributions for this period of time in accordance with KRS 61.565 and 78.635.

(3) "Nonvested member" means a member of the Systems who has less than five (5) years of service credited under KRS 16.543, 61.543, and 78.615 and who participates in the hybrid cash balance plan tier based on:

(a) A participation date on or after January 1, 2014, or

(b) Opting into the hybrid cash balance plan with a participation date between September 1, 2008 and December 31, 2013.

(4) "Vested member" means a member of the Systems who has five (5) or more years of service credited under KRS 16.543, 61.543, and 78.615 and who participates in the hybrid cash balance plan tier based on:

(a) A participation date on or after January 1, 2014, or

(b) Opting into the hybrid cash balance plan with a participation date between September 1, 2008 and December 31, 2013.

Section 2. Application.

(1) Systems. This administrative regulation applies to the hybrid cash balance plan tier within each of the Systems.

(2) Members. Except as provided in subsections (3) and (4), this administrative regulation applies solely to members who begin participating in the Systems on or after January 1, 2014, and who do not have a participation date in any other state-administered retirement system that is prior to January 1, 2014.

(3) Irrevocable Election. This subsection applies only to members with a participation date in the Systems between September 1, 2008 and December 31, 2013, who have not received a retirement benefit from the Systems.

(a) Pursuant to KRS 61.5955 and 78.545, a member with a participation date in the Systems between September 1, 2008 and December 31, 2013, may make a one-time, irrevocable election to receive the benefits and rights provided under the hybrid cash balance plan tier as defined in KRS 16.583, 61.597, 78.5512, and 78.5516 in lieu of benefits he or she is currently eligible to receive from the Systems.

1. A member with a participation date based on service in the Systems or service in another state-administered retirement system prior to September 1, 2008 shall not be eligible to make this one-time, irrevocable election upon separation of accounts in accordance with KRS 61.680, 78.5542, and 105 KAR 1:020.

2. A member with a participation date in the Systems between September 1, 2008 and December 31, 2013 who also has service in another state-administered retirement system between September 1, 2008 and December 31, 2013 shall be eligible to make this one-time, irrevocable election only upon separation of the member's account in the Systems from the member's account in the other state-administered retirement system as indicated in Section 5(6) of this administrative regulation and in accordance with KRS 61.680, 78.5542, and 105 KAR 1:020.

(b) 1. Eligible members who make the one-time, irrevocable election as described in paragraph (a) of this subsection shall only be entitled to retain purchased service that is recontribution of a refund, omitted, omitted with interest, decompression, or service purchased in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA); the agency shall remove any other purchased service from total months of service credit and refund the cost of that service back, plus interest, to the source of the purchase.

2. Eligible members who make the one-time, irrevocable election as described in paragraph (a) of this subsection shall not retain any active duty military service pursuant to KRS 61.552(1) and

78.545, unless the eligible member is currently participating in one of the systems and pays the military omitted.

(c) Members eligible to make the one-time, irrevocable election as described in paragraph (a) of this subsection shall be provided information detailing the potential results of such an election via Member Self Service on the Web site maintained by the agency, which shall reflect service credit purchases retained and refunded as described in paragraph (b) of this subsection, and may receive additional information from the agency's counselors upon request.

(d) The agency shall provide Form 2013, Hybrid Cash Balance Plan Opt-In Election, on which the member can make a one-time, irrevocable election as described in paragraph (a) of this subsection, available to the member via Member Self Service on the Web site maintained by the agency.

(e) The agency shall not process an eligible member's one-time, irrevocable election as described in paragraph (a) of this subsection until a complete and correct Form 2013, Hybrid Cash Balance Plan Opt-In Election, is on file at the retirement office.

(f) The effective date of the eligible member's one-time, irrevocable election as described in paragraph (a) of this subsection shall be the date on which the completed Form 2013, Hybrid Cash Balance Plan Opt-In Election, is received at the retirement office.

(4) Prior Participation that has been refunded. This subsection applies to a member with a participation date with the Systems prior to January 1, 2014, who terminates employment, and who takes a refund of accumulated contributions pursuant to KRS 61.625 and 78.545. If such a person is reemployed on or after January 1, 2014, in a regular full-time position required to participate in one of the Systems and does not have a participation date with any other state-administered retirement plan prior to January 1, 2014, the person becomes a member of the hybrid cash balance plan tier. If such a member purchases his or her previously refunded service in accordance with KRS 61.552(3) and 78.545(7), the purchased service shall only be used to determine the member's years of service credited and shall not be used to determine the member's participation date.

Section 3. Construction of Administrative Regulation. KRS 16.505 to 16.652, KRS 61.510 to 61.705, KRS 78.510 to 78.852, and KAR Title 105 shall apply to the hybrid cash balance plan tier except where required by or as necessary for the administration of the hybrid cash balance plan tier under KRS 16.583, 61.597, 78.5512, and 78.5516.

Section 4. Trust Assets. All contributions made with respect to each Systems' hybrid cash balance plan tier shall be held in the trust for the respective System. There shall be no segregation of assets for the hybrid cash balance plan tier from the assets for other tiers for the respective System.

Section 5. Reciprocity.

(1) All service credit with other state-administered retirement systems, including the Judicial and Legislators' Plan and the Teachers' Retirement System, shall be used for determining a member's years of service credited for purposes of eligibility for annuitization, unless:

(a) The member has separated their account(s) with another state-administered retirement systems by filing a complete Form 2022, Separation of Accounts, or

(b) The member previously retired based on the service with the other state-administered retirement system.

(2) Service credit in another state-administered retirement system shall not be used for determining whether a member who is not eligible to retire in the hybrid cash balance plan tier has the five (5) years of service required in order to receive a full refund of his or her accumulated account balance under KRS 16.583(5)(b), 61.597(5)(b), 78.5512(5)(b), and 78.5516(5)(b).

(3) Service credit in the cash balance plan tier will be counted as service for the other state-administered retirement systems and as service for hospital and medical insurance and managed care plan coverage pursuant to KRS 61.702 and 78.5536.

(4) In no event will the same service credit be counted for benefit calculation purposes for more than one state-administered

retirement system or tier.

(5) A member who is participating in the hybrid cash balance tier in more than one of the Systems will have to retire at the same time and elect the same retirement benefit option in all applicable Systems, unless the member has requested that his or her accounts be separated in accordance with 105 KAR 1:020.

(6) A member with a participation date in the Systems between September 1, 2008 and December 31, 2013 may make a one-time, irrevocable election to have each system treat his or her service credit in that system without regard to any other service credit, by filing a Form 2022, Separation of Accounts, requesting that his or her accounts be separated in accordance with KRS 61.680 and 78.5542. If so requested, "final compensation" shall be based on the creditable compensation earned under each system separately.

(a) Members who are eligible and seeking to make the one-time, irrevocable election to separate accounts shall be provided information detailing the potential results of such an election from the agency's counselors.

(b) The agency shall provide Form 2022, Separation of Accounts, on which the member can make the one-time, irrevocable election to separate accounts.

(c) The agency shall not process an eligible member's one-time, irrevocable election to separate accounts until the member has received the information indicated in paragraph (a) of this subsection and a complete and correct Form 2022, Separation of Accounts, is on file at the retirement office.

(d) The effective date of the eligible member's one-time, irrevocable election to separate accounts shall be the date on which the completed Form 2022, Separation of Accounts, is received at the retirement office.

Section 6. Lump-sum Distributions upon Termination of Employment or Death for Nonvested Members.

(1) Termination of Employment. A nonvested member eligible for a refund pursuant to KRS 61.625 and 78.545 shall only be refunded his or her accumulated contributions, and shall forfeit any accumulated employer credit.

(2) Death before Retirement. Upon the death of a nonvested member, the beneficiary designated by the member pursuant to KRS 61.542(1)-(2) and 78.545 (2) (or if no designated beneficiary, the member's estate) shall only be entitled to receive a lump-sum payment of the nonvested member's accumulated contributions, and shall not be entitled to receive payment of any accumulated employer credits.

(3) Rollovers. A nonvested member or the designated beneficiary of a nonvested member who receives a refund of accumulated contributions may elect to have the refunded accumulated contributions paid directly to an eligible retirement plan in accordance with 105 KAR 1:270 and 105 KAR 1:345.

Section 7. Lump-sum Distributions upon Termination or Distributions upon Death of Vested Members.

(1) Termination of Employment.

(a) Upon termination of employment with all employers participating in the same Systems in which the member has service credit, a vested member who is not otherwise eligible to retire may elect to take a refund of his or her accumulated account balance.

(b)1. Upon termination of employment with all employers participating in one or more of the Systems, a vested member who is eligible for retirement may elect to take a refund of his or her accumulated account balance, in lieu of other retirement payment options provided in KRS 16.583(7), 61.597(7), 78.5512(7), and 78.5516(7).

2. The member's election to take a refund of his or her accumulated account balance as described in subparagraph 1 of this paragraph shall be treated as a retirement and the member shall be a retired member ineligible to participate or accrue additional benefits in the Systems upon subsequent reemployment with any participating employer pursuant to KRS 61.637 and 78.5540. Additionally, the member who has made the election described in subparagraph 1 of this paragraph shall be subject to all requirements and restrictions for reemploying with a participating employer in KRS 61.637, 78.5540 and 105 KAR 1:390.

(2) Death before Retirement. (a) Upon the death of a vested member participating in the Systems, the vested member's designated beneficiary (or if no designated beneficiary, the member's estate) is entitled to a lump-sum distribution of the vested member's accumulated account balance in accordance with KRS 61.625(1)(a) and 78.545(5). The designated beneficiary may also be entitled to the other payment options available for a death before retirement pursuant to KRS 16.578, 61.640, and 78.5532.

(b) Upon the death of a vested member who is not participating in the Systems at the time of death and who has not taken a refund or retirement benefit, if the vested member has fewer than twelve (12) years of service credited, the vested member's designated beneficiary (or if no designated beneficiary the member's estate) is entitled to a lump-sum distribution of the member's accumulated account balance in accordance with KRS 61.625(1)(a) and 78.545(5). If the vested member has twelve (12) or more years of service credited, the designated beneficiary may also be entitled to other payment options available for a death before retirement pursuant to KRS 16.578, 61.640, and 78.5532.

(3) Rollover. A vested member or the designated beneficiary of a vested member who takes a lump-sum distribution of the vested member's accumulated account balance under this section may elect to have the lump-sum distribution paid directly to an eligible retirement plan in accordance with 105 KAR 1:270 and 105 KAR 1:345.

Section 8. Eligibility for an Annuity.

(1) At Normal Retirement Age. Subject to Section 5 of this administrative regulation, a vested member who reaches normal retirement age under the applicable System's statutory provisions and who terminates employment with all participating employers is eligible to retire and may elect to annuitize his or her accumulated account balance or take a lump-sum distribution of his or her accumulated account balance as provided in Section 7(1)(b) of this administrative regulation.

(2) Additional Eligibility for Annuitization for Members with Hazardous position Service. A member who has hazardous position service as provided in KRS 16.505-16.652, 61.592 and 78.5520, who has 25 or more years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1) or any other Kentucky state-administered system, and who terminates employment with all employers participating in the Systems is eligible to retire and may elect to annuitize his or her accumulated account balance or take a lump-sum distribution of his or her accumulated account balance as provided in Section 7(1)(b) of this administrative regulation.

(3) Additional Eligibility for Annuitization for Members with Service Only in a Nonhazardous Position. A member with exclusively nonhazardous position service who is at least age fifty-seven (57), who has an age plus years of service total of at least eighty-seven (87) years, and who terminates employment with all employers participating in the Systems is eligible to retire and may elect to annuitize his or her accumulated account balance or take a lump-sum distribution of his or her accumulated account balance as provided in Section 7(1)(b) of this administrative regulation.

(4) Annuitization. A member who elects to annuitize his or her accumulated account balance may receive a retirement benefit determined in accordance with actuarial assumptions and actuarial methods adopted under subsection (6) of this section and in effect on the member's retirement date.

(5) Return of Contributions. If the retirement benefit payment option selected by the vested member includes a guaranteed return of contributions, that retirement benefit payment option shall be interpreted to mean that guarantee applies to the accumulated account balance.

(6) Board Action with respect to Annuitization. The actions of the Board of Trustees of the Kentucky Retirement Systems and the Board of Trustees of the County Employees Retirement System to adopt assumptions and methods are incorporated by reference under this administrative regulation. Each board shall adopt the actuarial assumptions that will apply to a specific fiscal year prior to the start of that fiscal year.

(7) Eligibility for Retiree Hospital and Medical Benefit. Only a member who is receiving a monthly annuitized benefit is eligible for

hospital and medical insurance and managed care plan coverage. A member who takes a lump-sum refund or lump-sum retirement benefit is not eligible for hospital and medical insurance and managed care plan coverage.

Section 9. Disability Retirement. A member participating in the hybrid cash balance plan tier in one or more of the Systems whose disability retirement allowance is discontinued pursuant to KRS 61.615 and 78.5528 shall begin receiving retirement benefits, if eligible, under KRS 61.597(6), 78.5512(6), 78.5516(6), or 16.583(6), but shall not be eligible for early retirement benefits under KRS 61.559, 78.5510, 78.5514, or 16.577.

Section 10. Purchase of Service Credit.

(1) Members participating in the hybrid cash balance plan tier shall only be eligible to purchase service credit that is retribution of a refund, omitted, omitted with interest, military omitted, decompression, or under the Uniformed Services Employment and Reemployment Rights Act (USERRA), and shall not be eligible to make any other types of service purchases.

(2) Uniformed Services Employment and Reemployment Rights Act (USERRA) Service.

(a) Years of service credited shall be determined as required by USERRA.

(b) In order to receive service credit for military omitted, decompression, or under the Uniformed Services Employment and Reemployment Rights Act (USERRA), the member shall pay the member contributions in accordance with KRS 16.543, 61.543, and 78.615, as though the member was employed during the period of his or her active military duty or decompression.

(c) The employer shall pay all employer contributions owed in accordance with KRS 61.552, 61.565, 78.545, and 78.635.

(3) Repayment of Refunded Contributions Plus Interest Credits or Accumulated Account Balance.

(a) Upon reemployment with a participating employer in a regular full-time position required to participate in the Systems or participation in another state-administered retirement system, a nonvested member who took a refund of his or her member contributions plus interest credits may regain the refunded service credit by repaying, with interest at a rate determined by the board of the respective retirement system, the amount refunded with post-tax employee contributions or a rollover or transfer allowed under the Internal Revenue Code. Although the repayments of refunded contributions plus interest credit shall be used to determine the member's service credited, the repayment of the amount refunded shall not be used to determine a member's participation date.

(b) Upon reemployment with a participating employer in a regular full-time position required to participate in the Systems or participation in another state-administered retirement system, a vested member who was not eligible to retire and who took a refund of his or her accumulated account balance may regain the refunded service credit by repaying, with interest at a rate determined by the board of the respective retirement system, the amount refunded with post-tax employee contributions or a rollover or transfer allowed under the Internal Revenue Code. Although the repayments of the refunded accumulated account balance shall be used to determine the member's service credited, the repayment of the amount refunded shall not be used to determine a member's participation date.

(4) Omitted Service. Any person who is entitled to service credit in the hybrid cash balance plan tier that was not reported in accordance with KRS 16.543, 61.543, or 78.615 may pay the amount of member contributions that would have been due on that service in order to receive credit for the service in the hybrid cash balance plan tier. However, the service shall not be credited to the member's account until employer contributions for the service are received by the Systems. Once member and employer contributions have been received, accumulated employer credits shall be reflected in the member's account.

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

(a) Form 2013, "Hybrid Cash Balance Plan Opt-In Election",

February 2021; and

(b) Form 2022, "Separation of Accounts", September 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Kentucky Public Pensions Authority's Web site at kyret.ky.gov.

DAVID L. EAGER, Executive Director

APPROVED BY AGENCY: December 7, 2022

FILED WITH LRC: December 14, 2022 at 10:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Thursday, February 23, 2023, at 2:00 p.m. Eastern Time at the Kentucky Public Pensions Authority, 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until Tuesday, February 28, 2023. 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: Jessica Beaubien, Policy Specialist, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, phone (502) 696-8800 ext. 8570, fax (502) 696-8615, email Legal.Non-Advocacy@kyret.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jessica Beaubien

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures and requirements for the administration of the hybrid cash balance plan tier.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures and requirements for the administration of the hybrid cash balance plan tier.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852. This administrative regulation conforms to the authorizing statute by establishing the procedures and requirements for the administration of the hybrid cash balance plan tier established in KRS 16.583, 61.597, 78.5512, and 78.5516 for the systems that comprise the Kentucky Retirement Systems and the County Employees Retirement System.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the procedures and requirements for the administration of the hybrid cash balance plan tier.

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

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: One (1) entity that provides day-to-day operations for three (3) public pensions systems: Kentucky Public

Pensions Authority (the public pension systems are the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System), and at least 98,148 members of the hybrid cash balance plan tier (this number will continue to grow over time).

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This regulation establishes the procedures and requirements for the administration of the hybrid cash balance plan tier pursuant to KRS 16.583, 61.597, 78.5512, and 78.5516. Employers and members do not need to take any action to comply with the regulation as it addresses the way the statutory scheme is already being administered.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation should not cost any additional funds, as the hybrid cash balance plan is currently being administered by the Kentucky Public Pensions Authority.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will assist the Kentucky Public Pensions Authority in implementing the hybrid cash balance plan tier, a tier that was designed to reduce unfunded liability of the systems operated by the Kentucky Public Pensions Authority.

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

(a) Initially: The cost should be negligible as the hybrid cash balance plan is currently being administered.

(b) On a continuing basis: The cost should be negligible as the hybrid cash balance plan is currently being administered.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and 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: There is no increase in fees or funding required.

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

(9) TIERING: Is tiering applied? Tiering is not applied. All members of the hybrid cash balance plan are treated equally.

FISCAL NOTE

(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? One (1) entity that provides day-to-day operations for the three (3) public pensions systems: Kentucky Public Pensions Authority (the public pension systems are the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 16.583, 61.505, 61.597, 61.5955, 78.5512, 78.5516, and 78.545.

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

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

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties,

fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? The cost to administer this administrative regulation for the first year should be negligible because the hybrid cash balance plan is currently being administered.

(d) How much will it cost to administer this program for subsequent years? The cost to administer this administrative regulation for subsequent years should be negligible as the hybrid cash balance plan is currently being administered.

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: The cost to administer this administrative regulation should be negligible because the hybrid cash balance plan is currently being administered.

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None.

(c) How much will it cost the regulated entities for the first year? Unknown.

(d) How much will it cost the regulated entities for subsequent years? Unknown.

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

Cost Savings (+/-): None.

Expenditures (+/-): Unknown.

Other Explanation: The fiscal impact of this administrative regulation should be negligible because the hybrid cash balance plan is currently being administered.

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact because the hybrid cash balance plan is currently being administered.

BOARDS AND COMMISSIONS

Board of Veterinary Examiners (New Administrative Regulation)

201 KAR 16:552. Responsibilities for certified animal control agencies; limitations on drugs.

RELATES TO: KRS 321.207, 321.235(7), 321.351

STATUTORY AUTHORITY: KRS 321.207(1), (2), 321.235(3), 321.240(5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207(1) permits the Kentucky Board of Veterinary Examiners to authorize an animal control agency to apply for a registration certificate by the United States Drug Enforcement Administration (DEA) to order, purchase, manage, and store controlled substances which are authorized by the board for use in animal sedation and euthanasia. KRS 321.207(2) requires the applicant agency to comply with administrative regulations that establish standards for the proper storage and handling of the drugs the board has authorized for use, and other provisions that may be necessary to ensure that the drugs are used safely and solely for the purpose of euthanizing animals. KRS 321.235 and 321.240 authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the duties for the animal control agency designated on-site manager, standards for proper drug storage, and drugs that may be used by certified animal

control agencies and the certified animal euthanasia specialists they employ.

Section 1. Responsibilities of a Certified Animal Control Agency.

(1) A certified animal control agency and staff shall comply with all requirements of KRS Chapter 321 and the administrative regulations promulgated by the board under this chapter.

(2) A certified animal control agency shall identify an agency designated on-site manager and ensure the person complies with the requirements in Section 2 of this administrative regulation.

(3) Any change to the designated on-site manager shall be reported in writing to the board within ten (10) business days by submitting a completed Request for a New Designated On-site Manager form or online equivalent form, including all required attachments.

(4) A certified animal control agency shall ensure that the United States Drug Enforcement Administration (DEA) Controlled Substances Registration is kept in active status as long as there are controlled substances in the possession of the agency.

(5) A certified animal control agency shall submit to inspection by a board representative at any time, with or without advanced notice in accordance with 201 KAR 16:550, Section 5.

Section 2. Responsibilities of a Designated On-site Manager.

(1) The designated on-site manager shall be responsible for reviewing educational materials provided by the board and submitting a responsive answer sheet for review by the board. A board inspector or representative shall periodically review educational materials with the designated on-site manager.

(2) The designated on-site manager shall:

(a) Ensure proper controls are in place in accordance with all state and federal laws for all controlled substances and other drugs at the animal control agency;

(b) Ensure drugs for euthanasia and drugs used for sedation prior to euthanasia shall be limited to the substances identified in Section 3 of this administrative regulation;

(c) Ensure all employees authorized to conduct animal euthanasia at the certified animal control agency are trained and certified in accordance with the requirements of 201 KAR 16:560, unless the employee is a board-licensed veterinarian or board-licensed veterinary technician;

(d) Ensure all animal euthanasia specialists who conduct euthanasia at the certified animal control agency maintain an active certificate with the board;

(e) Notify the board in writing within ten (10) business days following the termination of a certified animal euthanasia specialist so the certificate of the animal euthanasia specialist may be taken out of 'active' status;

(f) Shall develop and maintain standard operating procedures in writing for carcass disposal in accordance with all state and local laws and ordinances; and

(g) Shall be responsive and cooperative to the board's request for access and information to the certified animal control agency.

(3) The designated on-site manager shall ensure that the animal euthanasia process shall be conducted within the restrictions set forth in this subsection.

(a) Euthanasia shall only be conducted upon animals owned by the certified animal control agency, except in cases of emergency as defined in KRS 321.181.

1. Transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;

2. Wildlife shall be redirected to a board-licensed veterinarian, Certified Wildlife Rehabilitator authorized to operate pursuant to 301 KAR 2:075, or to a Nuisance Wildlife Control Operator authorized to operate pursuant to 301 KAR 3:120.

(b) Euthanasia shall only be conducted upon the premises of the certified animal control agency, except in cases of emergency as defined in KRS 321.181; and

(c) All euthanized animals shall be disposed of in accordance with the certified animal control agency's standard operating procedures for carcass disposal.

Section 3. Approved Drugs for Animal Euthanasia and

Anesthesia or Sedation of Animals Prior to Euthanasia.

(1) A certified animal control agency shall be restricted to the purchase of specific drugs for the purpose of animal euthanasia. The drugs approved by the board for euthanasia are:

- (a) Sodium pentobarbital; and
- (b) Sodium pentobarbital with lidocaine.

(2) A certified animal control agency shall be restricted to the purchase of specific drugs for the purpose of animal anesthesia or sedation prior to euthanasia. The drugs approved by the board for animal anesthesia or sedation prior to euthanasia are, or any combination thereof:

- (a) Acepromazine;
- (b) Dexmedetomidine;
- (c) Ketamine (30-day supply or less); and
- (d) Xylazine.

(3) DEA's Schedule II order forms (titled "DEA-222") shall be used for each purchase or transfer of board approved controlled substances.

(4) Expired drugs.

(a) Expired drugs shall not be used.

(b) Expired drugs shall be properly disposed of in accordance with Section 7 of this administrative regulation.

Section 4. Storage.

(1) Board approved euthanasia and sedation drugs shall be stored in a securely locked cabinet within a locked storage room or other enclosure at the DEA address of record for the certified animal control agency. The cabinet shall be bolted securely to the floor or wall.

(2) DEA Controlled Substance Schedule II order forms shall be stored in a securely locked cabinet, separate from the storage location of the drugs, within a locked storage room or other enclosure at the DEA address of record for the certified animal control agency.

Section 5. Disposal of Needles and Medical Waste.

(1) All needles in an animal control agency shall:

- (a) Not be accessible to the public;
- (b) After use, be rendered incapable of use; and
- (c) Be disposed of in an approved biohazard or sharps container.

(2) All syringes used in the process of euthanasia shall be disposed of in an approved biohazard or sharps container.

Section 6. Records.

(1) A certified animal control agency shall maintain records of purchases, administration of board approved euthanasia drugs and sedation drugs, transfer, and destruction of drugs for a minimum of two (2) years.

(2) Records of administration shall include, at a minimum, the following information:

- (a) The date of use;
- (b) Identification of the animal;
- (c) The amount of the drug used;
- (d) Any amount wasted;
- (e) The signature of the person administering the drug;
- (f) The signature of the designated on-site manager certifying the accuracy of the administration of board approved euthanasia drugs and sedation drugs not less than once per month; and

(g) The signature of the designated on-site manager certifying to the accuracy of the records not less than once per month, as well as on the annual inventory.

(3) Records of purchase and destruction of board approved euthanasia drugs and sedation drugs shall be maintained in a separate file from the records of administration of those substances.

(4) The records of purchase, destruction, and administration may be audited by representatives of the DEA or authorized designees of the board to determine adequacy, accuracy, and validity of the recordkeeping. The board may impose restrictions and administrative penalties on certificate holders or designated on-site managers as a result of substandard controls or records of the drugs.

(5) The records of purchase, administration, transfer, and

destruction of euthanasia and sedation drugs, shall be maintained at the DEA address of record for the animal control agency.

Section 7. Destruction or Disposal of Drugs. Drugs at an animal control agency that require disposal shall be disposed of in accordance with one of the methods set forth in this section. A written receipt with appropriate signatures shall be obtained for methods (1) – (3), and a record of the action taken shall be made for method (4). The record shall be maintained with the drug logs at the animal control agency.

(1) Transfer non-expired, non-controlled drugs to a licensed veterinarian.

(2) Transfer non-expired, controlled drugs to a DEA registered, board-licensed veterinarian using DEA Form 222. Copies of the DEA Form 222 shall be distributed per federal law.

(3) Surrender expired or non-expired drugs to local law enforcement for destruction.

(4) Inject expired or non-expired drugs into and incinerate an animal carcass in accordance with state and local rules on incineration. Written documentation shall describe the amounts disposed of, type of carcass, date of injection and incineration, witnesses, and any other pertinent details.

Section 8. Disciplinary Action. An animal control agency, designated on-site manager, and credentialed animal euthanasia specialists shall be subject to disciplinary action pursuant to KRS 321.235 and KRS 321.351 for a violation of state or federal statutes or administrative regulations.

Section 9. Incorporation by Reference.

(1) “Request for a New Designated On-site Manager”, 12/2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Frankfort, Kentucky 40601, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at www.kybve.com.

STEVEN J. WILLS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane, Executive Director

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes, for Board-certified animal control agencies, the standards for proper drug storage, limitations on the drugs that may be used by the agencies and the certified animal euthanasia specialists they employ, limitations on the animals on which the drugs may be used so that the specialists do not practice veterinary medicine outside the scope allowable by the General Assembly. In addition, this regulation outlines the responsibilities of the agency's

Designated Onsite Manager, how is in charge of controlled substances, including drug storage requirements, record keeping requirements, and limitations on options for the methods used for the destruction of drugs.

(b) The necessity of this administrative regulation: As mandated by the General Assembly in KRS 321.207, this administrative regulation is necessary to establish the drugs that may be used by certified animal control agencies and the certified animal euthanasia specialists they employ, and standards for proper drug storage and handling.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations for board-certified animal control agencies limiting the type of drugs allowable for use by certified animal control agencies and the certified animal euthanasia specialists they employ, and establishing standards for proper drug storage and handling.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly detailing limitations on the operations of certified animal control agencies so that they do not exceed their operating scope as authorized by the General Assembly.

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

(a) How the amendment will change this existing administrative regulation: 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: 50 board-certified animal control agencies and 161 animal euthanasia specialists, and future applicants.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All board-certified animal control agencies shall be required to ensure adequate locked and secure storage for the management of controlled substances onsite, limit the orders of controlled drugs to those listed by board in this administrative regulation, use only non-expired drugs, and submit to a board inspection approximately once per year to ensure proper controls exist and educate new staff on requirements. Additionally, board-certified animal control agencies shall ensure employees delegated to perform euthanasia are certified by the board, limit employees to providing euthanasia to agency-owned animals, ensure proper drug records are kept, properly and safely dispose of animal carcasses, needles, medical waste, and drugs.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Board-certified animal control agencies should already be properly ordering, storing, and managing controlled drugs as a part of requirements established by the Drug Enforcement Administration (DEA), so there should not be any additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): By complying with this administrative regulation, entities should reduce break-ins and thefts of controlled substances, as well as be able to comply with DEA Requirements related to drug record keeping. Entities should also reduce liability to the public by reinforcing General Assembly mandates related to the scope of practice for board-certified euthanasia specialists, ensuring sharps are properly disposed of, and ensuring proper carcass disposal in compliance with local laws.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an inspection program to ensure compliance.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated entities have the same requirements.

FISCAL NOTE

(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 Veterinary Examiners and board-certified animal control agencies.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.207, KRS 321.235, KRS 321.240

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(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 from this filing.

(c) How much will it cost to administer this program for the first year? This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years? Staff time will be required for record keeping. Costs will be very minimal.

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

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings; this administrative regulation simply codifies the requirements of drug management and establishes limitations on drug administration, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings.

(c) How much will it cost the regulated entities for the first year? There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years? There will be no additional costs involved.

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

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

BOARDS AND COMMISSIONS

Board of Veterinary Examiners (New Administrative Regulation)

201 KAR 16:562. Duties and responsibilities of an animal euthanasia specialist.

RELATES TO: KRS 257.160, 321.207, 321.235, 321.351

STATUTORY AUTHORITY: KRS 321.207, 321.235, 321.240

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.207 requires the Kentucky Board of Veterinary Examiners to issue a certificate to a person who meets the qualifications of an animal euthanasia specialist and is approved by the board for a certificate. KRS 321.235 and 321.240 authorize the board to promulgate administrative regulations to implement KRS Chapter 321. This administrative regulation establishes the duties and responsibilities of an animal euthanasia specialist.

Section 1. Duties of a Certified Animal Euthanasia Specialist. The duties of a board-certified animal euthanasia specialist shall include the following:

(1) Preparing animals for euthanasia;

(2) Carefully and accurately recording dosages, administration, and drug waste;

(3) Ordering supplies and drugs in accordance with the employing certified animal control agency's operating procedures;

(4) Maintaining the security of all controlled substances and board-approved drugs in accordance with 201 KAR 16:550, 16:552, and other applicable federal, state, and local laws;

(5) Reporting to the board any infraction of KRS Chapter 321 or 201 KAR Chapter 16;

(6) Humanely euthanizing animals;

(7) Disposing of the carcasses in a manner consistent with local, state, and federal laws, including KRS 257.160, and shall be carried out according to the standard operating procedures of the board-certified animal control agency;

(8) Maintaining active certification with the board;

(9) Reporting to the board any change of address, phone, or email within thirty (30) days; and

(10) Providing a written response to a grievance or inquiry from the board within twenty (20) days of receipt.

Section 2. Animals Approved for Euthanasia by Board-certified Animal Euthanasia Specialists. Animal euthanasia shall be conducted within the restrictions outlined in this section, or the practice shall be considered the practice of veterinary medicine and subject to penalty for practicing without a license.

(1) Euthanasia shall only be conducted upon animals owned by the certified animal control agency, except in cases of emergency as defined in KRS 321.181.

(a) Temporary transfer of ownership or a temporary contract shall not be used for the purpose of circumventing this provision;

(b) Wildlife shall be redirected to a board-licensed veterinarian, Certified Wildlife Rehabilitator authorized to operate pursuant to 301 KAR 2:075, or to a Nuisance Wildlife Control Operator authorized to operate pursuant to 301 KAR 3:120;

(2) Euthanasia shall only be conducted upon the premises of the certified animal control agency, except in cases of emergency as defined in KRS 321.181.

(3) All euthanized animals shall be disposed of in accordance with the certified animal control agency's standard operating procedures for carcass disposal in accordance with Section 1(7) of

this administrative regulation, and shall not be returned to a prior owner.

Section 3. Approved Drugs for Animal Euthanasia and Anesthesia or Sedation of Animals Prior to Euthanasia by Certified Animal Euthanasia Specialists.

- (1) The drugs approved by the board for euthanasia are:
 - (a) Sodium pentobarbital; and
 - (b) Sodium pentobarbital with lidocaine.
- (2) The drugs approved by the board for animal anesthesia or sedation prior to euthanasia are, or any combination thereof:
 - (a) Acepromazine;
 - (b) Dexmedetomidine;
 - (c) Ketamine (thirty (30) day supply or less); and
 - (d) Xylazine.
- (3) Expired drugs shall not be used.
- (4) Expired drugs shall be disposed of in accordance with 201 KAR 16:552, Section 7.

Section 4. Approved Methods of Euthanasia.

- (1) A certified animal euthanasia specialist shall perform euthanasia by means of lethal injection on an animal by use of board-approved euthanasia drugs and drugs used to anesthetize or sedate an animal prior to euthanasia in accordance with subsection (2) of this section of this administrative regulation.
- (2) When using a lethal solution to perform euthanasia on an animal, a certified animal euthanasia specialist shall use the appropriate solution in accordance with the following methods and in the following order of preference, ensuring both humane euthanasia of the animal and the safety of the individuals handling the animal:
 - (a) Intravenous injection by hypodermic needle;
 - (b) Intracardial injection by hypodermic needle, but only on an anesthetized or unconscious animal;
 - (c) Intraperitoneal injection by hypodermic needle, but only on an anesthetized or unconscious animal; or
 - (d) Solution or powder added to food.

Section 5. Except as provided for performing the duties set forth in this regulation, an animal euthanasia specialist shall be prohibited from practicing veterinary medicine.

Section 6. Disciplinary Action. A certified animal euthanasia specialist shall be subject to disciplinary action pursuant to KRS 321.235 and 321.351 for a violation of state statutes or administrative regulations.

STEVEN J. WILLIS, DVM, Board Chair

APPROVED BY AGENCY: December 15, 2022

FILED WITH LRC: December 15, 2022 at 11:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2023 at 9:00 a.m., at the Kentucky Department of Agriculture, 109 Corporate Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Michelle Shane, Executive Director, Kentucky Board of Veterinary Examiners, 107 Corporate Drive, Second Floor, Frankfort, Kentucky 40601, phone (502) 782-0273, fax (502) 695-5887, email michelle.shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the duties and responsibilities of an animal euthanasia specialists, standards for proper drug storage, limits drugs that may be used by certified animal euthanasia specialists, and the limits of scope of practice by certified animal euthanasia specialists.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to clarify limitations on drugs and drug use for euthanasia on shelter owned animals, as mandated by KRS 321.207.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.207 specifically requires the board to promulgate administrative regulations related to standards for proper drug storage and drugs that may be used by certified animal euthanasia specialists to humanely euthanize shelter owned animals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly detailing limitations on the operations of certified animal euthanasia specialists so that they do not exceed the scope of activities as authorized by the General Assembly.

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

(a) How the amendment will change this existing administrative regulation: 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: 50 board-certified animal control agencies and 161 animal euthanasia specialists, and future applicants.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Certified animal euthanasia specialists will be required to read and understand limitations on their practice, as defined in administrative regulation. This includes types of drugs used, storage for those drugs, limitations on which animals are allowed to be euthanized, allowable methodologies for euthanasia, and how to properly dispose of carcasses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Minimal costs for appropriate locked and secure storage are anticipated in order to secure and limit access to the controlled substances onsite.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the approved requirements.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBVE comes from licensure and certification fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBVE is already

running an administrative program to process applications and an inspection program to ensure compliance.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? All regulated entities have the same requirements.

FISCAL NOTE

(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 Veterinary Examiners and KBVE-certified county animal shelter employees who are certified to conduct animal euthanasia.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.207, KRS 321.235, KRS 321.240

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

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated from this filing.

(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 from this filing.

(c) How much will it cost to administer this program for the first year? This is not a new program. Staff time will be required for record keeping.

(d) How much will it cost to administer this program for subsequent years? Staff time will be required for record keeping. Costs will be very minimal.

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

Revenues (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? There will be no cost savings.

(c) How much will it cost the regulated entities for the first year? There will be no additional costs involved.

(d) How much will it cost the regulated entities for subsequent years? There will be no additional costs involved.

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

Cost Savings (+/-): None.

Expenditures (+/-): None or negligible.

Other Explanation: n/a

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This amendment shall not have a "major economic impact", as defined in KRS 13A.010(13).

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (New Administrative Regulation)

301 KAR 2:245. Wanton waste and disposal of big game and upland game birds.

RELATES TO: KRS 150.015, 150.025, 150.092, 150.170, 150.390, 150.722

STATUTORY AUTHORITY: KRS 150.015, 150.025(1), 150.390(1), 512.070(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate any administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.390(1) prohibits the taking of any wild elk, deer, wild turkey, or bear contrary to any provisions of KRS Chapter 150 or KAR Title 301. KRS 512.070 Criminal Littering protects against knowingly placing or throwing litter on any public or private property or in any public or private water without permission. This administrative regulation protects against intentional and wanton waste or unlawful disposal of big game animals and upland game birds.

Section 1. Definitions.

(1) "Big game" means wild individuals of the species:

(a) Deer, *Odocoileus virginianus*;

(b) Elk, *Cervus canadensis nelsoni*; and

(c) Bear, *Ursus americanus*.

(2) "Carcass or offal" means the skeleton, skin, entrails, and other parts of big game or upland game birds remaining after the edible portions have been removed.

(3) "Edible parts" are those portions suitable for processing and consumption after take and recovery of the animal, which have not been spoiled due to the method of take, including:

(a) For big game, the quarters and outer loins; and

(b) For an upland game bird, the breast meat.

(4) "Processing" means the act of removing the usable portions of meat from a taken and recovered animal and storing or preparing the meat for consumption.

(5) "Recover" means to locate and retrieve an animal a person has taken.

(6) "Upland game birds" means wild individuals of these species:

(a) Wild turkey, *Meleagris gallopavo silvestris*;

(b) Northern bobwhite, *Colinus virginianus*; and

(c) Ruffed grouse, *Bonasa umbellus*.

Section 2. Recovery of Big Game and an Upland Game Bird. A person who has attempted to take big game or an upland game bird shall make a reasonable effort to recover the animal.

Section 3. Harvest of Big Game or Upland Game Birds.

(1) Upon recovery of big game or an upland game bird, the hunter taking the animal shall:

(a) Comply with the established requirements as established in 301 KAR Chapter 2 for tagging and checking; and

(b) Remove edible parts from the field and make a reasonable effort to transport them to the hunter's residence or other destination for storage or processing, or lawfully transfer them to another individual, establishment, or organization.

(2) It shall be unlawful to remove inedible portions of big game or an upland game bird while leaving edible portions in the field to waste.

(3) The provisions of this section shall not apply to big game or an upland game bird that is:

(a) Recovered and the hunter taking the animal has reasonable grounds to believe the animal was diseased or rendered partially or completely unusable by infection or injury; or

(b) Cannot be recovered before the carcass has begun to decay rendering it unsuitable for consumption.

Section 4. Authorization to Take for Other Purposes. A person shall be exempt from requirements in this administrative regulation for big game or an upland game bird taken:

(1) For damage to private lands or personal property by the landowner or a person otherwise authorized under the provisions of KRS 150.170(7);

(2) Due to vehicle collision; or

(3) For humanely dispatching an animal or in defense of self or others under the provisions of KRS 150.172(2)(a) or 525.130(2).

Section 5. Carcass Disposal.

(1) It shall be unlawful to dispose of a carcass or offal of big game or an upland game bird on any private or public property or public waterway, except:

(a) A hunter may dispose of a carcass or offal from big game or an upland game bird on the public property where the animal was taken, but the carcass or parts shall be deposited at least 300 feet from a building, maintained road, parking area, public access facility or gate, or established hunting blind, unless otherwise prohibited and as long as the big game or upland bird is not removed from the public property and then returned thereto;

(b) A hunter may dispose of a carcass or offal from legally acquired big game or upland bird on private property where the hunter received permission from the landowner; or

(c) A hunter may dispose of a big game carcass or offal by burying the carcass and parts, deposition in a contained landfill, or removal by a duly licensed rendering establishment as described in KRS 150.722.

(2) A person disposing of big game or an upland game bird carcass or offal in an unlawful manner may be cited with criminal littering pursuant to KRS 512.070.

RICH STORM, Commissioner

APPROVED BY AGENCY: December 14, 2022

FILED WITH LRC: December 15, 2022 at 11:35 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 28, 2023, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes requirements for the recovery and removal of certain portions of big game animals and upland game birds hunters take or attempt to take when hunting as well as establishes rules for carcass disposal.

(b) The necessity of this administrative regulation: This regulation is necessary to prevent the wanton waste of the state's natural resources, prevent contamination of public waterways by carcass disposal, and prevent excessive carcass disposal on public lands.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.015 requires the department to protect and conserve the wildlife of this Commonwealth. KRS 150.025(1)(h) authorizes the department to promulgate administrative regulations to carry out the provisions of KRS Chapter 150. KRS 150.390(1) specifies persons may only take or pursue big game animals in accordance with regulations promulgated under

KRS Chapter 150. This regulation regulates the take of such animals. KRS 512.070(1)(b) prohibits littering on any public or private property or water without permission. This regulation establishes the grant of permission to leave a carcass on public property.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing requirements for the recovery of big game and upland game birds, prohibiting wanton waste of animals taken, and establishing requirements for the disposal of carcasses.

(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: All hunters taking big game or upland game birds.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hunters will have to make reasonable efforts to recover big game and upland game birds they have taken, will have to harvest, at minimum, the required portions of healthy animals recovered, and will have to properly dispose of the carcasses of animals taken.

(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 direct added costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The hunters will obtain the edible portions of the animals taken and encounter less decomposing carcasses while in the field.

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

(a) Initially: There will be no additional cost to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The State Game and Fish Fund.

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

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

(9) TIERING: Is tiering applied? No. This regulation will apply to all individuals and groups the same.

FISCAL NOTE

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Fish and Wildlife Resources' Divisions of Wildlife and Law Enforcement will be impacted by this amendment.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025 authorizes the Department of Fish and

Wildlife to make regulations as to game and fish.

(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? N/A

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? N/A

(c) How much will it cost to administer this program for the first year? No cost will be incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? No cost will be incurred for subsequent years.

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

Revenues (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? N/A

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? N/A

(c) How much will it cost the regulated entities for the first year? No cost will be incurred for the first year.

(d) How much will it cost the regulated entities for subsequent years? No cost will be incurred for subsequent years.

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

Cost Savings (+/-): N/A

Expenditures (+/-): N/A

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] This regulation will not have a major economic impact.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. N/A

(2) State compliance standards. N/A

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? N/A

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

EDUCATION AND LABOR CABINET Kentucky Board of Education Department of Education (New Administrative Regulation)

704 KAR 8:120. Required Kentucky Academic Standards for Science.

RELATES TO: KRS 156.070, 156.160, 158.645, 158.6451, 158.6453, 160.290

STATUTORY AUTHORITY: 156.070, 156.160, 158.6453, 160.290

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.160 requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and requires the Kentucky Board of Education to manage and control the common schools and all assessment strategies developed under KRS 158.645, 158.6451, and 158.6453. KRS 156.070(1) programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education. KRS 158.6453(2) requires the Kentucky Department of Education to implement a comprehensive process for the review of academic standards and assessment with the advice of standards and assessments review and development committees. This administrative regulation incorporates by reference the Kentucky Academic Standards for Science, which contain the general courses of study and academic content standards of science, for use in Kentucky's common schools.

Section 1. Before graduating from a Kentucky public high school, a student shall meet the minimum content requirements established in the Kentucky Academic Standards for Science.

Section 2. Incorporation by Reference. (1) The "Kentucky Academic Standards for Science", December 2022, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 5th floor, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be viewed at: https://education.ky.gov/curriculum/standards/kyacadstand/Documents/Kentucky_Academic_Standards_for_Science_2022.pdf.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

JASON E. GLASS, Ed.D.; Commissioner of Education
LU S. YOUNG; Chairperson

APPROVED BY AGENCY: December 13, 2022

FILED WITH LRC: December 14, 2022 at 12:12 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 22, 2023 at 10:00 am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2023. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation fulfills the requirements of KRS 158.6453 and sets forth the minimum content requirements to be met by a student per the Kentucky Academic Standards for Science.

(b) The necessity of this administrative regulation: KRS 156.160

requires the Kentucky Board of Education to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451, and 158.6453.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to KRS 158.6453 as it implements a process for the review of the Kentucky's academic standards and the alignment of corresponding assessments with the advice of a review and development committee assigned to focus on science.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation conforms to KRS 158.6453 and will assist in its administration as it implements a process for the review of Kentucky's academic standards and the alignment of corresponding assessments with the advice of a review committee and advisory panels assigned to focus on science.

(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: Local schools and districts

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The standards outlined in 704 KAR 8:120 are the standards for science. The regulated entities must use these outlined standards when making local choices regarding curriculum and instruction.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Schools and Districts: A 2008 study published by the Legislative Research Commission called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The compliance of public schools, school districts and school councils will ensure that each student will be qualified for graduation as they will have met the minimum content requirements for science as provided in 704 KAR 3:305. Graduation rates are used as part of each school's accountability model and are reported on each school's report card.

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

(a) Initially: The Department spent approximately \$231,592.00 administrative costs for the development of the science standards that are incorporated by reference in 704 KAR 8:120, as well as staff time to oversee its administration

(b) On a continuing basis: Additional staff time will be needed to support schools and districts in the implementation of the revised Kentucky Academic Standards (KAS) for Science.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The Kentucky Department of Education will not be able to use the research-based model of leadership networks to provide support to districts as they implement new standards without an increase in funding.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL NOTE

(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? Public schools, school districts, school councils and the Kentucky Department of Education (KDE).

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.160 requires the Kentucky Board of Education (KBE) to establish courses of study for the different grades and kinds of common schools, with the courses of study to comply with the expected goals, outcomes, and assessment strategies developed under KRS 158.645, 158.6451 and 158.6453. KRS 156.070(1) requires the KBE to manage and control the common schools and all programs operated in the schools. KRS 160.290 authorizes local boards of education to provide for courses and other services for students consistent with the administrative regulations of the Kentucky Board of Education.

(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 2008 study published by the Legislative Research Commission called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue.

(c) How much will it cost to administer this program for the first year? A 2008 study published by the Legislative Research Commission called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade):

\$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year. Additional staff time will be impacted through implementation.

(d) How much will it cost to administer this program for subsequent years? Once curriculum documents are revised, implementation cost will decrease.

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

Revenues (+/-): N/A

Expenditures (+/-): A 2008 study published by the Legislative Research Commission called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

Other Explanation: N/A

(4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.

(a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? None.

(b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? None.

(c) How much will it cost the regulated entities for the first year? A 2008 study published by LRC called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

(d) How much will it cost the regulated entities for subsequent years? Once curriculum documents are revised, implementation costs will decrease.

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

Cost Savings (+/-): N/A

Expenditures (+/-): A 2008 study published by LRC called The Costs of College and High School Textbooks in Kentucky indicated an average text cost of \$50 per textbook. While textbooks contain teacher materials, this cost does not account for additional expenses related to teacher training and/or local efforts to align curricula. An estimated cost per class for instructional materials: \$50 x 100 students per grade level. There also will be costs associated for local curricula development and teacher professional learning to support implementation of new curricula. Estimated teacher time for curriculum development/alignment (in a school with only 1 teacher per grade): \$4,000 (5 days for alignment work x 4 teachers x \$200/day). Estimated costs related to professional learning: \$25,000 x # grades = \$X per year.

Other Explanation: N/A

(5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated

entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)]. This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13).

PUBLIC PROTECTION CABINET
Department of Insurance
Financial Standards and Examinations Division
(New Administrative Regulation)

806 KAR 03:250. Cybersecurity reporting procedures.

RELATES TO: KRS 304.3-750 through KRS 304.3-768

STATUTORY AUTHORITY: KRS 304.2-110, 304.3-756, 304.3-760, 304.3-766

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.3-756 requires a non-exempt licensee to develop, implement, and maintain a comprehensive information security program based on an internal risk assessment. KRS 304.3-760 and 304.3-766 require non-exempt licensees to notify the Commissioner of Insurance of a cybersecurity event involving nonpublic information. This administrative regulation establishes the reporting procedures for non-exempt licensees to report a cybersecurity event and file a cybersecurity compliance report. The administrative regulation also establishes the procedure for a licensee to file a cybersecurity exemption form under KRS 304.3-752 and 304.3-766.

Section 1. Definitions.

(1) "Cybersecurity Event" is defined by KRS 304.3-750(2).

(2) "Information security program" is defined by KRS 304.3-750(4).

(3) "Licensee" is defined by KRS 304.3-750(6).

(4) "eServices" is a secured electronic database developed and managed by the Department of Insurance that houses a registration of public and nonpublic information of licensees.

Section 2. Compliance and Exemption Reporting.

(1) A licensee that is domiciled in this state and is not exempt from the requirements of KRS 304.3-750 to KRS 304.3-768 pursuant to KRS 304.3-752, or deemed in compliance with KRS 304.3-750 to 304.3-768 pursuant to KRS 304.3-766, shall file a Cybersecurity Compliance Attestation Form with the department by February 15th of each year, attesting that the licensee has conducted all necessary risk assessments to fully develop an information security program and is currently implementing and executing that information security program as set forth in KRS 304.3-756.

(2) A licensee that is deemed compliant under KRS 304.3-766, shall file a Cybersecurity Exemption Compliance Form with the department by February 15th of each year, attesting to their compliance with the Health Insurance Portability and Accountability Act of 1996 or the Gramm-Leach-Bliley Act of 1999.

(3) The Cybersecurity Compliance Attestation Form and the Cybersecurity Exemption Compliance Form shall be filed electronically through the licensees' eServices account on the department's secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

Section 3. Reporting a Cybersecurity Event.

(1) A licensee that is domiciled in this state and is not exempt under KRS 304.3-752 shall:

(a) Report to the commissioner the details of a cybersecurity event within three (3) business days from the determination that a cybersecurity event has occurred; and

(b) Report the cybersecurity event on the Cybersecurity Event Form submitted electronically through the licensees' eServices account located on the department's secure Web site: <https://insurance.ky.gov/doieservices/UserRole.aspx>.

(2) A licensee that is not domiciled in this state but reasonably believes that the cybersecurity event meets any of the qualifications

described in KRS 304.3-760(1)(c), shall:

(a) Report to the commissioner the details of a cybersecurity event within three (3) business days from the determination that a cybersecurity event has occurred; and

(b) Report the cybersecurity event on the Cybersecurity Event Form submitted electronically through the licensees' eServices account located on the department's secure Web site: <https://insurance.ky.gov/doeservices/UserRole.aspx>.

(3) A licensee who is deemed compliant under KRS 304.3-766 shall:

(a) Notify the commissioner of a cybersecurity event in the same manner and form no later than the licensee notifies the affected consumers or federal regulatory authorities, as applicable; and

(b) Submit the notification electronically to the commissioner via email: DOI.CommissionerOffice@ky.gov.

Section 4. Amending a Cybersecurity Event Submission. A licensee, who has filed a Cybersecurity Event Form with the department shall:

(1) Within three (3) business days of the discovery of new information, update and supplement any initial and subsequent cybersecurity event notifications to the commissioner; and

(2) Amend a previously submitted Cybersecurity Event Form electronically through the licensees' eServices account located on the department's secure Web site: <https://insurance.ky.gov/doeservices/UserRole.aspx>.

Section 5. Incorporated by Reference.

(1) The following material is incorporated by reference.

(a) "Cybersecurity Compliance Attestation Form", 12/22;

(b) "Cybersecurity Exemption Compliance Form", 12/22; and

(c) "Cybersecurity Event Reporting Form", 12/22.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, The Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. Forms may also be obtained on the Department of Insurance Internet Web site, <https://insurance.ky.gov/ppc/CHAPTER.aspx>.

SHARON P. CLARK, Commissioner

RAY A. PERRY, Secretary

APPROVED BY AGENCY: December 9, 2022

FILED WITH LRC: December 15, 2022 at 8:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 a.m. on February 21st, 2023, at 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing 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 February 28th, 2023. 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: Abigail Gall, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 564-6026, fax +1 (502) 564-1453, email abigail.gall@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Abigail Gall

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the reporting process for licensees to report a cybersecurity event, or to file an exemption or compliance attestation with the department.

(b) The necessity of this administrative regulation: KRS 304.2-

110(1) authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code. KRS 304.3-756 requires a non-exempt licensee to develop, implement, and maintain a comprehensive information security program based on an internal risk assessment. KRS 304.3-760 requires non-exempt licensees to notify the Commissioner of Insurance of a cybersecurity event involving non-public information. KRS 304.3-766 sets forth the reporting and compliance parameters for non-exempt licensees who are deemed compliant with KRS 304.3-750 to KRS 304.3-768 due to their adherence to the provisions of the Health Insurance Portability and Accountability Act of 1996 or the Gramm-Leach-Bliley Act of 1999.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 304.2-110 authorizes the Commissioner of Insurance to promulgate administrative regulations necessary for or as an aid to the effectuation of any provision of the Kentucky Insurance Code, as defined in KRS 304.1-010.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will establish the specific reporting procedures that must be followed to ensure compliance with statutory cybersecurity requirements.

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

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation would affect all insurers and business entities licensed in Kentucky. More specifically, domestic insurers and business entities who are not exempt under KRS 304.3-752.

(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: Insurers and businesses entities that are exempt under KRS 304.3-752 or deemed compliant under KRS 304.3-766 will need to annually file a Cybersecurity Exemption Compliance Form with the department. Those who are not exempt will need to annually file a Cybersecurity Compliance Attestation Form with the department. Entities who are deemed compliant under KRS 304.3-766 will need to submit a cybersecurity event notification to DOI.CommissionerOffice@ky.gov. Entities who are not exempt or deemed compliant under KRS 304.3-766 are required to file a Cybersecurity Event Reporting Form through their eService's account within three (3) business days of the event and to update that submission appropriately.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation should not establish any cost for entities because many of them already have an eServices account. There could be a cost associated with compliance for those who are not exempt. Some entities will be required to conduct a risk assessment, and as a result, develop an information security program. Those costs would be determined based on the size of the licensee and the amount of information held in their electronic systems.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Regulated entities will have met the national standard for information security programs, avoid civil penalties, and protect private consumer and business information.

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

- (a) Initially: No associated cost
- (b) On a continuing basis: No associated cost
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Department of Insurance's operational budget.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No, there is not a need to increase fees.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No, this regulation does not establish any fees directly or indirectly.
- (9) TIERING: Is tiering applied? Tiering is not applied because this regulation applies equally to all entities who are required to comply with the authorizing statutes.

FISCAL NOTE

- (1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Insurance as the implementer.
- (2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 304.2-110, 304.3-750 to KRS 304.3-768.
- (3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated.
 - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated.
 - (c) How much will it cost to administer this program for the first year? There is no administrative cost associated with this program.
 - (d) How much will it cost to administer this program for subsequent years? There is no administrative cost associated with 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: There is no expectation of fiscal impact.

- (4) Estimate the effect of this administrative regulation on the expenditures and cost savings of regulated entities for the first full year the administrative regulation is to be in effect.
 - (a) How much cost savings will this administrative regulation generate for the regulated entities for the first year? No cost savings are associated with this regulation.
 - (b) How much cost savings will this administrative regulation generate for the regulated entities for subsequent years? No cost savings are associated with this regulation.
 - (c) How much will it cost the regulated entities for the first year? There is no cost expected.
 - (d) How much will it cost the regulated entities for subsequent years? There is no cost expected.

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

Cost Savings (+/-):

Expenditures (+/-):

Other Explanation: There is no cost associated with this administrative regulation and therefore no fiscal impact.

- (5) Explain whether this administrative regulation will have a major economic impact, as defined below. "Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated

entities, in aggregate, as determined by the promulgating administrative bodies. [KRS 13A.010(13)] As per a Deloitte report, the average U.S. small business will invest between 6% and 14% of its annual IT budget on cybersecurity. This represents less than a quarter of the total budget allocated to cybersecurity. The average financial cost of a cyber attack to a U.S. small business in a 12 month period is \$25,612.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of December 13, 2022

Call to Order and Roll Call

The December meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, December 13, 2022 at 1 p.m. in Room 149 of the Capitol Annex. Senator West, Co-Chair, called the meeting to order, the roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative David Hale, Co-Chair; Senator Ralph Alvarado; and Representatives Randy Bridges, MaryLou Marzian, and Deanna Frazier Gordon.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Carrie Nichols, and Christy Young.

Guests: John Gregory, Dondra Meredith, Office of Adult Education; Chris Chamness, Department of Employment Insurance; Matt Stephens, Sandy Williams, Kentucky Infrastructure Authority; Cary Bishop, Brian Thomas, Finance and Administration Cabinet; Marc Kelly, Board of Social Work; Sarah Cronin, Mona Juett, Department of Tourism; Jenny Gilbert, Department of Fish and Wildlife Resources; Seth Fawns, Cyndi Heddleston, Kentucky State Corrections Commission; Amy Barker, Alicia Boyd, Janet Conover, Amelia Howell, Brandon Lynch, Department of Corrections; Amy Barker, Patrick Miller, Nathan Goen, Ben Wilcox, Department of Criminal Justice Training; Todd Allen, Matt Ross, Board of Education; Laura Begin, Office of Human Resource Management; Julie Brooks, Wes Duke, Department for Public Health; Kara Daniel, Adam Mather, Office of Inspector General; Jonathan Scott, Department of Medicaid Services; Laura Begin, Todd Trapp, Department for Community Based Services; Norma Hatfield, Kinship Families Coalition; Dustin Pugel, Policy KY.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND LABOR CABINET: Office of Adult Education (KYAE): Adult Education and Literacy

013 KAR 003:050. GED® eligibility requirements. John Gregory, executive director, and Dondra Meredith, deputy general counsel, represented the office.

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.

PERSONNEL CABINET: Office of the Secretary

101 KAR 002:210E. 2023 Plan year handbook for the Public Employee Health Insurance Program. Chris Chamness, deputy commissioner, represented the office.

101 KAR 002:210. 2023 Plan year handbook for the Public Employee Health Insurance Program.

FINANCE AND ADMINISTRATION CABINET: KENTUCKY INFRASTRUCTURE AUTHORITY

200 KAR 017:111E. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program. Matt Stephens, general counsel, and Sandy Williams, executive director, represented the authority.

In response to questions by Co-Chair West, Ms. Williams stated that the fee was new. The authority was involved with 810 grants related to the federal American Rescue Plan Act. The fee was established at zero and five-tenths (0.5) percent of each grant amount and would be used to fund administrative costs through December 31, 2026. The authorizing statute allocated \$75,000 for administration of the grant program, and the authority was confident that there was sufficient statutory authority for the new fee.

In response to a question by Representative Bridges, Ms. Williams stated that the purpose of the fee was to fund staff salaries through December 31, 2026.

200 KAR 017:111. Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 4 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.

COMMONWEALTH OFFICE OF TECHNOLOGY

200 KAR 041:010. The Kentucky state plane coordinate

system. Cary Bishop, assistant general counsel, and Brian Thomas, executive director, represented the office.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Social Work

201 KAR 023:016E. Temporary permission to practice. Marc Kelly, executive director, represented the board.

In response to a question by Representative Frazier Gordon, Mr. Kelly stated that the board was involved with forty-seven (47) temporary permits based on an administrative regulation that had expired. This administrative regulation was filed on an emergency basis to ensure continuity regarding those permits.

TOURISM, ARTS AND HERITAGE CABINET: Department of Tourism

300 KAR 001:021. Process for the distribution of tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021. Sarah Cronin, general counsel, and Mona Juett, deputy commissioner, represented the department.

In response to questions by Co-Chair Hale, Ms. Juett stated that \$60 million for destination marketing was being dispersed in three (3) tranches. Tranche 1 included \$25 million for direct marketing. Tranche 2 included \$25 million for the meetings and conventions industry, and Tranche 3 included \$10 million for multi-jurisdictional areas of five (5) or more counties by group. The department had completed the process for tranches 1 and 2 and had scored the applications for tranche 3.

In response to a question by Co-Chair Hale, Ms. Juett stated that the department received \$15 million up front to administer the program.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 7 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.

Department of Fish and Wildlife Resources: Game

301 KAR 002:185. Hunter education. Jenny Gilbert, legislative liaison, represented the department.

In response to a question by Co-Chair Hale, Ms. Gilbert stated that applicants were still required to attain live-fire training.

A motion was made and seconded to approve the following

amendments: to amend the RELATES TO paragraph and Sections 1, 3, and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 002:225. Dove, wood duck, teal, and other migratory game bird hunting.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1, 2, 4, 7, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to add Section 10 to incorporate the Dove Quota Post-hunt Hunter Survey by reference. Without objection, and with agreement of the agency, the amendments were approved.

301 KAR 002:251. Hunting and trapping seasons and limits for furbearers.

JUSTICE AND PUBLIC SAFETY CABINET: Kentucky State Corrections Commission: Kentucky Community Corrections Grant Program

500 KAR 010:001. Definitions for 500 KAR Chapter 010. Seth Fawns, staff attorney, and Cyndi Heddleston, staff assistant, represented the program.

500 KAR 010:020. Administration and application procedure for community corrections grant program.

500 KAR 010:030. Community Corrections Board and grant recipient requirements.

500 KAR 010:040. Program review.

A motion was made and seconded to approve the following amendments: to amend (1) Section 2 to clarify record-retention requirements; and (2) Sections 2 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.

Department of Corrections: Office of the Secretary

501 KAR 006:080. Department of Corrections manuals. Amy Barker, assistant general counsel, and Brandon Lynch, staff assistant, represented the department.

In response to a question by Co-Chair West, Ms. Barker stated that amendments reorganized requirements and, based on inmate requests, added faiths to the religion-related manual.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference for clarity and consistency and to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

501 KAR 006:130. Western Kentucky Correctional Complex.

A motion was made and seconded to approve the following amendments: to amend Section 1 and the material incorporated by reference to update cross-references, make minor clarifications, and comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Criminal Justice Training: General Training Provision

503 KAR 003:130. Online basic and in-service training. Amy Barker, assistant general counsel, and Patrick Miller, staff assistant, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 4 and 6 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Office of State School Security Marshal

503 KAR 007:010. On-site review of school security risk

assessments and written approval of local board of education's noncompliance with KRS 158.4414(2). Nathan Goens, staff attorney, and Ben Wilcox, State School Security Marshal, represented the department.

In response to questions by Co-Chair West, Mr. Wilcox stated that this administrative regulation did not conflict with the Safety and Resiliency Act. If school funding was insufficient or staff unavailable to meet requirements for a School Resource Officer (SRO), the office would send a statement acknowledging the situation. At least one (1) SRO was required per school.

In response to questions by Co-Chair Hale, Mr. Wilcox stated that SRO authority in off-campus situations depended on the employer of the SRO and from where the SRO derived authority. A facility such as a school board office would be under the jurisdiction of an SRO because the facility would constitute school property.

A motion was made and seconded to approve the following amendments: to amend: (1) Section 3 to clarify procedures for on-site review of the School Security Risk Assessment Tool; (2) Section 4 to clarify procedures for closed and locked-door exemption applications; and (3) the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1, 3, 4, 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.

EDUCATION AND LABOR CABINET: Board of Education: Charter Schools

701 KAR 008:010E. Charter school student application, lottery, and enrollment. Todd Allen, general counsel, and Matt Ross, executive advisor, represented the board.

In response to questions by Co-Chair West, Mr. Allen stated that four (4) of the five (5) administrative regulations in this package were amendments and one (1) was new. Some changes related to a charter school pilot project and some related to revisions in the authorizing statutes.

701 KAR 008:020E. Evaluation of charter school authorizers.

701 KAR 008:030E. Charter school appeal process.

701 KAR 008:040E. Conversion charter school petition, conversation, and operation.

701 KAR 008:050E. Charter school funding.

Office of Learning Programs Development

704 KAR 003:305. Minimum requirements for high school graduation.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend Section 5 to add early graduation requirements in accordance with KRS 158.141. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Human Resource Management: Administration

900 KAR 001:050. Child and adult protection employees subject to state and national criminal background checks. Laura Begin, regulation coordinator, represented the office.

In response to questions by Co-Chair West, Ms. Begin stated that the fingerprint-based national background check process for the Department of Community Based Services (DCBS) staff and for private child care and child placing employees was an automated system, and results should be completed quickly in most cases. Kentucky had multiple sites for fingerprint background testing. Federal law required these checks for private child care staff with access to vulnerable children; however, the FBI would only authorize the tests in the presence of a Kentucky statutory mandate. Senator Alvarado previously sponsored a bill to establish that statutory authority. Because DCBS staff had the same access as private agency staff, it seemed prudent to have consistent requirements for both. The typical time frame for the background check was three (3)

days unless a disqualifying issue resulted from the check. A disqualifying issue would result in a manual check, which would take longer. The office had a Help Center to address delays in this process.

Department for Public Health: Vital Statistics

901 KAR 005:120. Abortion reporting. Julie Brooks, regulation coordinator, and Wes Duke, general counsel, represented the department.

In response to questions by Co-Chair West, Ms. Brooks stated that the abortion reporting form was being amended to include all statutorily required elements. 901 KAR 005:130 established processes related to certificates of abortion, and 901 KAR 005:140 established the process for a permit to transport fetal remains. The certificates of abortion were to be separate from certificates of live births and would be permanently stored in the Office of Vital Statistics.

A motion was made and seconded to approve the following amendments: to amend: (1) Section 5 and Form VS-913, Report of Abortion, to add additional data elements required by House Bill 3 from the 2022 Regular Session of the General Assembly; and (2) the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 5 to: (a) use statutory terminology; and (b) comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

901 KAR 005:130. Certificate of abortion.

901 KAR 005:140. Permit to transport fetal remains.

Local Health Departments

902 KAR 008:160. Local health department operations requirements.

A motion was made and seconded to approve the following amendments: to amend Sections 4, 5, 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.

Office of Inspector General: Health Services and Facilities

902 KAR 020:365. Kentucky abortion-inducing drug certification program and registration of qualified physicians. Kara Daniel, assistant inspector general, and Adam Mather, inspector general, represented the office.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 3, 4, 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.

Office of Inspector General

906 KAR 001:210. Health care services agencies.

A motion was made and seconded to approve the following amendments: to amend Sections 3 through 5, 7, and 8 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Medicaid Services

907 KAR 001:065. Payments for price-based nursing facility services. Jonathan Scott, regulatory and legislative advisor, represented the department.

In response to a question by Co-Chair West, Mr. Scott stated that this administrative regulation was making the twenty-nine (29) dollar reimbursement a permanent part of the base rate. Senator Alvarado stated that this rate increase was necessary to prevent facilities from closing.

Payments and Services

907 KAR 003:160E. Specialized children's services clinics.

Department for Community Based Services: K-TAP, Kentucky

Works, Welfare to Work, State Supplementation

921 KAR 002:016. Standards of need and amount for the Kentucky Transitional Assistance Program (KTAP). Laura Begin, regulation coordinator, and Todd Trapp, Director of the Division of Family Support, represented the department. Norma Hatfield, president, Kinship Families, and Dustin Pugel, policy director, Kentucky Center for Economic Policy, appeared in support of this administrative regulation.

In response to a question by Co-Chair West, Ms. Begin stated that the amendments to 922 KAR 001:290 were intended to expedite the process for fingerprint-based national background checks for private child care and child placement staff.

In response to questions by Co-Chair West, Ms. Begin stated that funding for 921 KAR 002:016 was federal. The department had not completed a fiscal analysis of the impact of changes to this program. Mr. Trapp stated that benefits were based on specific dollar amounts contingent upon factors such as income and the number of children involved. Most programs based benefits on a percentage, rather than a specific dollar amount. Mr. Pugel stated that this was unusual and problematic. There was no maintenance effect from this program; therefore, there would be no impact on the General Fund.

In response to a question by Co-Chair West, Mr. Pugel stated that Kentucky Center for Economic Policy supported this administrative regulation. This update brought Kentucky in line with median and surrounding states. There had not been an increase since 1995. There had been a decrease in families using this program.

In response to a question by Co-Chair West, Ms. Hatfield stated that Kinship Families supported this administrative regulation. Ms. Hatfield read two (2) letters from families who were impacted by this program. The letters expressed support for increases to this program. Kentucky had the highest rate in the nation for kinship families, which constituted children living with family members who were not biological parents and children. Kinship families kept children out of the foster care system at a time when it was difficult to place children. Kinship families needed monetary support. The current level of support was significantly insufficient.

Representative Marzian stated that this administrative regulation should move on to the second legislative committee. This was an important administrative regulation with minimal financial impacts to Kentucky.

Co-Chair Hale stated that it was not his intent to stop this administrative regulation; however, the subcommittee members needed more time to consider the ramifications of this administrative regulation. Ms. Begin stated that the department was willing to meet with members before consideration by the second legislative committee, and the department preferred for this administrative regulation to move forward. In response to a question by Co-Chair Hale, Ms. Begin stated that the department respectfully did not agree to defer consideration of this administrative regulation to the January 2023 subcommittee meeting. Co-Chair West requested that the department provide to this subcommittee, financial information regarding this program.

921 KAR 002:017. Kentucky Works Program (KWP) supportive services.

921 KAR 002:035. Right to apply and reapply.

921 KAR 002:040. Procedures for determining initial and continuing eligibility.

921 KAR 002:050. Time and manner of payments.

921 KAR 002:060. Delegation of power for oaths and affirmations.

A motion was made and seconded to approve the following amendments: to amend Section 4 and the material incorporated by reference to: (1) add the signed payee's title; (2) add the notary's ID number; (3) update the revision date; and (4) make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

VOLUME 49, NUMBER 6– JANUARY 1, 2023

921 KAR 002:370. Technical requirements for Kentucky Works Program (KWP).

Child Welfare

922 KAR 001:290. Background checks for private child-caring or child-placing staff members.

A motion was made and seconded to approve the following amendments: to amend Section 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.

922 KAR 001:350. Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers.

A motion was made and seconded to approve the following amendment: to amend Section 20 to add provisions pertaining to maintenance of foster care home records. Without objection, and with agreement of the agency, the amendment was approved.

Other Business: A legislative citation was presented in honor of the retirement of Representative Marzian from the Kentucky General Assembly. Representative Marzian stated that she had enjoyed her tenure on this subcommittee and had learned a lot.

Senator Alvarado, who was also leaving the Kentucky General Assembly, stated that it was an honor to serve on this subcommittee, which was a place where the checks and balances of government were regularly exercised. He was looking forward to new challenges.

Co-Chair Hale, who was leaving his post as Co-Chair, stated that he enjoyed his time as Co-Chair of the subcommittee and had also learned a lot. He enjoyed working with his Co-Chair, Senator West, and with staff. He introduced Representative Derek Lewis, who was anticipated to be Co-Chair upon Representative Hale's vacation from that position.

The following administrative regulations were deferred or removed from the December 13, 2022, subcommittee agenda:

STATE BOARD OF ELECTIONS: Electronic Voting Systems

031 KAR 002:030E. E-Poll book product certification.

031 KAR 002:030. E-poll book product certification.

FINANCE AND ADMINISTRATION CABINET: Teachers' Retirement System: General Rules

102 KAR 001:361E. Disability retirement for TRS 4 members with less than five (5) years of service.

Kentucky Retirement Systems: General Rules

105 KAR 1:451E. Quasi-governmental employer reports on independent contractors and leased employees.

105 KAR 001:451. Quasi-governmental employer reports on independent contractors and leased employees.

BOARDS AND COMMISSIONS: Board of Pharmacy

201 KAR 002:030. License transfer and non-resident pharmacist license.

201 KAR 002:360. Naloxone dispensing.

201 KAR 002:380E. Board authorized protocols.

201 KAR 002:380. Board authorized protocols.

201 KAR 002:450. Unprofessional conduct of a pharmacy permit holder.

201 KAR 002:460. Out of state pharmacy permits.

Board of Licensure for Long-Term Care Administrators

201 KAR 006:060. Fees.

Board of Dentistry

201 KAR 008:520. Fees and fines.

201 KAR 008:601. Mobile dental facilities and portable dental units.

Real Estate Commission

201 KAR 011:121. Standards of professional conduct.

Department of Fish and Wildlife Resources: Game

301 KAR 002:075. Wildlife rehabilitation permit.

301 KAR 002:081. Transportation and holding of live native wildlife.

301 KAR 002:082. Transportation and holding of live exotic wildlife.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections: Office of the Secretary

501 KAR 006:050. Luther Luckett Correctional Complex.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services

907 KAR 001:082. Coverage provisions and requirements regarding rural health clinic services. Jonathan Scott, regulatory and legislative advisor, represented the department.

In response to a question by Co-Chair West, Mr. Scott requested that this administrative regulation be deferred to the January 2023 meeting of this subcommittee. Without objection, and with agreement of the agency, this administrative regulation was deferred.

907 KAR 001:680. Vaccines for children program.

Payments and Services

907 KAR 003:010. Reimbursement for physicians' services.

Department for Developmental Health, Developmental and Intellectual Disabilities: Substance Abuse

908 KAR 001:374. Licensure of nonhospital-based outpatient alcohol and other drug treatment entities.

Department for Community Based Services: K-TAP, Kentucky Works, Welfare to Work, State Supplementation

921 KAR 002:006. Technical requirements for the Kentucky Transitional Assistance Program (KTAP).

921 KAR 002:500. Family Assistance Short Term (FAST).

921 KAR 002:510. Relocation Assistance Program (RAP).

921 KAR 002:520. Work Incentive (WIN).

The subcommittee adjourned at 2:30 p.m. The next meeting of this subcommittee was tentatively scheduled for January 10, 2023, at 1 p.m.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(10), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

**INTERIM JOINT COMMITTEE ON HEALTH, WELFARE, AND
FAMILY SERVICES
Meeting of November 15, 2022**

The following administrative regulations were available for consideration and placed on the agenda of the Interim Joint Committee on Health, Welfare, and Family Services for its meeting of November 15, 2022, having been referred to the Interim Joint Committee on Health, Welfare, and Family Services on October 5, 2022 and November 2, 2022, pursuant to KRS 13A.290(6):

October 5, 2022

201 KAR 002:015 Proposed
201 KAR 002:413 Emergency

November 2, 2022

201 KAR 009:305 Proposed
201 KAR 020:260 Proposed
201 KAR 020:310 Proposed
201 KAR 020:490 Proposed
201 KAR 020:620 Proposed
201 KAR 020:650 Proposed
202 KAR 007:701 Proposed
900 KAR 012:005 Emergency
901 KAR 005:120 Emergency
902 KAR 002:020 Proposed
902 KAR 021:040 Proposed
907 KAR 001:104 Proposed
907 KAR 004:020 Emergency
907 KAR 004:030 Emergency
907 KAR 020:020 Emergency
907 KAR 020:100 Emergency
921 KAR 001:400 Proposed
922 KAR 002:160 Proposed
922 KAR 002:160 Emergency

Committee activity in regards to review of the above-referenced administrative regulations is reflected in the minutes of the November 15, 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 49th year of the *Administrative Register of Kentucky*, from July 2022 through June 2023.

Locator Index - Effective Dates

G - 2

Lists all administrative regulations published or continuing through the KRS Chapter 13A review process during this Register year. It also lists the page number on which each regulation is published, the effective date of the regulation after it has completed the review process, and other actions that may affect the regulation.

NOTE: Regulations listed with a “47 Ky.R.” or “48 Ky.R.” notation are regulations that were originally published in previous years’ issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the last *Register* year ended.

KRS Index

G - 13

A cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication during this *Register* year.

Certifications Index

G - 22

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index

G - 23

A list of administrative regulations that have had technical, non-substantive amendments made during this *Register* year. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Because these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the *Administrative Register of Kentucky*; however, they are usually available for a short time on the Legislative Research Commission’s Web site.

Subject Index

G - 24

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 49. 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 prior <i>Registers</i> , please visit our online Administrative Registers of Kentucky .					
SYMBOL KEY:			201 KAR 012:290E	49 Ky.R. 269	7-12-2022
* Statement of Consideration not filed by deadline			201 KAR 015:030E	48 Ky.R. 2689	4-7-2022
** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))			Replaced	2836	11-1-2022
*** Withdrawn before being printed in Register			201 KAR 015:040E	48 Ky.R. 2692	4-7-2022
IJC Interim Joint Committee			Replaced	2838	11-1-2022
(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.			201 KAR 015:050E	48 Ky.R. 2693	4-7-2022
			Replaced	49 Ky.R. 322	11-1-2022
			201 KAR 015:110E	48 Ky.R. 2697	4-7-2022
			Replaced	2843	11-1-2022
			201 KAR 015:125E	48 Ky.R. 2700	4-7-2022
			Replaced	2846	11-1-2022
			201 KAR 020:070E	48 Ky.R. 2702	4-6-2022
			As Amended	49 Ky.R. 14	6-17-2022
			Replaced	325	8-25-2022
			201 KAR 020:260E	48 Ky.R. 2168	1-11-2022
			Amended	2948	5-10-2022
			201 KAR 020:480E	48 Ky.R. 2367	2-2-2022
			Amended	2951	5-10-2022
			Replaced	2959	7-20-2022
			201 KAR 023:016E	49 Ky.R. 976	10-3-2022
			201 KAR 023:051E	49 Ky.R. 1239	11-15-22
			201 KAR 026:175E	49 Ky.R. 977	9-30-2022
			Withdrawn		11-7-2022
			201 KAR 026:225E	49 Ky.R. 981	9-30-2022
			Withdrawn		11-7-2022
			201 KAR 046:020E	48 Ky.R. 2172	12-21-2021
			202 KAR 007:545E	48 Ky.R. 2704	3-30-2022
			Replaced	2851	11-1-2022
			202 KAR 007:560E	48 Ky.R. 2926	5-3-2022
			Replaced	3036	9-28-2022
			202 KAR 007:701E	49 Ky.R. 272	7-12-2022
			As Amended	751	
			300 KAR 001:020E	49 Ky.R. 525	7-25-2022
			Withdrawn		8-25-2022
			300 KAR 001:021E	49 Ky.R. 727	8-25-2022
			300 KAR 006:011E	48 Ky.R. 2929	4-29-2022
			503 KAR 001:140E	49 Ky.R. 277	7-13-2022
			503 KAR 003:130E	49 Ky.R. 732	8-18-2022
			601 KAR 002:233E	47 Ky.R. 2335	4-12-2021
			Replaced	48 Ky.R. 429	11-30-2021
			603 KAR 010:011E	48 Ky.R. 736	7-30-2021
			701 KAR 008:010E	49 Ky.R. 984	10-13-2022
			701 KAR 008:020E	49 Ky.R. 989	10-13-2022
			701 KAR 008:030E	49 Ky.R. 998	10-13-2022
			701 KAR 008:040E	49 Ky.R. 1001	10-13-2022
			701 KAR 008:050E	49 Ky.R. 1005	10-13-2022
			702 KAR 001:192E	48 Ky.R. 1999	12-8-2021
			Am Comments	2374	2-11-2022
			As Amended		3-7-2022
			787 KAR 001:360E	48 Ky.R. 2937	4-28-2022
			Replaced	49 Ky.R. 563	12-6-2022
			800 KAR 001:020E	48 Ky.R. 2174	12-17-2021
			Am Comments	2554	3-15-2022
			803 KAR 002:182E(r)	47 Ky.R. 2531	5-13-2021
			Replaced	48 Ky.R. 2531	11-2-2021
			803 KAR 002:321E	48 Ky.R. 2001	11-23-2021
			Replaced	2141	7-5-2022
			803 KAR 002:330E	48 Ky.R. 753	7-20-2021
			803 KAR 002:426E	48 Ky.R. 2003	11-23-2021
			Replaced	2143	7-5-2022
			803 KAR 025:089E	49 Ky.R. 284	6-24-2022
			As Amended	754	
			803 KAR 025:195E	48 Ky.R. 2710	4-15-2022
			Am Comments	49 Ky.R. 15	
			803 KAR 025:305E	48 Ky.R. 1473	9-28-2021
016 KAR 009:011E	49 Ky.R. 240	7-13-2022			
031 KAR 002:030E	49 Ky.R. 718	9-1-2022			
031 KAR 003:031E	48 Ky.R. 2902	4-28-2022			
031 KAR 004:071E	48 Ky.R. 2904	4-28-2022			
031 KAR 004:131E	48 Ky.R. 2906	4-28-2022			
031 KAR 004:141E	48 Ky.R. 2909	4-28-2022			
031 KAR 004:195E	48 Ky.R. 256	6-23-2021			
031 KAR 004:196E	48 Ky.R. 2911	4-28-2022			
031 KAR 004:200E	48 Ky.R. 258	6-23-2021			
031 KAR 004:201E	48 Ky.R. 2913	4-28-2022			
031 KAR 004:210E	48 Ky.R. 2914	4-28-2022			
031 KAR 005:011E	48 Ky.R. 2916	4-28-2022			
031 KAR 005:025E	48 Ky.R. 259	6-23-2021			
031 KAR 005:026E	48 Ky.R. 2918	4-28-2022			
101 KAR 002:095E	48 Ky.R. 2684	4-15-2022			
Replaced	2795	9-27-2022			
101 KAR 002:210E	49 Ky.R. 719	9-15-2022			
101 KAR 006:020E	48 Ky.R. 2687	4-15-2022			
Replaced	2878	9-27-2022			
102 KAR 001:360E	48 Ky.R. 2167	12-28-2021			
103 KAR 001:361E	49 Ky.R. 974	9-22-2022			
103 KAR 043:340E	49 Ky.R. 6	6-2-2022			
105 KAR 001:415E	49 Ky.R. 243	6-28-2022			
Am Comments	748				
Am Comments	1241				
105 KAR 001:450E	48 Ky.R. 2921	5-5-2022			
Withdrawn	#	8-15-2022			
105 KAR 001:451E	49 Ky.R. 722	8-19-2022			
Am Comments	1243				
200 KAR 017:110E	48 Ky.R. 5	6-2-2021			
As Amended	1098	9-14-2021			
Expired		2-27-2022			
200 KAR 017:111E	49 Ky.R. 247	6-21-2022			
201 KAR 002:106E	48 Ky.R. 1997	12-14-2021			
Replaced	2116	6-2-2022			
201 KAR 002:380E	49 Ky.R. 523	8-8-2022			
201 KAR 002:412E	48 Ky.R. 1466	10-11-2021			
Withdrawn		6-27-2022			
201 KAR 002:413E	49 Ky.R. 250	6-27-2022			
201 KAR 012:030E	49 Ky.R. 253	7-12-2022			
201 KAR 012:060E	49 Ky.R. 257	7-12-2022			
201 KAR 012:082E	49 Ky.R. 259	7-12-2022			
201 KAR 012:190E	49 Ky.R. 264	7-12-2022			
201 KAR 012:230E	49 Ky.R. 266	7-12-2022			
201 KAR 012:260E	49 Ky.R. 267	7-12-2022			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
Expired		6-25-2022	Amended	49 Ky.R. 856	
807 KAR 005:001E	49 Ky.R. 734	9-14-2022	As Amended	1411	
900 KAR 005:020E	48 Ky.R. 2368	1-27-2022	016 KAR 003:080		
Am Comments	2715	4-15-2022	Amended	48 Ky.R. 2614	10-4-2022
As Amended	49 Ky.R. 306		016 KAR 009:100	49 Ky.R. 479	
Replaced	347	8-25-2022	As Amended	1023	
900 KAR 006:075E	48 Ky.R. 2370	1-27-2022	016 KAR 009:110	49 Ky.R. 481	
Am Comments	2716	4-15-2022	As Amended	1024	
As Amended	49 Ky.R. 306		As Amended	1248	
Replaced	347	8-25-2022	017 KAR 003:020		
900 KAR 012:005E	49 Ky.R. 530	8-8-2022	Amended	49 Ky.R. 1469	
900 KAR 014:010E	48 Ky.R. 2548	2-21-2022	030 KAR 002:010		
As Amended	2556	3-7-2022	Amended	48 Ky.R. 2111	
Am Comments	48 Ky.R. 2952		As Amended	2558	7-5-2022
As Amended	49 Ky.R. 308		030 KAR 009:010	49 Ky.R. 1198	
Replaced		8-25-2022	031 KAR 002:030	49 Ky.R. 937	
901 KAR 005:120E	49 Ky.R. 286	6-30-2022	031 KAR 003:031	48 Ky.R. 3108	
Am Comments	755		As Amended	49 Ky.R. 1026	
902 KAR 002:020E	48 Ky.R. 2939	4-26-2022	031 KAR 004:071	48 Ky.R. 3109	
902 KAR 002:230E	48 Ky.R. 1474	10-1-2021	As Amended	49 Ky.R. 1027	
Expired		6-28-2022	031 KAR 004:131	48 Ky.R. 3111	
902 KAR 002:240E	48 Ky.R. 1476	10-1-2021	As Amended	49 Ky.R. 1027	
As Amended	2014	12-9-2021	031 KAR 004:141	48 Ky.R. 2917	
Expired		6-28-2022	As Amended	49 Ky.R. 1029	
902 KAR 002:250E	48 Ky.R. 1477	10-1-2021	031 KAR 004:170		
Expired		6-28-2022	Amended	48 Ky.R. 3026	
907 KAR 001:065E	49 Ky.R. 288	7-1-2022	As Amended	49 Ky.R. 1029	
907 KAR 003:160E	49 Ky.R. 1008	9-30-2022	031 KAR 004:196	48 Ky.R. 3116	
907 KAR 004:020E	49 Ky.R. 532	7-19-2022	As Amended	49 Ky.R. 1029	
907 KAR 004:030E	49 Ky.R. 535	7-19-2022	031 KAR 004:201	48 Ky.R. 3118	
907 KAR 020:020E	49 Ky.R. 538	7-19-2022	As Amended	49 Ky.R. 1030	
907 KAR 020:100E	49 Ky.R. 542	7-19-2022	031 KAR 004:210	48 Ky.R. 3119	
907 KAR 023:020E	49 Ky.R. 9	6-1-2022	As Amended	49 Ky.R. 1030	
908 KAR 003:010E	48 Ky.R. 2550	2-21-2022	031 KAR 005:011	48 Ky.R. 3121	
Replaced	49 Ky.R. 370	8-25-2022	As Amended	49 Ky.R. 1030	
921 KAR 004:122E	48 Ky.R. 2005	12-1-2021	031 KAR 005:026		
Replaced	2146	6-2-2022	As Amended	49 Ky.R. 1031	
922 KAR 001:360E	48 Ky.R. 2176	12-28-2021	040 KAR 002:150		
Replaced	3014	7-20-2022	Amended	49 Ky.R. 1129	
922 KAR 002:160E			045 KAR 001:030		
As Amended	49 Ky.R. 1015		Amended	49 Ky.R.	
922 KAR 002:260E	49 Ky.R. 296	7-1-2022	045 KAR 001:050		
ORDINARY ADMINISTRATIVE REGULATIONS			Amended	49 Ky.R. 1135	
009 KAR 001:070	48 Ky.R. 2529		101 KAR 001:325		
As Amended	2955	7-19-2022	Amended	49 Ky.R. 1337	
011 KAR 004:080			101 KAR 002:046		
Amended	48 Ky.R. 2779		Amended	48 Ky.R. 2790	9-27-2022
As Amended	49 Ky.R. 309	11-1-2022	101 KAR 002:066		
Amended	1330		Amended	48 Ky.R. 2792	9-27-2022
011 KAR 005:001			101 KAR 002:095		
Amended	49 Ky.R. 1332		Amended	48 Ky.R. 2795	9-27-2022
011 KAR 005:037	49 Ky.R. 1370		101 KAR 002:102	48 Ky.R. 2797	
011 KAR 005:145			As Amended	49 Ky.R. 549	9-27-2022
Amended	48 Ky.R. 2781		101 KAR 002:190		
As Amended	49 Ky.R. 309	11-1-2022	Amended	48 Ky.R. 2802	9-27-2022
Amended	1335		101 KAR 002:210		
011 KAR 015:090			Amended	49 Ky.R. 857	
Amended	48 Ky.R. 2783		101 KAR 003:015	48 Ky.R. 2805	
As Amended	49 Ky.R. 310	11-1-2022	As Amended	49 Ky.R. 553	9-27-2022
011 KAR 016:020			101 KAR 006:020	48 Ky.R. 2878	9-27-2022
Amended	48 Ky.R. 2788		102 KAR 001:361	49 Ky.R. 1199	
As Amended	49 Ky.R. 314	11-1-2022	105 KAR 001:001		
011 KAR 022:010	48 Ky.R. 2875		Amended	49 Ky.R.	
As Amended	49 Ky.R. 315	11-1-2022	105 KAR 001:071	49 Ky.R. 1201	
011 KAR 023:010	48 Ky.R. 2877		105 KAR 001:365		
As Amended	49 Ky.R. 316	11-1-2022	Amended	49 Ky.R.	
013 KAR 003:050			105 KAR 001:371	49 Ky.R. 1202	
			105 KAR 001:390		
			Amended	48 Ky.R. 2811	9-27-2022
			As Amended	49 Ky.R. 317	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
105 KAR 001:411	49 Ky.R. 1203		Amended	49 Ky.R. 625	
105 KAR 001:415	49 Ky.R. 485		Am Comments	1451	
Am Comments	1106		201 KAR 002:430	48 Ky.R. 1063	
As Amended	1250		Am Comments	2239	
105 KAR 001:450	48 Ky.R. 3125		Withdrawn		7-1-2022
Withdrawn	*	8-15-2022	201 KAR 002:440	48 Ky.R. 2131	
105 KAR 001:451	49 Ky.R. 938		Am Comments	2758	
Am Comments	1447		As Amended	2956	7-20-2022
106 KAR 001:141	49 Ky.R. 161		201 KAR 002:450	49 Ky.R. 693	
As Amended	1033		Am Comments	1454	
106 KAR 001:171	49 Ky.R. 163		201 KAR 002:460	49 Ky.R. 946	
As Amended	1033		201 KAR 005:002	49 Ky.R. 1371	
106 KAR 001:181	49 Ky.R. 165		201 KAR 005:038	49 Ky.R. 1209	
As Amended	1034		Withdrawn		11-15-2022
106 KAR 001:191	49 Ky.R. 166		201 KAR 005:045	49 Ky.R. 1211	
As Amended	1034		Withdrawn		11-15-2022
106 KAR 001:201	49 Ky.R. 168		201 KAR 005:105	49 Ky.R. 1212	
As Amended	1034		Withdrawn		11-15-2022
106 KAR 001:211	49 Ky.R. 170		201 KAR 006:040		
As Amended	1035		Amended	48 Ky.R. 1828	
106 KAR 001:221	49 Ky.R. 173		As Amended	2720	7-20-2022
As Amended	1037		201 KAR 006:060		
106 KAR 001:231	49 Ky.R. 176		Amended	48 Ky.R. 3029	
As Amended	1038		201 KAR 008:016		
106 KAR 001:241	49 Ky.R. 177		Amended	49 Ky.R. 1340	
As Amended	1038		201 KAR 008:520		
106 KAR 001:251	49 Ky.R. 179		Amended	48 Ky.R. 2822	
As Amended	1039		201 KAR 008:550		
106 KAR 001:261	49 Ky.R. 181		Amended	48 Ky.R. 2824	
As Amended	1039		Am Comments	49 Ky.R. 600	
106 KAR 001:291	49 Ky.R. 182		As Amended	759	10-26-2022
As Amended	1040		201 KAR 008:571		
106 KAR 001:341	49 Ky.R. 184		Amended	49 Ky.R. 1342	
As Amended	1040		201 KAR 008:600	48 Ky.R. 2531	
106 KAR 001:371	49 Ky.R. 185		Withdrawn	*	6-15-2022
As Amended	1040		201 KAR 008:601	49 Ky.R. 948	
106 KAR 002:021	49 Ky.R. 186		201 KAR 009:305		
As Amended	1041		Amended	49 Ky.R. 369	
106 KAR 002:031	49 Ky.R. 188		As Amended	1041	11-15-2022
As Amended	1041		201 KAR 009:470		
200 KAR 001:016	49 Ky.R. 190		Amended	49 Ky.R. 1344	
As Amended	758		201 KAR 011:121		
200 KAR 017:111	49 Ky.R. 488		Amended	48 Ky.R. 2830	
As Amended	1411		Am Comments	49 Ky.R. 606	
200 KAR 041:010	49 Ky.R. 943		201 KAR 012:030		
As Amended	1412		Amended	49 Ky.R. 397	
201 KAR 001:100			As Amended	1042	
Amended	47 Ky.R. 1816		201 KAR 012:060		
As Amended	2575		Amended	49 Ky.R. 401	
201 KAR 001:190			As Amended	1045	
Amended	48 Ky.R. 2112		201 KAR 012:082		
As Amended	2558	7-5-2022	Amended	49 Ky.R. 403	
201 KAR 002:015			As Amended	1046	
Amended	48 Ky.R. 2815		201 KAR 012:190		
As Amended	49 Ky.R. 758	11-15-2022	Amended	49 Ky.R. 408	
201 KAR 002:020			As Amended	1050	
Amended	48 Ky.R. 2817		201 KAR 012:230		
As Amended	49 Ky.R. 320	8-25-2022	Amended	49 Ky.R. 410	
201 KAR 002:030			201 KAR 012:260		
Amended	49 Ky.R. 859		Amended	49 Ky.R. 411	
201 KAR 002:050			As Amended	1050	
Amended	48 Ky.R. 2819	8-25-2022	201 KAR 012:290		
201 KAR 002:106			Amended	49 Ky.R. 413	
Amended	48 Ky.R. 2116	6-2-2022	As Amended	1051	
201 KAR 002:225			201 KAR 014:015		
Amended	48 Ky.R. 2820		Amended	48 Ky.R. 1830	7-5-2022
As Amended	49 Ky.R. 321	8-25-2022	201 KAR 014:030		
201 KAR 002:360			Amended	48 Ky.R. 1831	7-5-2022
Amended	49 Ky.R. 862		201 KAR 014:040		
201 KAR 002:380			Amended	48 Ky.R. 1833	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
As Amended	2561	7-5-2022	Amended	48 Ky.R. 2849	
201 KAR 014:050			As Amended	49 Ky.R. 326	8-25-2022
Amended	48 Ky.R. 1834		201 KAR 020:260		
As Amended	2561	7-5-2022	Amended	49 Ky.R. 413	
201 KAR 014:065			As Amended	1053	11-15-2022
Amended	48 Ky.R. 1835	7-5-2022	201 KAR 020:280		
201 KAR 014:085			Amended	48 Ky.R. 1841	
Amended	48 Ky.R. 1837		As Amended	2723	7-20-2022
As Amended	2562	7-5-2022	201 KAR 020:310		
201 KAR 014:105			Amended	49 Ky.R. 417	11-15-2022
Amended	48 Ky.R. 1839		201 KAR 020:360		
As Amended	2564	7-5-2022	Amended	48 Ky.R. 1855	
201 KAR 014:110			As Amended	2724	7-20-2022
Amended	48 Ky.R. 1841		201 KAR 020:370		
As Amended	2564	7-5-2022	Amended	48 Ky.R. 2618	
201 KAR 014:115			As Amended	49 Ky.R. 20	8-25-2022
Amended	48 Ky.R. 1843		Amended	1346	
As Amended	2565	7-5-2022	201 KAR 020:480		
201 KAR 014:125			Amended	48 Ky.R. 2500	
Amended	48 Ky.R. 1844		As Amended	2959	7-20-2022
As Amended	2566	7-5-2022	201 KAR 020:490		
201 KAR 014:150			Amended	49 Ky.R. 420	
Amended	48 Ky.R. 1846		As Amended	1056	11-15-2022
As Amended	2567	7-5-2022	201 KAR 020:620		
201 KAR 014:180			Amended	49 Ky.R. 422	
Amended	48 Ky.R. 1848		As Amended	1057	11-15-2022
As Amended	2567	7-5-2022	201 KAR 020:650		
201 KAR 015:030			Amended	49 Ky.R. 423	
Amended	48 Ky.R. 2836	11-1-2022	As Amended	1058	11-15-2022
201 KAR 015:040			201 KAR 022:001		
Amended	48 Ky.R. 2838	11-1-2022	Amended	48 Ky.R. 2266	
201 KAR 015:050			As Amended	2726	7-20-2022
Amended	48 Ky.R. 2839		201 KAR 022:020		
As Amended	49 Ky.R. 322	11-1-2022	Amended	48 Ky.R. 2501	
201 KAR 015:110			As Amended	2960	7-20-2022
Amended	48 Ky.R. 2843	11-1-2022	201 KAR 022:053		
201 KAR 015:125			Amended	48 Ky.R. 2267	
Amended	48 Ky.R. 2846	11-1-2022	As Amended	2727	7-20-2022
201 KAR 016:550			Amended	49 Ky.R. 627	
Amended	49 Ky.R. 1473		As Amended	1252	
201 KAR 016:562	49 Ky.R. 1540		201 KAR 022:070		
201 KAR 016:560			Amended	48 Ky.R. 2503	7-20-2022
Amended	49 Ky.R. 1475		201 KAR 022:170		
201 KAR 016:652	49 Ky.R. 1543		Amended	48 Ky.R. 2505	
201 KAR 016:572			As Amended	2961	7-20-2022
Amended	49 Ky.R. 1478		Amended	49 Ky.R. 1483	
201 KAR 016:610			201 KAR 023:016	49 Ky.R. 1214	
Amended	49 Ky.R. 1480		201 KAR 023:051	49 Ky.R. 1374	
201 KAR 017:110			201 KAR 026:115		
Amended	48 Ky.R. 2498		Amended	1859	
As Amended	2958	7-20-2022	As Amended	2568	6-2-2022
201 KAR 019:035			201 KAR 026:125		
Amended	48 Ky.R. 3031		Amended	48 Ky.R. 1861	
As Amended	49 Ky.R. 558	12-6-2022	As Amended	2568	6-2-2022
201 KAR 019:087			201 KAR 026:130		
Amended	48 Ky.R. 3033		Amended	48 Ky.R. 1863	
As Amended	49 Ky.R. 558	12-6-2022	As Amended	2569	6-2-2022
201 KAR 020:070			201 KAR 026:155		
Amended	48 Ky.R. 2847		Amended	48 Ky.R. 1866	
As Amended	49 Ky.R. 325	8-25-2022	As Amended	2571	6-2-2022
201 KAR 020:085			201 KAR 026:160		
Amended	48 Ky.R. 2615		Amended	48 Ky.R. 1868	
As Amended	49 Ky.R. 19	8-25-2022	As Amended	2572	6-2-2022
201 KAR 020:110			201 KAR 026:175		
Amended	48 Ky.R. 2616		Amended	48 Ky.R. 1870	6-2-2022
As Amended	49 Ky.R. 19	8-25-2022	201 KAR 026:180		
201 KAR 020:220			Amended	48 Ky.R. 1873	
Amended	48 Ky.R. 1849		201 KAR 026:185		
As Amended	2721	7-20-2022	Amended	48 Ky.R. 1873	6-2-2022
201 KAR 020:240			201 KAR 026:190		

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	48 Ky.R. 1875		As Amended	49 Ky.R. 24	10-4-2022
As Amended	2573	6-2-2022	201 KAR 043:040		
201 KAR 026:215			Amended	48 Ky.R. 1900	
Amended	48 Ky.R. 1878	6-2-2022	Am Comments	2602	
201 KAR 026:225			As Amended	49 Ky.R. 24	10-4-2022
Amended	48 Ky.R. 1880	6-2-2022	201 KAR 043:050		
201 KAR 026:230			Amended	48 Ky.R. 1904	
Amended	48 Ky.R. 1882		Am Comments	2605	
As Amended	2574	6-2-2022	As Amended	49 Ky.R. 27	10-4-2022
201 KAR 026:250			201 KAR 043:060		
Amended	48 Ky.R. 1884	6-2-2022	Amended	48 Ky.R. 1909	
201 KAR 026:270			As Amended	49 Ky.R. 31	10-4-2022
Amended	48 Ky.R. 1886		201 KAR 043:070		
As Amended	2576	6-2-2022	Repealed	49 Ky.R. 33	10-4-2022
201 KAR 026:310			201 KAR 043:071	48 Ky.R. 1974	
Amended	1888		As Amended	49 Ky.R. 33	10-4-2022
Am Comments	2459		201 KAR 043:080		
As Amended	2576	6-2-2022	Amended	48 Ky.R. 1911	
201 KAR 031:010			Am Comments	2610	
Amended	49 Ky.R. 1137		As Amended	49 Ky.R. 33	10-4-2022
201 KAR 031:031	49 Ky.R. 1215		201 KAR 043:090	48 Ky.R. 1975	
201 KAR 031:040			As Amended	49 Ky.R. 33	10-4-2022
Amended	49 Ky.R. 1140		201 KAR 043:100		
201 KAR 031:050			Amended	48 Ky.R. 1913	
Amended	49 Ky.R. 1142		As Amended	49 Ky.R. 34	10-4-2022
201 KAR 033:015			201 KAR 046:020		
Amended	48 Ky.R. 2507		Amended	48 Ky.R. 2274	7-20-2022
As Amended	2962	7-20-2022	201 KAR 046:060		
201 KAR 035:070			Amended	48 Ky.R. 2509	
Amended	48 Ky.R. 2270		As Amended	2966	7-20-2022
As Amended	2963	7-20-2022	202 KAR 007:201		
201 KAR 042:010			Amended	49 Ky.R. 1484	
Amended	48 Ky.R. 1241	7-5-2022	202 KAR 007:301		
201 KAR 042:020			Amended	49 Ky.R. 1488	
Amended	48 Ky.R. 1242		202 KAR 007:330		
As Amended	2577		Amended	49 Ky.R. 1492	
As Amended IJC	21	6-2-2022	202 KAR 007:401		
201 KAR 042:030			Amended	49 Ky.R. 1497	
Amended	48 Ky.R. 1244		202 KAR 007:545		
As Amended	2578	7-5-2022	Amended	48 Ky.R. 2851	11-1-2022
201 KAR 042:035			202 KAR 007:555		
Amended	48 Ky.R. 1246		Amended	49 Ky.R. 1502	
As Amended	2578	7-5-2022	202 KAR 007:560		
201 KAR 042:040			Amended	48 Ky.R. 3036	9-28-2022
Amended	48 Ky.R. 1248		202 KAR 007:601		
As Amended	2579	7-5-2022	Amended	49 Ky.R. 1506	
201 KAR 042:050			202 KAR 007:701		
Amended	48 Ky.R. 1251		Amended	49 Ky.R. 425	
As Amended	2581	7-5-2022	As Amended	1059	11-15-2022
201 KAR 042:060			300 KAR 001:020	49 Ky.R. 694	
Amended	48 Ky.R. 1253		Withdrawn		8-25-2022
201 KAR 042:061	48 Ky.R. 1971		300 KAR 001:021	49 Ky.R. 950	
As Amended	2582	7-5-2022	As Amended	1414	
201 KAR 042:070			300 KAR 006:011	48 Ky.R. 3130	
Amended	48 Ky.R. 1255		As Amended	1062	
As Amended	2584	7-5-2022	301 KAR 001:201		
201 KAR 042:080			Amended	48 Ky.R. 2856	8-18-2022
Amended	48 Ky.R. 1891		301 KAR 001:410		
As Amended	2585	7-5-2022	Amended	48 Ky.R. 1915	5-31-2022
201 KAR 042:110			Amended	49 Ky.R. 430	
Amended	48 Ky.R. 1258		As Amended	1067	11-3-2022
As Amended	2587	7-5-2022	301 KAR 002:015		
201 KAR 043:010			Amended	49 Ky.R. 1144	
Amended	48 Ky.R. 1894		301 KAR 002:075		
As Amended	49 Ky.R. 22	10-4-2022	Amended	49 Ky.R. 864	
201 KAR 043:020			301 KAR 002:081		
Amended	48 Ky.R. 1896		Amended	49 Ky.R. 869	
As Amended	49 Ky.R. 23	10-4-2022	301 KAR 002:082		
201 KAR 043:030			Amended	49 Ky.R. 876	
Amended	48 Ky.R. 1898		301 KAR 002:090		

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	49 Ky.R. 77		302 KAR 026:060	49 Ky.R. 210	
As Amended	765	10-20-2022	As Amended	778	10-20-2022
301 KAR 002:095			302 KAR 026:070	49 Ky.R. 212	
Amended	49 Ky.R. 79		As Amended	778	10-20-2022
As Amended	766	10-20-2022	302 KAR 026:080	49 Ky.R. 215	
301 KAR 002:132			As Amended	780	10-20-2022
Amended	48 Ky.R. 2861		302 KAR 026:090	49 Ky.R. 218	
As Amended	49 Ky.R. 327	8-18-2022	As Amended	782	10-20-2022
301 KAR 002:142			302 KAR 026:100	49 Ky.R. 220	10-20-2022
Amended	49 Ky.R. 81	11-3-2022	302 KAR 026:150	49 Ky.R. 222	
301 KAR 002:172			As Amended	783	10-20-2022
Amended	48 Ky.R. 2866		302 KAR 027:011	49 Ky.R. 494	
As Amended	49 Ky.R. 330	8-18-2022	302 KAR 028:011	49 Ky.R. 495	
301 KAR 002:185			302 KAR 029:011	49 Ky.R. 496	
Amended	49 Ky.R. 880		302 KAR 040:010		
As Amended	1417		Amended	49 Ky.R. 1145	
301 KAR 002:219	49 Ky.R. 1376		302 KAR 050:021		
301 KAR 002:221			Amended	48 Ky.R. 1631	
Amended	48 Ky.R. 2869		Am Comments	2460	7-5-2022
As Amended	49 Ky.R. 333	8-18-2022	302 KAR 050:031		
Amended	1348		Amended	48 Ky.R. 1640	
301 KAR 002:225			Am Comments	2469	7-5-2022
Amended	49 Ky.R. 882		302 KAR 050:046	48 Ky.R. 1672	
As Amended	1418		Am Comments	2476	7-5-2022
301 KAR 002:228			302 KAR 050:056		
Amended	49 Ky.R. 1350		Amended	48 Ky.R. 1647	
301 KAR 002:251			Am Comments	2478	7-5-2022
Amended	49 Ky.R. 886		302 KAR 050:080		
301 KAR 002:245	49 Ky.R. 1545		Amended	48 Ky.R. 1652	
301 KAR 002:300			Am Comments	2483	7-5-2022
Amended	49 Ky.R. 83	10-20-2022	302 KAR 079:009	49 Ky.R. 225	10-20-2022
301 KAR 003:120			302 KAR 079:010		
Amended	49 Ky.R. 1516		Repealed	49 Ky.R. 225	10-20-2022
301 KAR 004:001			401 KAR 051:010		
Amended	48 Ky.R. 899		Amended	48 Ky.R. 2278	
As Amended	49 Ky.R. 35		As Amended	2729	6-9-2022
As Amended IJC	561	8-18-2022	401 KAR 063:060		
301 KAR 004:010			Amended	49 Ky.R. 1148	
Amended	48 Ky.R. 901		500 KAR 010:010		
As Amended	2968	6-9-2022	Amended	49 Ky.R. 890	
301 KAR 004:020			500 KAR 010:020		
Amended	48 Ky.R. 902		Amended	49 Ky.R. 891	
As Amended	2968	6-9-2022	500 KAR 010:030		
301 KAR 004:100			Amended	49 Ky.R. 894	
Amended	48 Ky.R. 906		500 KAR 010:040		
As Amended	2968	6-9-2022	Amended	49 Ky.R. 896	
301 KAR 004:110			As Amended	1420	
Amended	48 Ky.R. 908		500 KAR 016:010	49 Ky.R. 1378	
As Amended	2969	6-9-2022	501 KAR 006:030		
301 KAR 005:001			Amended	48 Ky.R. 2118	
Amended	48 Ky.R. 910		As Amended	2592	7-5-2022
As Amended	2589	6-9-2022	501 KAR 006:040		
301 KAR 005:030			Amended	49 Ky.R. 1353	
Amended	48 Ky.R. 911		501 KAR 006:050		
As Amended	2589	6-9-2022	Amended	49 Ky.R. 899	
301 KAR 005:100			Am Comments	1455	
Amended	48 Ky.R. 913		501 KAR 006:080		
As Amended	2591	6-9-2022	Amended	49 Ky.R. 902	
301 KAR 006:001			As Amended	1422	
Amended	48 Ky.R. 915		501 KAR 006:130		
As Amended	2033		Amended	49 Ky.R. 903	
Am Comments	823		As Amended	1422	
302 KAR 026:010	49 Ky.R. 191	10-20-2022	501 KAR 006:290	48 Ky.R. 1978	
302 KAR 026:020	49 Ky.R. 193		Am Comments	2484	
As Amended	767	10-20-2022	As Amended	2593	7-5-2022
302 KAR 026:030	49 Ky.R. 203		502 KAR 010:010		
As Amended	775	10-20-2022	Amended	48 Ky.R. 1260	
302 KAR 026:040	49 Ky.R. 205	10-20-2022	As Amended	49 Ky.R. 334	8-16-2022
302 KAR 026:050	49 Ky.R. 207		502 KAR 010:020		
As Amended	776	10-20-2022	Amended	48 Ky.R. 1262	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
As Amended	49 Ky.R. 335	8-16-2022	502 KAR 030:020		
502 KAR 010:030			Amended	48 Ky.R. 1308	
Amended	48 Ky.R. 1263		Am Comments	2252	
Am Comments	2241	8-16-2022	As Amended	49 Ky.R. 37	10-4-2022
502 KAR 010:035			502 KAR 030:030		
Amended	48 Ky.R. 1264		Amended	48 Ky.R. 1309	
As Amended	49 Ky.R. 335	8-16-2022	Am Comments	2253	
502 KAR 010:040			As Amended	49 Ky.R. 38	10-4-2022
Amended	48 Ky.R. 1266		502 KAR 030:050		
Am Comments	2243		Amended	48 Ky.R. 1310	
As Amended	49 Ky.R. 335	8-16-2022	Am Comments	2254	
502 KAR 010:050			As Amended	49 Ky.R. 38	10-4-2022
Amended	48 Ky.R. 1268		502 KAR 030:060		
As Amended	49 Ky.R. 337	8-16-2022	Amended	48 Ky.R. 1312	
502 KAR 010:060			As Amended	49 Ky.R. 39	10-4-2022
Amended	48 Ky.R. 1269		502 KAR 030:070		
As Amended	49 Ky.R. 338	8-16-2022	Amended	48 Ky.R. 1314	
502 KAR 010:070			Am Comments	2256	10-4-2022
Amended	48 Ky.R. 1270		503 KAR 001:140		
Am Comments	2246	8-16-2022	Amended	49 Ky.R. 433	
502 KAR 010:080			As Amended	1074	
Amended	48 Ky.R. 1272		503 KAR 003:130	49 Ky.R. 955	
As Amended	49 Ky.R. 338	8-16-2022	As Amended	1423	
502 KAR 010:090			503 KAR 007:010	49 Ky.R. 957	
Amended	48 Ky.R. 1273		As Amended	1424	
As Amended	49 Ky.R. 339	8-16-2022	600 KA 004:010		
502 KAR 010:110			Amended	49 Ky.R. 630	
Amended	48 Ky.R. 1276		As Amended	1254	
As Amended	49 Ky.R. 341	8-16-2022	603 KAR 005:155		
502 KAR 010:120			Amended	49 Ky.R. 87	
Amended	48 Ky.R. 1278		603 KAR 005:350	49 Ky.R. 498	
As Amended	49 Ky.R. 342	8-16-2022	As Amended	1255	
502 KAR 011:010			605 KAR 001:130		
Amended	48 Ky.R. 1280		Amended	47 Ky.R. 2646	
As Amended	784		701 KAR 008:010		
502 KAR 011:060			Amended	49 Ky.R. 1153	
Amended	48 Ky.R. 1282		701 KAR 008:020		
As Amended	786		Amended	49 Ky.R. 1158	
502 KAR 011:070			701 KAR 008:030		
Amended	48 Ky.R. 1284		Amended	49 Ky.R. 1167	
As Amended	786		701 KAR 008:040		
502 KAR 013:010			Amended	49 Ky.R. 1170	
Amended	48 Ky.R. 1289		701 KAR 008:050	49 Ky.R. 1216	
Am Comments	2248		702 KAR 001:116	48 Ky.R. 2133	
As Amended	1070		As Amended	2595	7-5-2022
502 KAR 013:030			702 KAR 001:140		
Amended	48 Ky.R. 1291		Amended	48 Ky.R. 3039	
As Amended	1071		As Amended	49 Ky.R. 562	9-20-2022
502 KAR 013:040			702 KAR 001:191	48 Ky.R. 1078	
Amended	48 Ky.R. 1292		Am Comments	2106	
As Amended	1072		As Amended	2210	5-3-2022
502 KAR 013:050			702 KAR 003:090		
Amended	48 Ky.R. 1294		Amended	48 Ky.R. 2513	
As Amended	1073		As Amended	2970	8-30-2022
502 KAR 013:060			702 KAR 007:125		
Amended	48 Ky.R. 1295		Amended	49 Ky.R. 633	
As Amended	1073		As Amended	1256	
502 KAR 013:080			702 KAR 007:170	48 Ky.R. 2139	
Amended	48 Ky.R. 1297		Am Comments	2760	
As Amended	1074		As Amended	2971	8-30-2022
502 KAR 015:010			704 KAR 003:303		
Amended	48 Ky.R. 1300		Amended	49 Ky.R. 1521	
As Amended	2594	7-5-2022	704 KAR 003:305		
502 KAR 015:020			Amended	49 Ky.R. 91	
Amended	48 Ky.R. 1301		Am Comments	1109	
As Amended	2405		As Amended	1425	
502 KAR 030:010			704 KAR 003:395	48 Ky.R. 2135	
Amended	48 Ky.R. 1306		As Amended	2596	7-5-2022
Am Comments	2250		704 KAR 003:535	49 Ky.R. 699	
As Amended	49 Ky.R. 36	10-4-2022	As Amended	1260	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
704 KAR 008:060			Amended	48 Ky.R. 1040	
Amended	49 Ky.R. 1523		As Amended	800	
704 KAR 008:120	49 Ky.R. 1547		791 KAR 001:060		
704 KAR 019:002			Amended	48 Ky.R. 1042	
Amended	48 Ky.R. 2120		As Amended	800	
Am Comments	2762		791 KAR 001:070		
As Amended	2971	8-30-2022	Amended	48 Ky.R. 1044	
705 KAR 004:041			As Amended	801	
Amended	49 Ky.R. 638		791 KAR 001:080		
As Amended	1262		Amended	48 Ky.R. 1046	
707 KAR 001:002			As Amended	802	
Amended	49 Ky.R. 1525		791 KAR 001:100		
739 KAR 002:070			Amended	48 Ky.R. 1048	
Amended	49 Ky.R. 96		As Amended	803	
As Amended	787	11-15-2022	791 KAR 001:150		
780 KAR 003:020			Amended	48 Ky.R. 1050	
Amended	48 Ky.R. 2515	8-30-2022	As Amended	805	
781 KAR 001:010			791 KAR 001:155		
Amended	48 Ky.R. 999		Amended	48 Ky.R. 1051	
As Amended	49 Ky.R. 41	10-4-2022	As Amended	805	
781 KAR 001:020			791 KAR 001:160		
Amended	48 Ky.R. 1002		Amended	48 Ky.R. 1053	
As Amended	49 Ky.R. 43	10-4-2022	As Amended	806	
781 KAR 001:030			803 KAR 001:005		
Amended	48 Ky.R. 1006		Amended	48 Ky.R. 145	
As Amended	49 Ky.R. 45	10-4-2022	803 KAR 001:006	48 Ky.R. 2326	
781 KAR 001:040			Am Comments	2765	
Amended	48 Ky.R. 1008		As Amended	2973	8-30-2022
As Amended	49 Ky.R. 46	10-4-2022	Amended	49 Ky.R. 1530	
781 KAR 001:050			803 KAR 001:025		
Amended	48 Ky.R. 1011		Amended	48 Ky.R. 149	
As Amended	49 Ky.R. 48	10-4-2022	803 KAR 001:026	48 Ky.R. 2328	
782 KAR 001:010			As Amended	2974	8-30-2022
Amended	48 Ky.R. 1014		803 KAR 001:060		
As Amended	49 Ky.R. 49	10-4-2022	Amended	48 Ky.R. 154	
782 KAR 001:070			803 KAR 001:061	48 Ky.R. 2331	
Amended	48 Ky.R. 1020		Am Comments	2737	
As Amended	49 Ky.R. 55	10-4-2022	As Amended	2977	8-30-2022
787 KAR 001:360			803 KAR 001:064	48 Ky.R. 2335	
Amended	48 Ky.R. 3041		As Amended	2980	8-30-2022
As Amended	49 Ky.R. 563	12-6-2022	803 KAR 001:066		
787 KAR 002:040			Amended	48 Ky.R. 164	
Amended	2872		803 KAR 001:067	48 Ky.R. 2336	
As Amended	49 Ky.R. 344		As Amended	2980	8-30-2022
As Amended	790		803 KAR 001:068	48 Ky.R. 2337	
787 KAR 003:020	48 Ky.R. 1980		As Amended	2980	8-30-2022
Am Comments	2611		803 KAR 001:070		
As Amended	2732	8-2-2022	Amended	48 Ky.R. 166	
791 KAR 001:010			803 KAR 001:071	48 Ky.R. 2339	
Amended	48 Ky.R. 1024		Am Comments	2770	
As Amended	790		As Amended	2981	8-30-2022
791 KAR 001:020			803 KAR 001:075		
Amended	48 Ky.R. 1028		Amended	48 Ky.R. 178	
As Amended	793		803 KAR 001:076	48 Ky.R. 2342	
791 KAR 001:025			As Amended	2984	8-30-2022
Amended	48 Ky.R. 1032		803 KAR 001:080		
As Amended	796		Amended	48 Ky.R. 180	
791 KAR 001:027			803 KAR 001:081	48 Ky.R. 2344	
Amended	48 Ky.R. 1034		As Amended	2985	8-30-2022
As Amended	797		Amended	49 Ky.R. 1355	
791 KAR 001:030			803 KAR 001:090		
Amended	48 Ky.R. 1035		Amended	48 Ky.R. 184	
As Amended	798		803 KAR 001:091	48 Ky.R. 2347	
791 KAR 001:035			Am Comments	2774	
Amended	48 Ky.R. 1037		As Amended	2987	
As Amended	799		803 KAR 002:321	48 Ky.R. 2141	7-5-2022
791 KAR 001:040			803 KAR 002:402		
Amended	48 Ky.R. 1039		Amended	48 Ky.R. 2517	10-4-2022
As Amended	799		803 KAR 002:411		
791 KAR 001:050			Amended	48 Ky.R. 2519	10-4-2022

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
803 KAR 002:419			815 KAR 008:010		
Amended	48 Ky.R. 2521	10-4-2022	Amended	48 Ky.R. 3056	
803 KAR 002:426	48 Ky.R. 2143	7-5-2022	As Amended	813	
803 KAR 002:445			815 KAR 010:060		
Amended	48 Ky.R. 2522	10-4-2022	Amended	48 Ky.R. 3060	
803 KAR 005:005	48 Ky.R. 2660		Am Comments	49 Ky.R. 620	11-15-2022
As Amended	49 Ky.R. 56	10-4-2022	820 KAR 001:001		
803 KAR 025:089			Amended	49 Ky.R. 108	
Amended	49 Ky.R. 440		As Amended	1083	
As Amended	1263		820 KAR 001:032		
803 KAR 025:195			Amended	49 Ky.R. 111	
Amended	48 Ky.R. 2881		As Amended	1084	
Am Comments	49 Ky.R. 611		900 KAR 001:050	48 Ky.R. 3139	
As Amended	806		900 KAR 005:020		
804 KAR 001:102	48 Ky.R. 2884		Amended	48 Ky.R. 2524	
As Amended	49 Ky.R. 344	11-1-2022	Am Comments	49 Ky.R. 69	
804 KAR 011:041	48 Ky.R. 2886		As Amended	49 Ky.R. 347	8-25-2022
As Amended	49 Ky.R. 345	11-1-2022	900 KAR 006:075		
804 KAR 014:011	48 Ky.R. 2888	11-1-2022	Amended	48 Ky.R. 2526	
806 KAR 003:250	49 Ky.R. 1549		Am Comments	49 Ky.R. 70	
806 KAR 009:025			As Amended	49 Ky.R. 347	8-25-2022
Amended	49 Ky.R. 99		900 KAR 010:120		
As Amended	810		Amended	49 Ky.R. 124	
806 KAR 009:380	48 Ky.R. 2889		As Amended	1263	
As Amended	49 Ky.R. 346	11-1-2022	Reprint	1402	
806 KAR 009:390	48 Ky.R. 2891		900 KAR 010:200		
As Amended	49 Ky.R. 346	11-1-2022	Repealed	48 Ky.R. 2144	6-2-2022
806 KAR 017:280			900 KAR 010:201		
Amended	49 Ky.R. 1174		48 Ky.R.	48 Ky.R. 2144	6-2-2022
806 KAR 017:290			900 KAR 012:005		
Amended	49 Ky.R. 1178		Amended	49 Ky.R. 640	
806 KAR 017:350			900 KAR 013:010	48 Ky.R. 2348	7-20-2022
Amended	48 Ky.R. 605		900 KAR 014:010	48 Ky.R. 2662	
Withdrawn		7-26-2022	Am Comments	49 Ky.R. 74	8-25-2022
806 KAR 017:531	49 Ky.R. 702		As Amended	49 Ky.R. 308	
806 KAR 017:585	48 Ky.R. 3138		900 KAR 020:201	48 Ky.R. 2144	
Am Comments	49 Ky.R. 616		901 KAR 005:120		
As Amended	813		Amendment	49 Ky.R. 442	
Reprint	973		Am Comments	1305	
806 KAR 037:010			As Amended	1429	
Amended	49 Ky.R. 104		901 KAR 005:130	49 Ky.R. 500	
As Amended	1080		Am Comments	1307	
806 KAR 039:030			901 KAR 005:140	49 Ky.R.	
Amended	49 Ky.R. 905		Am Comments	1308	
Withdrawn		12-1-2022	902 KAR 002:020		
808 KAR 001:170			Amended	48 Ky.R. 3063	
Amended	49 Ky.R. 1184		Am Comments	49 Ky.R. 830	11-15-2022
810 KAR 003:020			902 KAR 004:030		
Amended	48 Ky.R. 2620		Amended	48 Ky.R. 3071	9-28-2022
As Amended	49 Ky.R. 58	10-4-2022	902 KAR 008:060		
810 KAR 004:010			Amended	48 Ky.R. 3076	
Amended	48 Ky.R. 2626	10-4-2022	As Amended	49 Ky.R. 571	9-28-2022
810 KAR 004:030			902 KAR 008:100		
Amended	48 Ky.R. 2629	10-4-2022	Amended	48 Ky.R. 3079	
810 KAR 004:060			As Amended	49 Ky.R. 572	9-28-2022
Amended	48 Ky.R. 2633	10-4-2022	902 KAR 008:120		
810 KAR 007:050			Amended	48 Ky.R. 3082	
Amended	48 Ky.R. 2282		As Amended	49 Ky.R. 816	10-26-2022
As Amended	2732	8-2-2022	902 KAR 008:160		
810 KAR 008:010			Amended	49 Ky.R. 907	
Amended	48 Ky.R. 3043		As Amended	1430	
As Amended	49 Ky.R. 564	12-6-2022	902 KAR 010:120		
810 KAR 008:020			Amended	48 Ky.R. 638	
Amended	47 Ky.R. 2159		Am Comments	1784	
810 KAR 009:010			As Amended	2419	
Amended	48 Ky.R. 3050		As Amended	2735	
As Amended	49 Ky.R. 570	12-6-2022	As Amended at IJC		7-20-2022
815 KAR 007:120			902 KAR 010:121		
Amended	48 Ky.R. 3053		Amended	48 Ky.R. 1396	
Am Comments	49 Ky.R. 617	11-15-2022	Am Comments	2263	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
As Amended	49 Ky.R. 349	7-20-2022	907 KAR 023:020		
902 KAR 010:140			Amended	49 Ky.R. 140	
Amended	48 Ky.R. 3088		As Amended	820	10-26-2022
As Amended	49 Ky.R. 575	9-28-2022	908 KAR 001:374		
902 KAR 010:190			Amended	49 Ky.R. 656	
Amended	48 Ky.R. 715		Am Comments	1458	
Am Comments	1806		908 KAR 003:010		
As Amended	2440	7-20-2022	Amended	48 Ky.R. 2639	
902 KAR 020:016			As Amended	49 Ky.R. 370	09-28-2022
Amended	48 Ky.R. 2285		910 KAR 001:090		
Am Comments	2993	8-25-2022	Amended	49 Ky.R. 451	
902 KAR 020:018			As Amended	1276	
Amended	48 Ky.R. 2123		910 KAR 001:190		
As Amended	49 Ky.R. 63	8-25-2022	Amended	48 Ky.R. 1956	
902 KAR 020:106			Am Comments	2490	6-2-2022
Amended	48 Ky.R. 2298		911 KAR 001:060		
Am Comments	3005	8-25-2022	Amended	49 Ky.R. 1361	
902 KAR 020:365	49 Ky.R. 504		911 KAR 001:085		
Am Comments	131		Amended	49 Ky.R. 1366	
As Amended	1432		911 KAR 001:090	49 Ky.R. 1391	
902 KAR 020:470	49 Ky.R. 1219		921 KAR 001:380		
902 KAR 020:480	49 Ky.R. 1380		Amended	49 Ky.R. 144	10-26-2022
902 KAR 021:040	49 Ky.R. 506		921 KAR 001:400		
As Amended	1096	11-15-2022	Amended	49 Ky.R. 457	11-15-2022
902 KAR 030:120			921 KAR 002:006		
Amended	48 Ky.R. 2635		Amended	49 Ky.R. 667	
As Amended	49 Ky.R. 577	9-28-2022	As Amended	1280	
902 KAR 055:110			921 KAR 002:016		
Amended	49 Ky.R. 1357		Amended	49 Ky.R. 676	
906 KAR 001:110			As Amended	1288	
Amended	48 Ky.R. 2302		921 KAR 002:017		
Am Comments	3010	8-25-2022	Amended	49 Ky.R. 918	
906 KAR 001:210	49 Ky.R. 703		921 KAR 002:035		
As Amended	1434		Amended	49 Ky.R. 921	
907 KAR 001:008			921 KAR 002:040		
Amended	49 Ky.R. 133		Amended	49 Ky.R. 924	
Am Comments	1114		921 KAR 002:050		
As Amended	1272		Amended	49 Ky.R. 926	
907 KAR001:044			921 KAR 002:060		
Amended	49 Ky.R. 135		Amended	49 Ky.R. 929	
907 KAR 001:065			As Amended	1435	
Amended	49 Ky.R. 444		921 KAR 002:370		
Am Comments	1313		Amended	49 Ky.R. 931	
907 KAR 001:082			921 KAR 002:500		
Amended	48 Ky.R. 3092		Amended	49 Ky.R. 684	
Am Comments	838		921 KAR 002:510		
907 KAR 001:104			Amended	49 Ky.R. 687	
Amended	48 Ky.R. 3105		921 KAR 002:520		
907 KAR 001:680			Amended	49 Ky.R. 690	
Amended	49 Ky.R. 911		921 KAR 003:027	48 Ky.R. 236	
907 KAR 003:010			921 KAR 004:122	48 Ky.R. 2146	6-2-2022
Amended	49 Ky.R. 913		922 KAR 001:290	48 Ky.R. 3142	
907 KAR 003:360			Am Comments	49 Ky.R. 851	
Amended	49 Ky.R. 1188		As Amended	1436	
907 KAR 003:170			922 KAR 001:300		
Amended	48 Ky.R. 1667		Amended	49 Ky.R. 148	
Am Comments	2485		Am Comments	1117	
As Amended	2598	6-2-2022	As Amended	1294	
907 KAR 004:020			922 KAR 001:310		
Amended	49 Ky.R. 642		Amended	48 Ky.R. 2642	
As Amended	1273		Am Comments	49 Ky.R. 373	
907 KAR 004:030			As Amended	579	9-28-2022
Amended	49 Ky.R. 645		922 KAR 001:315	48 Ky.R. 2665	
As Amended	1275		Am Comments	49 Ky.R. 387	9-28-2022
907 KAR 020:020			922 KAR 001:340		
Amended	49 Ky.R. 648		Amended	48 Ky.R. 2656	
907 KAR 020:050			Am Comments	49 Ky.R. 392	
Amended	49 Ky.R. 1194		As Amended	593	9-28-2022
907 KAR 020:100			922 KAR 001:350		
Amended	49 Ky.R. 651		Amended	49 Ky.R. 460	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
Am Comments	1320				
As Amended	1439				
922 KAR 002:165	49 Ky.R. 1221				
922 KAR 001:360					
Amended	48 Ky.R. 2306				
Am Comments	3014	7-20-2022			
922 KAR 001:470					
Amended	48 Ky.R. 2128				
Am Comments	2775				
As Amended	2987	7-20-2022			
922 KAR 001:530					
Amended	48 Ky.R. 2313				
As Amended	49 Ky.R. 67	7-20-2022			
922 KAR 002:160					
Amended	49 Ky.R. 469				
As Amended	1098	11-15-2022			
922 KAR 002:280					
Amended	48 Ky.R. 2316				
As Amended	2988	7-20-2022			
922 KAR 005:070					
Amended	48 Ky.R. 2311				
Am Comments	3021				
As Amended IJC	49 Ky.R. 596	8-25-2022			

SYMBOL KEY:

- * Statement of Consideration not filed by deadline
- ** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))
- *** Withdrawn before being printed in Register
- IJC Interim Joint Committee
- (r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

KRS INDEX

KRS SECTION	REGULATION	KRS SECTION	REGULATION
1.020	200 KAR 041:010	39A.070	106 KAR 001:201
2.015	922 KAR 001:300	39A.180	201 KAR 023:016E
	922 KAR 001:350		201 KAR 023:051E
7	201 KAR 005:002		201 KAR 023:051
12.020	603 KAR 005:350	39A.190	201 KAR 023:016E
12.245	201 KAR 012:030		201 KAR 023:051E
12.290	910 KAR 001:090		201 KAR 023:051
12.355	202 KAR 007:401	39B.010	106 KAR 001:231
12.357	806 KAR 009:025	39B.020	106 KAR 001:201
13B	201 KAR 016:610		106 KAR 001:211
	301 KAR 002:082		106 KAR 001:241
	503 KAR 001:140	39B.030	106 KAR 001:201
	701 KAR 008:030E	39B.060	106 KAR 001:201
	701 KAR 008:030	39B.990	106 KAR 001:231
	910 KAR 001:090	39C.010	106 KAR 001:141
	911 KAR 001:090	39C.050	106 KAR 001:201
	911 KAR 001:085		106 KAR 001:211
13B.050	902 KAR 021:040		106 KAR 001:221
13B.080-160	922 KAR 001:300		106 KAR 001:261
13B.050	030 KAR 009:010	39C.070	106 KAR 001:181
14.025	503 KAR 001:140		106 KAR 001:191
15.330	503 KAR 001:140	39C.080	106 KAR 001:171
15.380	503 KAR 001:140	39C.110	106 KAR 001:251
15.382	503 KAR 001:140	39E.010	106 KAR 001:201
15.384	503 KAR 001:140		106 KAR 001:221
15.392	503 KAR 001:140		106 KAR 001:201
15.394	503 KAR 001:140	39E.110	106 KAR 001:201
15.396	503 KAR 001:140	39E.150	106 KAR 001:201
15.3971	503 KAR 001:140	39F.020	106 KAR 001:341
15.400	503 KAR 001:140	39F.030	106 KAR 001:291
15.440	503 KAR 001:140	39F.100	106 KAR 001:341
	503 KAR 003:130E	39F.110	106 KAR 001:341
	503 KAR 003:130	39F.140	106 KAR 001:371
15.540	503 KAR 001:140	39F.170	106 KAR 001:251
15.565	503 KAR 001:140	39F.190	106 KAR 001:201
15.580	503 KAR 001:140	40.320	017 KAR 003:020
15A.011	500 KAR 016:010	40.325	017 KAR 003:020
15A.070	503 KAR 003:130E	41.305	500 KAR 016:010
	503 KAR 003:130	42.630	200 KAR 041:010
16.505	105 KAR 001:365	42.650	200 KAR 041:010
	105 KAR 001:411	42.740	200 KAR 041:010
	105 KAR 001:415	43.070	045 KAR 001:030
16.505-16.652	105 KAR 001:001		045 KAR 001:050
16.576	105 KAR 001:411	43.075	045 KAR 001:030
16.578	105 KAR 001:365		045 KAR 001:050
16.583	105 KAR 001:365	45.031	200 KAR 017:111
17.165	922 KAR 001:300	45.237-241	921 KAR 002:017
17.500	922 KAR 001:300		921 KAR 002:510
18A.005	101 KAR 001:325	61.505	105 KAR 001:071
18A.030	101 KAR 002:210E		105 KAR 001:365
	101 KAR 002:210		105 KAR 001:371
18A.0751	101 KAR 001:325		105 KAR 001:411
18A.111	101 KAR 001:325		105 KAR 001:415
18A.225	101 KAR 002:210E	61.510	105 KAR 001:365
	101 KAR 002:210		105 KAR 001:411
18A.2254	101 KAR 002:210E		105 KAR 001:415
	101 KAR 002:210		105 KAR 001:451E
36.470	106 KAR 002:021		105 KAR 001:451
36.474	106 KAR 002:021	61.510-61.705	105 KAR 001:001
	106 KAR 002:031	61.542	105 KAR 001:365
36.476	106 KAR 002:021	61.543	105 KAR 001:451E
36.477	106 KAR 002:031		105 KAR 001:451
38.030	202 KAR 007:330	61.552	105 KAR 001:365
39	202 KAR 007:330		105 KAR 001:451E
39A.050	106 KAR 001:141		105 KAR 001:451
	106 KAR 001:171	61.555	105 KAR 001:071
	106 KAR 001:181	61.5955	105 KAR 001:365
	106 KAR 001:191	61.597	105 KAR 001:365
	106 KAR 001:211	61.5991	105 KAR 001:451E
	106 KAR 001:221		105 KAR 001:451
	202 KAR 007:330	61.625	105 KAR 001:365
	202 KAR 007:701	61.637	105 KAR 001:365

KRS SECTION	REGULATION	KRS SECTION	REGULATION
61.640	105 KAR 001:365		301 KAR 002:228
61.645	105 KAR 001:371		301 KAR 002:300
	105 KAR 001:451E	150.015	301 KAR 002:015
	105 KAR 001:451		301 KAR 002:075
61.675	105 KAR 001:451E		301 KAR 002:081
	105 KAR 001:451		301 KAR 002:082
61.680	105 KAR 001:365		301 KAR 002:185
61.685	105 KAR 001:451E		301 KAR 002:245
	105 KAR 001:451	150.021	301 KAR 002:075
61.701	105 KAR 001:411	150.025	301 KAR 002:090
	105 KAR 001:415		301 KAR 002:221
61.702	105 KAR 001:365		301 KAR 002:245
	105 KAR 001:411	150.092	301 KAR 002:245
	105 KAR 001:415		301 KAR 002:300
61.870-61.884	201 KAR 016:610	150.170	301 KAR 001:410
	807 KAR 005:001E		301 KAR 002:075
	922 KAR 001:350		301 KAR 002:245
61.931-934	807 KAR 005:001E		301 KAR 002:251
61.932	200 KAR 001:016		301 KAR 002:300
61.933	200 KAR 001:016	150.175	301 KAR 001:410
64.810	045 KAR 001:030		301 KAR 002:142
	045 KAR 001:050		301 KAR 002:300
65.810	807 KAR 005:001E	150.180	301 KAR 002:095
68.210	045 KAR 001:030		301 KAR 002:251
	045 KAR 001:050	150.183	301 KAR 002:075
72.020	202 KAR 007:401		301 KAR 002:081
	501 KAR 006:050		301 KAR 002:082
72.025	501 KAR 006:050		301 KAR 003:120
74	807 KAR 005:001E	150.186	301 KAR 002:082
78.510	105 KAR 001:365	150.190	301 KAR 002:081
	105 KAR 001:411	150.195	301 KAR 002:075
	105 KAR 001:415		301 KAR 002:081
78.510-78.852	105 KAR 001:001		301 KAR 002:082
78.545	105 KAR 001:365	150.235	301 KAR 001:410
78.5512	105 KAR 001:365		301 KAR 002:081
78.5516	105 KAR 001:365		301 KAR 002:082
78.5532	105 KAR 001:365	150.275	301 KAR 003:120
78.5536	105 KAR 001:365	150.280	301 KAR 002:095
	105 KAR 001:411	150.290	301 KAR 002:095
	105 KAR 001:415	150.305	301 KAR 002:090
78.5540	105 KAR 001:365		301 KAR 002:142
78.5542	105 KAR 001:365		301 KAR 002:221
91A.350	300 KAR 001:020		301 KAR 002:228
	300 KAR 001:021E	150.320	301 KAR 002:081
	300 KAR 001:021		301 KAR 002:082
95A.262	739 KAR 002:070	150.330	301 KAR 002:075
117.001	031 KAR 002:030E		301 KAR 002:081
	031 KAR 002:030		301 KAR 002:082
117.379	031 KAR 002:030E		301 KAR 002:090
	031 KAR 002:030		301 KAR 002:219
118.126	030 KAR 009:010		301 KAR 002:221
131.020	103 KAR 043:340E		301 KAR 002:225
131.130	103 KAR 043:340E		301 KAR 003:120
138.210	103 KAR 043:340E	150.340	301 KAR 002:221
138.220	103 KAR 043:340E		301 KAR 002:225
138.226	103 KAR 043:340E		301 KAR 002:228
138.228	103 KAR 043:340E	150.360	301 KAR 002:081
138.290	103 KAR 043:340E		301 KAR 002:090
142.361	907 KAR 001:065E	150.370	301 KAR 002:081
	907 KAR 001:065		301 KAR 002:251
142.363	907 KAR 001:065	150.390	301 KAR 002:245
148.0222	603 KAR 005:350	150.399	301 KAR 002:251
148.522	300 KAR 001:020	150.410	301 KAR 003:120
	300 KAR 001:021E	150.415	301 KAR 002:251
148.525	300 KAR 001:020	150.416	301 KAR 002:251
	300 KAR 001:020	150.445	301 KAR 001:410
	300 KAR 001:021E	150.620	301 KAR 001:410
150.010	301 KAR 001:410	150.722	301 KAR 002:245
	301 KAR 002:075	150.990	301 KAR 001:410
	301 KAR 002:081		301 KAR 002:075
	301 KAR 002:082		301 KAR 002:081
	301 KAR 002:090		301 KAR 002:082
	301 KAR 002:185		301 KAR 002:142
	301 KAR 002:221		301 KAR 002:185

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	301 KAR 002:221		704 KAR 008:120
	301 KAR 002:228	158.6453	704 KAR 003:303
	301 KAR 002:251		704 KAR 008:060
	301 KAR 002:300		704 KAR 008:120
150.995	301 KAR 002:251	158.6455	013 KAR 003:050
151.601	200 KAR 017:111	158.649	701 KAR 008:020E
150.603	301 KAR 002:225		701 KAR 008:020
151.605	200 KAR 017:111	158.810	705 KAR 004:041
151B.403	013 KAR 003:050	159.010	701 KAR 008:010E
156.070	704 KAR 003:303		701 KAR 008:010
	704 KAR 003:535		702 KAR 007:125
	704 KAR 008:060	159.030	702 KAR 007:125
	704 KAR 008:120	159.035	702 KAR 007:125
156.160	704 KAR 003:303	159.140	702 KAR 007:125
	704 KAR 003:305	159.170	702 KAR 007:125
	704 KAR 003:535	160.1590	701 KAR 008:010E
	704 KAR 008:060		701 KAR 008:010
	704 KAR 008:120		701 KAR 008:020E
156.196	701 KAR 008:010E		701 KAR 008:020
156.802	705 KAR 004:041		701 KAR 008:030E
157.196	701 KAR 008:010		701 KAR 008:030
157.200	701 KAR 008:010E		701 KAR 008:040E
	701 KAR 008:010		701 KAR 008:040
	707 KAR 001:002		701 KAR 008:050E
157.220	707 KAR 001:002		701 KAR 008:050
157.224	707 KAR 001:002	160.1591	701 KAR 008:010E
157.226	707 KAR 001:002		701 KAR 008:010
157.230	707 KAR 001:002		701 KAR 008:020E
157.250	707 KAR 001:002		701 KAR 008:020
157.260	707 KAR 001:002		701 KAR 008:030E
157.270	707 KAR 001:002		701 KAR 008:030
157.280	707 KAR 001:002		701 KAR 008:040E
157.285	707 KAR 001:002		701 KAR 008:040
157.290	707 KAR 001:002		701 KAR 008:050E
157.320	702 KAR 007:125		701 KAR 008:050
157.350	702 KAR 007:125	160.15911	701 KAR 008:050E
157.360	707 KAR 001:002		701 KAR 008:050
158.030	701 KAR 008:010E	160.1592	701 KAR 008:010E
	701 KAR 008:010		701 KAR 008:010
	702 KAR 007:125		701 KAR 008:020E
	707 KAR 001:002		701 KAR 008:020
158.050	701 KAR 008:010E		701 KAR 008:030E
	701 KAR 008:010		701 KAR 008:030
158.070	701 KAR 008:010E		701 KAR 008:040E
	701 KAR 008:010		701 KAR 008:040
	701 KAR 008:020E		701 KAR 008:050E
	701 KAR 008:020		701 KAR 008:050
158.100	702 KAR 007:125	160.1593	701 KAR 008:010E
	701 KAR 008:010E		701 KAR 008:010
	701 KAR 008:010		701 KAR 008:020E
	702 KAR 007:125		701 KAR 008:020
	707 KAR 001:002		701 KAR 008:030E
158.135	013 KAR 003:050		701 KAR 008:030
158.140	704 KAR 003:305		701 KAR 008:040E
158.142	704 KAR 003:305		701 KAR 008:040
158.143	013 KAR 003:050		701 KAR 008:050E
158.150	707 KAR 001:002		701 KAR 008:050
158.196	704 KAR 008:060	160.1594	701 KAR 008:010E
158.240	702 KAR 007:125		701 KAR 008:010
158.281	701 KAR 008:010E		701 KAR 008:020E
	701 KAR 008:010		701 KAR 008:020
158.441	503 KAR 007:010		701 KAR 008:030E
158.4410	503 KAR 007:010		701 KAR 008:030
158.4414	503 KAR 007:010		701 KAR 008:040E
158.4416	704 KAR 003:535		701 KAR 008:040
158.443	503 KAR 007:010		701 KAR 008:050E
158.645	704 KAR 003:303		701 KAR 008:050
	704 KAR 003:305	160.1595	701 KAR 008:010E
	704 KAR 008:060		701 KAR 008:010
	704 KAR 008:120		701 KAR 008:020E
158.6451	704 KAR 003:303		701 KAR 008:020
	704 KAR 003:305		701 KAR 008:030E
	704 KAR 003:535		701 KAR 008:030
	704 KAR 008:060		701 KAR 008:040E

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	701 KAR 008:040		011 KAR 005:145
	701 KAR 008:050E	164.748	011 KAR 004:080
	701 KAR 008:050	164.753	011 KAR 004:080
160.1596	701 KAR 008:010E		011 KAR 005:037
	701 KAR 008:010		011 KAR 005:145
	701 KAR 008:020E	164.7535	011 KAR 004:080
	701 KAR 008:020		011 KAR 005:037
	701 KAR 008:030E		011 KAR 005:145
	701 KAR 008:030	164.769	011 KAR 004:080
	701 KAR 008:040E	164.780	011 KAR 004:080
	701 KAR 008:040	164.785	011 KAR 004:080
	701 KAR 008:050E	164.7889	011 KAR 005:145
	701 KAR 008:050	164.7890	011 KAR 004:080
160.1597	701 KAR 008:010E	164.7894	011 KAR 004:080
	701 KAR 008:010	165A.330	806 KAR 009:025
	701 KAR 008:020E	174.020	603 KAR 005:350
	701 KAR 008:020	176.010	603 KAR 005:155
	701 KAR 008:030E	176.050	603 KAR 005:155
	701 KAR 008:030	177.106	603 KAR 005:155
	701 KAR 008:040E	177.830	603 KAR 005:155
	701 KAR 008:040	177.990	603 KAR 005:155
	701 KAR 008:050E	189.125	922 KAR 001:300
	701 KAR 008:050	189.281	603 KAR 005:350
160.1598	701 KAR 008:010E	189.390	603 KAR 005:350
	701 KAR 008:010	189.515	603 KAR 005:350
	701 KAR 008:020E	189.520	603 KAR 005:350
	701 KAR 008:020	194.540	201 KAR 020:620
	701 KAR 008:030E	194A.005	922 KAR 001:350
	701 KAR 008:030	194A.030	911 KAR 001:085
	701 KAR 008:040E		911 KAR 001:090
	701 KAR 008:040	194A.060	907 KAR 001:044
	701 KAR 008:050E		921 KAR 002:035
	701 KAR 008:050		922 KAR 001:350
160.1599	701 KAR 008:010E		922 KAR 002:160
	701 KAR 008:010	194A.700-194A.729	902 KAR 020:480
	701 KAR 008:020E	196	501 KAR 006:040
	701 KAR 008:020		501 KAR 006:050
	701 KAR 008:030E		501 KAR 006:080
	701 KAR 008:030		501 KAR 006:130
	701 KAR 008:040E	196.700-196.736	500 KAR 010:001
	701 KAR 008:040		500 KAR 010:020
	701 KAR 008:050E		500 KAR 010:030
	701 KAR 008:050		500 KAR 010:040
160.290	704 KAR 003:303	197	501 KAR 006:040
	704 KAR 008:060		501 KAR 006:050
	704 KAR 008:120		501 KAR 006:080
	707 KAR 001:002		501 KAR 006:130
160.345	704 KAR 003:535	198B.050-198B.090	922 KAR 001:300
160.346	701 KAR 008:010E	198B.260	908 KAR 001:374
	701 KAR 008:010	199	300 KAR 001:020
160.380	704 KAR 003:535		300 KAR 001:021E
161.011	701 KAR 008:040E	199.011	922 KAR 001:300
	701 KAR 008:040		922 KAR 001:350
161.028	016 KAR 009:100	199.555	106 KAR 002:031
	016 KAR 009:110	199.640	922 KAR 001:300
161.030	016 KAR 009:100	199.642	922 KAR 001:300
	016 KAR 009:110	199.650	922 KAR 001:300
161.048	016 KAR 009:100	199.660	922 KAR 001:300
	016 KAR 009:110	199.670	922 KAR 001:300
161.141	701 KAR 008:010E	199.881-888	922 KAR 002:165
	701 KAR 008:010	199.894	922 KAR 002:160
	701 KAR 008:020E	199.8943	922 KAR 002:165
	701 KAR 008:020	199.896	922 KAR 002:160
	701 KAR 008:040E	199.898	922 KAR 002:160
	701 KAR 008:040	199.8982	922 KAR 002:160
161.200	702 KAR 007:125	199.899	922 KAR 002:160
161.661	102 KAR 001:361E	200.460	911 KAR 001:060
	102 KAR 001:361	200.460-200.499	911 KAR 001:085
161.800	701 KAR 008:040E		911 KAR 001:090
	701 KAR 008:040	200.654	911 KAR 001:090
164.518	011 KAR 004:080	202A.011	907 KAR 001:044
164.740-164.785	011 KAR 005:001	205	921 KAR 002:040
164.744	011 KAR 004:080	205.010	921 KAR 002:006
	011 KAR 005:037	205.170	921 KAR 002:060

KRS SECTION	REGULATION	KRS SECTION	REGULATION
205.175	921 KAR 002:035	210.370-210.485	907 KAR 003:010
205.177	921 KAR 002:035	211.090	902 KAR 021:040
205.193	921 KAR 002:050	211.1751	902 KAR 008:160
205.200	921 KAR 002:016	211.180	902 KAR 021:040
	921 KAR 002:017	211.332	900 KAR 012:005
	921 KAR 002:035	211.340	902 KAR 020:470
	921 KAR 002:050	244.341	902 KAR 020:470
	921 KAR 002:370	211.342	902 KAR 020:470
	921 KAR 002:500	211.350-211.380	922 KAR 001:300
	921 KAR 002:520	211.461-211.466	907 KAR 004:030
205.2001	921 KAR 002:016	211.645	911 KAR 001:085
205.2003	921 KAR 002:017		911 KAR 001:090
	921 KAR 002:500	211.647	911 KAR 001:085
205.2005	921 KAR 002:006		911 KAR 001:090
205.210	921 KAR 002:016	212.230	902 KAR 008:160
205.211	921 KAR 002:016	212.240	902 KAR 008:160
	921 KAR 002:017	212.245	902 KAR 008:160
	921 KAR 002:500	212.890	902 KAR 008:160
	921 KAR 002:510	213.011	901 KAR 005:130
	921 KAR 002:520	213.046	911 KAR 001:085
205.232	921 KAR 002:050		911 KAR 001:090
205.240	921 KAR 002:035		921 KAR 001:380
205.245	921 KAR 002:035		921 KAR 001:400
	921 KAR 002:050	213.081	040 KAR 002:150
205.455	910 KAR 001:090		901 KAR 005:140
205.510	900 KAR 012:005	213.096	901 KAR 005:130
205.510-205.647	907 KAR 004:020	213.098	040 KAR 002:150
205.520	907 KAR 001:008	213.101	901 KAR 005:120
	907 KAR 001:680	213.106	901 KAR 005:120
	907 KAR 020:020	213.991	901 KAR 005:140
	907 KAR 020:050	214.034	922 KAR 001:300
	907 KAR 020:100	214.036	922 KAR 002:160
	911 KAR 001:090	214.615	201 KAR 008:571
205.5375	907 KAR 020:050	216.2970	911 KAR 001:085
205.5510-205.5520	907 KAR 023:020		911 KAR 001:090
205.557	907 KAR 003:160E	216.380	907 KAR 001:065
	907 KAR 003:160	216.515	902 KAR 020:480
205.559	900 KAR 012:005	216.530	902 KAR 020:480
205.5591	900 KAR 012:005	216.532	902 KAR 020:480
205.560	907 KAR 001:008	216.595	902 KAR 020:480
	907 KAR 003:010	216.718	902 KAR 020:480
	907 KAR 003:160E	216.718-216.728	906 KAR 001:210
	907 KAR 003:160	216.765	902 KAR 020:480
	907 KAR 023:020	216.785-216.793	906 KAR 001:210
205.5606	911 KAR 001:090	216.789	902 KAR 020:480
205.561	907 KAR 023:020	216B.015	902 KAR 020:365
205.5631	907 KAR 023:020		902 KAR 020:480
205.5632	907 KAR 023:020	216B.020	902 KAR 020:480
205.5634	907 KAR 023:020	216B.105	902 KAR 020:365
205.5636	907 KAR 023:020		902 KAR 020:480
205.5638	907 KAR 023:020	216B.160	902 KAR 020:480
205.5639	907 KAR 023:020	216B.165	902 KAR 020:480
205.565	907 KAR 003:010	216B.200-216B.210	902 KAR 020:365
205.592	907 KAR 020:050	217.015	907 KAR 023:020
205.622	907 KAR 001:044	217.177	201 KAR 016:550
	907 KAR 023:020	217.186	201 KAR 002:360
205.6316	907 KAR 023:020	217.211	806 KAR 017:280
205.6317	911 KAR 001:090	217B	302 KAR 026:010
205.6481-205.6497	907 KAR 004:020		302 KAR 026:020
	907 KAR 004:030		302 KAR 026:030
205.703	921 KAR 002:006		302 KAR 026:040
205.705	921 KAR 001:380		302 KAR 026:050
205.710-205.802	921 KAR 001:380		302 KAR 026:060
	921 KAR 001:400		302 KAR 026:070
205.720	921 KAR 002:006		302 KAR 026:080
205.8451	907 KAR 001:044		302 KAR 026:090
	910 KAR 001:090		302 KAR 026:100
205.900-205.925	910 KAR 001:090		302 KAR 027:011
205.990	921 KAR 001:400		302 KAR 028:011
205.992	921 KAR 001:380		302 KAR 029:011
206.10	921 KAR 002:035	217B.120	302 KAR 026:150
209.005	500 KAR 016:010		302 KAR 027:011
209.032	902 KAR 020:480		302 KAR 028:011
210.366	201 KAR 026:175E	217B.190	302 KAR 029:011

KRS SECTION	REGULATION	KRS SECTION	REGULATION
217B.515	302 KAR 029:011	304.2-140	806 KAR 017:280
217B.520	302 KAR 029:011	304.2-230	806 KAR 017:290
217B.525	302 KAR 029:011	304.2-310	806 KAR 017:280
217B.545	302 KAR 029:011		806 KAR 017:290
217B.550	302 KAR 026:150	304.14-110	900 KAR 010:120
	302 KAR 029:011	304.17-412	806 KAR 017:280
217B.585	302 KAR 029:011	304.17A-005	806 KAR 017:280
218A.010	902 KAR 055:110		806 KAR 017:290
218A.180	908 KAR 001:374		900 KAR 012:005
218A.200	902 KAR 020:480		907 KAR 004:020
218A.202	902 KAR 055:110		907 KAR 004:030
	908 KAR 001:374	304.17A-138	900 KAR 012:005
218A.240	902 KAR 055:110	304.17A.163	806 KAR 017:280
222.231	908 KAR 001:374	304.17A.1631	806 KAR 017:280
222.462	908 KAR 001:374		806 KAR 017:290
224.10-100	401 KAR 063:060	304.17A.167	806 KAR 017:280
224.20-110	401 KAR 063:060	304.17A-168	806 KAR 017:280
224A.011	200 KAR 017:111		806 KAR 017:290
224A.020	200 KAR 017:111	304.17A-243	900 KAR 010:120
224A.035	200 KAR 017:111	304.17A-245	900 KAR 010:120
224A.040	200 KAR 017:111	304.17A-505	806 KAR 017:290
224A.050-224A.314	200 KAR 017:111	304.17A-535	806 KAR 017:280
238.500	820 KAR 001:001		806 KAR 017:290
238.505	820 KAR 001:032	304.17A-600	806 KAR 017:280
238.545	820 KAR 001:032		806 KAR 017:290
257.160	201 KAR 016:560	304.17A-607	806 KAR 017:280
	201 KAR 016:562		806 KAR 017:290
258.005	902 KAR 008:160	304.17A-617	806 KAR 017:290
258.015	922 KAR 001:350	304.17A-619	806 KAR 017:280
258.035	922 KAR 001:350	304.17A-621-304.17A.-631	806 KAR 017:290
258.065	301 KAR 002:081	304.17A-623	806 KAR 017:280
	301 KAR 002:082	304.17B-021	806 KAR 017:351
258.085	301 KAR 002:081	304.17B-023	806 KAR 017:351
	301 KAR 002:082	304.17C-010	806 KAR 017:280
260.020	302 KAR 040:010	304.17C-030	806 KAR 017:280
260.030	302 KAR 040:010	304.18-045	806 KAR 017:280
260.038	302 KAR 040:010	304.24-390	806 KAR 037:010
271B	922 KAR 001:300	304.24-400	806 KAR 037:010
273.161	922 KAR 001:300	304.24-415	806 KAR 037:010
278.010	807 KAR 005:001E	304.3-750	806 KAR 003:250
278.020	807 KAR 005:001E	304.3-768	806 KAR 003:250
278.100	807 KAR 005:001E	304.32-147	806 KAR 017:280
278.180	807 KAR 005:001E	304.32-330	806 KAR 017:280
278.300	807 KAR 005:001E	304.33	806 KAR 037:010
278.410	807 KAR 005:001E	304.37-010	806 KAR 037:010
281.010	907 KAR 004:030	304.37-020	806 KAR 037:010
286.4	808 KAR 001:170	304.37-030	806 KAR 037:010
286.8-010	808 KAR 001:170	304.37-110	806 KAR 037:010
286.8-020	808 KAR 001:170	304.37-120	806 KAR 037:010
286.8-030	808 KAR 001:170	304.37-130	806 KAR 037:010
286.8-032	808 KAR 001:170	304.38-225	806 KAR 017:280
286.8-034	808 KAR 001:170	304.39-060	806 KAR 039:030
286.8-036	808 KAR 001:170	304.4-010	806 KAR 009:025
286.8-060	808 KAR 001:170	304.40-320	900 KAR 012:005
286.8-070	808 KAR 001:170	304.5-040	907 KAR 004:020
286.8-080	808 KAR 001:170		907 KAR 004:030
286.8-090	808 KAR 001:170	304.6	806 KAR 037:010
286.8-140	808 KAR 001:170	304.9-030	806 KAR 009:025
286.8-255	808 KAR 001:170	304.9-105	806 KAR 009:025
286.8-260	808 KAR 001:170	304.9-130	806 KAR 009:025
286.8-290	808 KAR 001:170	304.9-150	806 KAR 009:025
286.9-010	808 KAR 001:170	304.9-160	806 KAR 009:025
289.9-020	808 KAR 001:170	304.9-230	806 KAR 009:025
286.9-030	808 KAR 001:170	304.9-260	806 KAR 009:025
286.9-040	808 KAR 001:170	304.9-270	806 KAR 009:025
286.9-050	808 KAR 001:170	304.9-295	806 KAR 009:025
286.9-060	808 KAR 001:170	304.9-320	806 KAR 009:025
286.9-071	808 KAR 001:170	304.9-430	806 KAR 009:025
286.9-073	808 KAR 001:170	304.9-642	806 KAR 009:025
286.9-080	808 KAR 001:170	304.39-110	603 KAR 005:350
304	900 KAR 010:120	304.47-050	806 KAR 017:280
304.1-050	806 KAR 017:290	311	911 KAR 001:090
	806 KAR 037:010	311.530-311.620	201 KAR 009:470
304.2-100	806 KAR 017:290	311.595	901 KAR 005:120

KRS SECTION	REGULATION	KRS SECTION	REGULATION
311.5975	900 KAR 012:005	313.050	201 KAR 008:571
311.621-311.643	201 KAR 009:470	313.080	201 KAR 008:571
311.720	901 KAR 005:120	313.130	201 KAR 008:571
	902 KAR 020:365	313.550	201 KAR 008:016
	922 KAR 001:350	314.011	201 KAR 020:490
311.732	901 KAR 005:140		907 KAR 003:160E
311.7731	902 KAR 020:365		907 KAR 003:160
311.7733	902 KAR 020:365		922 KAR 001:350
311.7734	902 KAR 020:365		922 KAR 002:160
311.774	901 KAR 005:120	314.041	201 KAR 020:260
311.781	901 KAR 005:120		201 KAR 020:370
311.782	901 KAR 005:120	314.042	201 KAR 020:370
311.783	901 KAR 005:120	314.051	201 KAR 020:370
311.840	907 KAR 003:010	314.071	201 KAR 020:370
	922 KAR 001:350	314.091	201 KAR 020:370
311.901	201 KAR 009:305	314.103	201 KAR 020:370
311.905	201 KAR 009:305	314.111	201 KAR 020:260
311.909	201 KAR 009:305		201 KAR 020:310
311.990	201 KAR 009:470	314.131	201 KAR 020:260
311A.010	202 KAR 007:201	314.400-314.414	201 KAR 020:620
	202 KAR 007:301	314.404-314.416	201 KAR 020:650
	202 KAR 007:330	314.475	201 KAR 020:310
311A.020	202 KAR 007:330		201 KAR 020:370
311A.025	202 KAR 007:201	315.010	201 KAR 002:380
	202 KAR 007:301		201 KAR 002:413E
	202 KAR 007:330	315.020	201 KAR 002:413E
	202 KAR 007:401	315.025	201 KAR 002:450
311A.030	202 KAR 007:201	315.030	201 KAR 002:450
	202 KAR 007:401	315.0351	201 KAR 002:450
	202 KAR 007:555		201 KAR 002:460
311A.050	202 KAR 007:330	315.050	201 KAR 002:030
	202 KAR 007:601		201 KAR 002:413E
311A.050-311A.100	202 KAR 007:401	315.065	201 KAR 002:413E
311A.060	202 KAR 007:201	315.121	201 KAR 002:450
	202 KAR 007:301	315.131	201 KAR 002:450
311A.090	202 KAR 007:330	315.135	201 KAR 002:413E
311A.095	202 KAR 007:201	315.191	201 KAR 002:030
	202 KAR 007:301		201 KAR 002:380
	202 KAR 007:330		201 KAR 002:460
311A.100	202 KAR 007:330	315.205	201 KAR 002:413E
311A.120	202 KAR 007:401	315.210	201 KAR 002:030
	202 KAR 007:601	317A.020	201 KAR 012:030
311A.130	202 KAR 007:301		201 KAR 012:082
	202 KAR 007:601		201 KAR 012:290
311A.135	202 KAR 007:401	317A.050	201 KAR 012:030
	202 KAR 007:701		201 KAR 012:082
311A.140	202 KAR 007:201		201 KAR 012:260
	202 KAR 007:301		201 KAR 012:290
	202 KAR 007:330	317A.060	201 KAR 012:030
	202 KAR 007:701		201 KAR 012:060
311A.142	202 KAR 007:401		201 KAR 012:230
311A.145	202 KAR 007:201		201 KAR 012:290
	202 KAR 007:301	317A.062	201 KAR 012:260
	202 KAR 007:330	317A.070	201 KAR 012:190
311A.150	202 KAR 007:330	317A.090	201 KAR 012:082
311A.160	202 KAR 007:201	317A.140	201 KAR 012:060
	202 KAR 007:701		201 KAR 012:190
311A.165	202 KAR 007:301	317A.145	201 KAR 012:030
	202 KAR 007:701		201 KAR 012:190
311A.170	202 KAR 007:401	319	911 KAR 001:090
	202 KAR 007:701	319.032	201 KAR 026:175E
311A.175	202 KAR 007:701	319.050	201 KAR 026:175E
311A.185	202 KAR 007:401	319.053	201 KAR 026:175E
311A.190	202 KAR 007:401	319.064	201 KAR 026:175E
	202 KAR 007:555	319.071	201 KAR 026:175E
311A.195	202 KAR 007:330		201 KAR 026:225E
312.207	201 KAR 016:572	320.230	201 KAR 005:002
313.021	201 KAR 008:016	320.295	201 KAR 005:002
	201 KAR 008:601	320.300	201 KAR 005:002
313.022	201 KAR 008:016	320.310	201 KAR 005:002
	201 KAR 008:601	320.295	201 KAR 005:038
313.030	201 KAR 008:571	320.310	201 KAR 005:045
313.035	911 KAR 001:060		201 KAR 005:105
313.045	201 KAR 008:571	321.185	301 KAR 002:075

KRS SECTION	REGULATION	KRS SECTION	REGULATION
321.190	201 KAR 016:610		701 KAR 008:010
321.207	201 KAR 016:550	391.010	040 KAR 002:150
	201 KAR 016:552	400.203	907 KAR 001:044
	201 KAR 016:560		907 KAR 003:010
	201 KAR 016:562	403.160	921 KAR 001:400
321.235	201 KAR 016:550	403.210-403.240	921 KAR 001:400
	201 KAR 016:552	403.211	921 KAR 001:380
	201 KAR 016:560	403.720	921 KAR 002:006
	201 KAR 016:562		921 KAR 002:370
	201 KAR 016:610	405.430	921 KAR 001:380
321.351	201 KAR 016:550		921 KAR 001:400
	201 KAR 016:552	405.440	921 KAR 001:400
	201 KAR 016:560	405.450	921 KAR 001:400
	201 KAR 016:562	405.467	921 KAR 001:380
	201 KAR 016:610	405.520	921 KAR 001:380
321.353	201 KAR 016:610	405.991	921 KAR 001:400
321.360	201 KAR 016:610	406.021	921 KAR 001:380
322.340	807 KAR 005:001E		921 KAR 001:400
322A.030	201 KAR 031:031	406.025	921 KAR 001:380
	201 KAR 031:040		921 KAR 001:400
322A.040	201 KAR 031:040	407.5101-407.5903	921 KAR 001:380
322A.045	201 KAR 031:040	414	907 KAR 003:010
322A.050	201 KAR 031:010	415.110	907 KAR 003:010
322A.060	201 KAR 031:010	415.208	907 KAR 001:044
	201 KAR 031:050	416.164	907 KAR 001:008
322A.070	201 KAR 031:010	416.166	907 KAR 001:008
	201 KAR 031:050	422.317	907 KAR 001:044
326.060	201 KAR 005:002	424	922 KAR 001:300
	201 KAR 005:038	424.300	807 KAR 005:001E
327.300	201 KAR 022:170	431.17	907 KAR 001:044
334A	911 KAR 001:090	431.52	907 KAR 001:044
334A.020	911 KAR 001:085	434.840-434.860	907 KAR 001:044
	911 KAR 001:090	435.603	911 KAR 001:090
335.010-335.160	201 KAR 023:051E	438.2	907 KAR 003:010
	201 KAR 023:051	439	501 KAR 006:040
335.080	201 KAR 023:016E		501 KAR 006:050
	201 KAR 023:016		501 KAR 006:080
335.090	201 KAR 023:016E		501 KAR 006:050
	201 KAR 023:016	440.50	907 KAR 003:010
335.100	201 KAR 023:016E	440.120	907 KAR 023:020
	201 KAR 023:016	446.400	202 KAR 007:401
335.990	201 KAR 023:051E	447.10	907 KAR 003:010
	201 KAR 023:051	447.200-447.205	907 KAR 003:010
337	803 KAR 001:006	447.271	907 KAR 001:008
337.275	803 KAR 001:081	447.325	907 KAR 003:010
	922 KAR 002:160	447.45	907 KAR 023:020
337.285	803 KAR 001:081	447.500-447.520	907 KAR 023:020
337.355	201 KAR 002:450	454.220	921 KAR 001:400
337.365	201 KAR 002:450	527.100	922 KAR 001:350
342.0011	803 KAR 025:089	527.110	922 KAR 001:350
342.019	803 KAR 025:089	531.31-531.58	803 KAR 001:081
342.020	803 KAR 025:089	600.020	921 KAR 002:500
342.035	803 KAR 025:089		922 KAR 001:300
362	202 KAR 007:601		922 KAR 001:350
363.900-363.908	302 KAR 079:009		922 KAR 002:160
365	202 KAR 007:601	605.080	922 KAR 001:300
365.015	807 KAR 005:001E	605.090	922 KAR 001:300
367.93103	040 KAR 002:150		922 KAR 001:350
367.93105	040 KAR 002:150	605.120	922 KAR 002:160
367.93115	040 KAR 002:150	610.110	922 KAR 001:300
367.93117	040 KAR 002:150		922 KAR 001:350
367.97501	040 KAR 002:150	610.170	921 KAR 001:380
367.97504	040 KAR 002:150	615.010	922 KAR 001:300
367.97507	040 KAR 002:150	615.030	922 KAR 001:300
367.97511	040 KAR 002:150	615.040	922 KAR 001:300
367.97514	040 KAR 002:150	620.020	201 KAR 020:620
367.97517	040 KAR 002:150		907 KAR 003:160E
367.97521	040 KAR 002:150		907 KAR 003:160
367.97524	040 KAR 002:150		922 KAR 001:300
367.97527	040 KAR 002:150		922 KAR 002:160
369.101-369.120	907 KAR 001:044	620.030	922 KAR 001:300
369.102	807 KAR 005:001E		922 KAR 001:350
381.280	500 KAR 016:010	620.050	907 KAR 003:160E
387.010	701 KAR 008:010E		907 KAR 003:160

KRS SECTION	REGULATION	KRS SECTION	REGULATION
620.090	922 KAR 001:350		922 KAR 001:350
620.140	922 KAR 001:300	10 U.S.C.	202 KAR 007:330
	922 KAR 001:300	15 U.S.C.	908 KAR 001:374
	922 KAR 001:350	20 U.S.C.	011 KAR 004:080
620.230	922 KAR 001:300		701 KAR 008:010E
620.360	922 KAR 001:350		701 KAR 008:010
620.363	922 KAR 001:350		707 KAR 001:002
625	922 KAR 001:350		807 KAR 005:001E
654.1-654.5	011 KAR 004:080		921 KAR 002:016
654.30-654.52	011 KAR 004:080		922 KAR 001:300
7 C.F.R.	302 KAR 040:010	21 U.S.C.	921 KAR 002:006
	902 KAR 008:160	22 U.S.C.	921 KAR 002:006
	922 KAR 002:160	25 U.S.C.	921 KAR 002:016
16 C.F.R.	302 KAR 079:009		922 KAR 002:160
	603 KAR 005:350	26 U.S.C.	105 KAR 001:365
	922 KAR 001:350		105 KAR 001:411
20 C.F.R.	922 KAR 002:160		900 KAR 010:120
21 C.F.R.	902 KAR 020:480		921 KAR 002:016
	908 KAR 001:374	29 U.S.C.	701 KAR 008:010E
26 C.F.R.	900 KAR 010:120		701 KAR 008:010
29 C.F.R.	202 KAR 007:555		921 KAR 002:016
	803 KAR 001:081		922 KAR 002:160
	900 KAR 010:120		900 KAR 012:005
34 C.F.R.	011 KAR 004:080		921 KAR 002:370
	707 KAR 001:002		922 KAR 002:160
	922 KAR 002:160	31 U.S.C.	045 KAR 001:050
40 C.F.R.	302 KAR 026:020	38 U.S.C.	017 KAR 003:020
	302 KAR 026:150		105 KAR 001:365
	302 KAR 027:011		105 KAR 001:415
	302 KAR 028:011		106 KAR 001:141
	302 KAR 079:009		106 KAR 001:171
	401 KAR 063:060		106 KAR 001:181
42 C.F.R.	900 KAR 010:120		106 KAR 001:191
	902 KAR 055:110		106 KAR 001:201
	907 KAR 001:008		106 KAR 001:221
	907 KAR 001:044		201 KAR 002:413E
	907 KAR 001:065		900 KAR 010:120
	907 KAR 003:010		900 KAR 012:005
	907 KAR 004:020		907 KAR 001:044
	907 KAR 004:030		907 KAR 001:065
	907 KAR 020:020		907 KAR 004:020
	907 KAR 023:020		907 KAR 004:030
	908 KAR 001:374		907 KAR 020:020
	911 KAR 001:090		907 KAR 023:020
	922 KAR 001:350		921 KAR 001:380
45 C.F.R.	807 KAR 005:001E		921 KAR 001:400
	900 KAR 010:120		921 KAR 002:006
	902 KAR 020:480		921 KAR 002:500
	907 KAR 001:044		921 KAR 002:016
	921 KAR 001:380		922 KAR 002:160
	921 KAR 001:400		921 KAR 002:510
	921 KAR 002:006		921 KAR 002:520
	921 KAR 002:016		922 KAR 001:300
	921 KAR 002:017		922 KAR 001:350
	921 KAR 002:035		922 KAR 002:160
	921 KAR 002:370	42 U.S.C.	105 KAR 001:411
	921 KAR 002:500		401 KAR 063:060
	921 KAR 002:510		701 KAR 008:010E
	921 KAR 002:520		701 KAR 008:010
	922 KAR 001:350		902 KAR 020:480
	922 KAR 002:160		907 KAR 001:680
47 C.F.R.	807 KAR 005:001E		907 KAR 003:010
50 C.F.R.	301 KAR 002:075		907 KAR 020:050
	301 KAR 003:120		911 KAR 001:090
7 U.S.C.	302 KAR 026:010		921 KAR 002:035
	302 KAR 026:020		921 KAR 002:040
	302 KAR 026:150		921 KAR 002:050
	302 KAR 027:011		921 KAR 002:060
	302 KAR 028:011		921 KAR 002:370
	302 KAR 029:011		922 KAR 002:165
	921 KAR 002:006	49 U.S.C.	302 KAR 029:011
	922 KAR 002:160	50 U.S.C.	106 KAR 001:141
8 U.S.C.	921 KAR 002:006		106 KAR 001:171
	921 KAR 002:016	52 U.S.C.	921 KAR 002:035

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
013 KAR 002:045	06-22-2022	Remain As Is
016 KAR 002:110	12-01-2022	To be Amended, filing deadline 06-01-2024
016 KAR 002:140	12-01-2022	To be Amended, filing deadline 06-01-2024
016 KAR 002:150	12-01-2022	To be Amended, filing deadline 06-01-2024
016 KAR 002:160	12-01-2022	To be Amended, filing deadline 06-01-2024
016 KAR 002:170	12-01-2022	To be Amended, filing deadline 06-01-2024
016 KAR 002:200	12-01-2022	To be Amended, filing deadline 06-01-2024
016 KAR 004:030	09-08-2022	To be amended, filing deadline 03-08-2024
016 KAR 009:030	12-01-2022	To be Amended, filing deadline 06-01-2024
031 KAR 003:040	09-02-2022	To be amended, filing deadline 03-02-2024
031 KAR 004:120	09-02-2022	Remain As Is
031 KAR 004:180	09-02-2022	To be amended, filing deadline 03-02-2024
106 KAR 003:010	12-02-2022	Remain As Is
201 KAR 001:050	12-02-2022	Remain As Is
201 KAR 001:063	12-02-2022	Remain As Is
201 KAR 001:081	12-02-2022	Remain As Is
201 KAR 001:140	12-02-2022	Remain As Is
201 KAR 001:150	12-02-2022	Remain As Is
201 KAR 002:220	09-09-2022	To be amended, filing deadline 03-09-2024
201 KAR 005:030	11-10-2022	Remain As Is
201 KAR 005:110	11-10-2022	Remain As Is
201 KAR 009:305	09-08-2022	To be amended, filed on 07-13-2022
201 KAR 044:010	07-01-2022	Remain As Is
301 KAR 001:122	08-04-2022	To be amended, filing deadline 02-04-2022
301 KAR 001:146	08-04-2022	To be amended, filing deadline 02-04-2024
500 KAR 013:020	08-25-2022	To be amended, filing deadline 02-24-2024
501 KAR 001:080	11-29-2022	To be amended, filing deadline 11-29-2021
501 KAR 006:050	09-14-2022	To be amended, filing deadline 3-14-2024
601 KAR 009:135	06-02-2022	Remain As Is
603 KAR 005:155	07-26-2022	Remain As Is
702 KAR 001:170	08-09-2022	Remain As Is

803 KAR 001:035	06-13-2022	Remain As Is
803 KAR 002:402	08-26-2022	To be amended, filing deadline 2-26-2024
803 KAR 002:445	08-26-2022	To be amended, filing deadline 02-26-2024
804 KAR 004:015	09-13-2022	Remain As Is
804 KAR 010:031	09-13-2022	Remain As Is
808 KAR 012:020	09-16-2022	Remain As Is
902 KAR 020:180	12-14-2022	Remain As Is
902 KAR 020:200	12-14-2022	Remain As Is
902 KAR 020:205	12-14-2022	Remain As Is
907 KAR 001:044	06-09-2022	Remain As Is
907 KAR 001:055	10-18-2022	Remain As Is
907 KAR 001:350	06-09-2022	Remain As Is
907 KAR 009:005	10-18-2022	Remain As Is
907 KAR 009:010	10-18-2022	Remain As Is
907 KAR 009:015	10-18-2022	Remain As Is
907 KAR 009:020	10-18-2022	Remain As Is
907 KAR 010:014	08-10-2022	Remain As Is
907 KAR 010:016	08-10-2022	Remain As Is
907 KAR 015:085	8/10/2022	Remain As Is
910 KAR 001:170	06-09-2022	To be Amended, Filing deadline 12-09-2023
910 KAR 001:270	08-11-2022	To be amended, filing deadline 02-11-2024
921 KAR 002:006	10-03-2022	To be amended, filed 8-4-2022
921 KAR 002:016	10-03-2022	To be amended, filed 8-4-2022
921 KAR 002:017	10-03-2022	To be amended, filed 9-12-2022
921 KAR 002:046	10-03-2022	Remain As Is
921 KAR 002:050	10-03-2022	To be amended, filed 9-12-2022
921 KAR 002:060	10-03-2022	To be amended, filed 9-12-2022
921 KAR 002:370	10-03-2022	To be amended, filed 9-12-2022
921 KAR 002:500	10-03-2022	To be amended, filed 8-4-2022
921 KAR 002:510	10-03-2022	To be amended, filed 8-4-2022
921 KAR 002:520	10-03-2022	To be amended, filed 8-4-2023

TECHNICAL AMENDMENT INDEX

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments made during the 49th 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
----------------------	-------------------	----------------------	-------------------

A substantial amount of technical amendments have been filed and are in the process of being entered. The index will be updated with that information as soon as possible.

SUBJECT INDEX

AGING AND INDEPENDENT LIVING

Aging Services

Personal care attendant program and assistance services; 910 KAR 001:090

AGRICULTURE

Agricultural Pest Control

Repeal of 302 KAR 027:010, 302 KAR 027:020, 302 KAR 027:040, 302 KAR 027:050, and 302 KAR 027:060; 302 KAR 027:011

Motor Fuel, Regulation and Inspection

Repeal of 302 KAR 079:010; 302 KAR 079:009

Organic Agricultural Product Certification

Certification of organic production, processing, or handling operations; 302 KAR 040:010

Ornamental Turf Lawn and Interior Plantscape Pest Control

Repeal of 302 KAR 028:010, 302 KAR 028:020, 302 KAR 028:030, 302 KAR 028:040, 302 KAR 028:050, and 302 KAR 028:060; 302 KAR 028:011

Pesticides

Applicator, non-certified; training, supervision; 302 KAR 026:070
Certification and licensing; 302 KAR 026:020

Definitions; 302 KAR 026:010

Notice posting, lawn, turf, ornamental, interior plantscape; 302 KAR 026:080

Penalties; 302 KAR 026:150

Recordkeeping; 302 KAR 026:030

Schools, pest management in; 302 KAR 026:090

Service vehicles; identification of; 302 KAR 026:060

Storage and handling; 302 KAR 026:040

Structural Pest Control Settlement proceedings; 302 KAR 026:100

Trainee registration and supervision; 302 KAR 026:050

Structural Pest Control

Repeal of 302 KAR 029:010, 302 KAR 029:020, 302 KAR 029:040, 302 KAR 029:050, 302 KAR 029:060 and 302 KAR 029:070; 302 KAR 029:011

ALCOHOLIC BEVERAGE CONTROL

Advertising Distilled Spirits and Wine

General advertising practices; 804 KAR 001:102

Malt Beverages and Wine

Brewing and winemaking for personal use; 804 KAR 014:011

Malt Beverage Equipment, Supplies and Service

Growlers; 804 KAR 011:041

ARCHITECTS

Continuing education; 201 KAR 019:087

Qualifications for examination and licensure; 201 KAR 019:035

AUDITOR OF PUBLIC ACCOUNTS

Audits

Audits of fiscal courts; 045 KAR 001:050

Audits of sheriffs' tax settlements; 045 KAR 001:030

BOARDS AND COMMISSIONS

See also Occupations and Professions

See listing below for other possible, specific subject headings:

Alcohol and Drug Counselors; 201 KAR Chapter 022

Applied Behavior Analysis Licensing; 201 KAR Chapter 043

Architects, 201 KAR Chapter 019

Barbering; 201 KAR Chapter 014

Chiropractic Examiners; 201 KAR Chapter 021

Dentistry, 201 KAR Chapter 008

Durable Medical Equipment; 201 KAR Chapter 047

Embalmers and Funeral Directors, 201 KAR Chapter 015

Examiners of Psychology; 201 KAR Chapter 026

Licensure and Certification for Dietitians and Nutritionists; 201 KAR Chapter 033

Long-Term Care Administrators, 201 KAR Chapter 006

Massage Therapy; 201 KAR Chapter 042

Medical Imaging and Radiation Therapy; 201 KAR Chapter 046

Medical Licensure; 201 KAR Chapter 009

Nursing, 201 KAR Chapter 020

Optometric Examiners, 201 KAR Chapter 005

Pharmacy; 201 KAR Chapter 002

Physical Therapy; 201 KAR Chapter 022

Real Estate Commission; 201 KAR Chapter 011

Registration for Professional Geologists; 201 KAR Chapter 031

Speech-Language Pathology and Audiology; 201 KAR Chapter 017

Social Work; 201 KAR Chapter 023

State Board of Accountancy; 201 KAR Chapter 001

Veterinary Examiners, 201 KAR Chapter 016

CERTIFICATE OF NEED

Nonsubstantive review; 900 KAR 006:075

CHARITABLE GAMING

Definitions; 820 KAR 001:001

Pulltabs; 820 KAR 001:032

CHILDCARE

Daycare

Employee Child Care Assistance Partnership; 922 KAR 002:165

Facilities standards; 922 KAR 001:300

Child Care Assistance Program; 922 KAR 002:160

CHILD SUPPORT

Enforcement program, application and intergovernmental process; 921 KAR 1:380

Establishment, review, and modification of child support and medical support orders; 921 KAR 001:400

CHILD WELFARE

Background checks for private child-caring or child-placing staff members; 922 KAR 001:290

Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers; 922 KAR 001:350

COMMUNITY BASED SERVICES

Child Welfare (922 KAR Chapter 001)

Child Support (922 KAR Chapter 001)

Daycare (922 KAR Chapter 002)

K-TAP, Kentucky Works, Welfare to Work, State Supplementation (921 KAR Chapter 002)

Supplemental Nutrition Assistance Program (921 KAR Chapter 003)

COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Fire Commission, 739 KAR Chapter 002

DAYCARE

See Childcare

DENTISTRY

Anesthesia and sedation related to dentistry; 201 KAR 008:550

Mobile dental facilities and portable dental units; 201 KAR 008:601

Registration of dental assistants; 201 KAR 008:571

Registration of dental laboratories; 201 KAR 008:016

DISASTER AND EMERGENCY SERVICES

See Emergency Services; 106 KAR Chapter 001

EDUCATION

See also: Postsecondary Education (KAR Title 013)

Academic Standards

Required academic standards for social studies; 704 KAR 008:060

Required Kentucky academic standards for science; 704 KAR 008:120

Charter Schools

Charter school appeal process; 701 KAR 008:030

Charter school funding; 701 KAR 008:050

Charter school student application, lottery, and enrollment; 701 KAR 008:010

- Conversion charter school petition, conversion, and operation; 701 KAR 008:040
- Evaluation of charter school authorizers; 701 KAR 008:020
- Exceptional and Handicapped Programs
 - Definitions; 707 KAR 001:002
- General Administration
 - Student records; hearing procedures; 702 KAR 001:140
- Instruction
 - High school, minimum requirements for graduation; 704 KAR 003:305
- Office of Instruction
 - Required academic standards; 704 KAR 003:303
- Office of Learning Programs Development
 - Full-time enrolled online, virtual, and remote learning programs; 704 KAR 003:335
- Office of Special Instructional Services
 - Work-based learning program standards; 705 KAR 004:041
- School Terms, Attendance and Operation
 - Pupil attendance; 702 KAR 007:125

EDUCATION PROFESSIONAL STANDARDS BOARD

Adult Education and Literacy

- GED ® eligibility requirements; 013 KAR 003:050
- Alternative Routes to Certification
 - Alternative route to certification institute; 016 KAR 009:100
 - Expedited route to certification; 016 KAR 009:110

EMBALMERS AND FUNERAL DIRECTORS

- Apprenticeship and supervision requirements; 201 KAR 015:050
- Examination; 201 KAR 015:040
- Fees; 201 KAR 015:030
- Funeral establishment criteria; 201 KAR 015:110
- Surface transportation permit; 201 KAR 015:125

EMERGENCY MEDICAL SERVICES

- Board of Emergency Medical Services
 - Advanced emergency medical technician; 202 KAR 007:330
 - Emergency medical technician; 202 KAR 007:301
 - Emergency medical responders; 202 KAR 007:201
 - Ground agencies; 202 KAR 007:555
 - Ground vehicle staff; 202 KAR 007:560
 - License classifications; 202 KAR 007:545
 - Paramedics; 202 KAR 007:401
 - Scope of practice matters; 202 KAR 007:701
 - Training, education, and continuing education; 202 KAR 007:601

EMERGENCY SERVICES

- Fund allocation; rescue aid; 106 KAR 001:341
- Funding; 106 KAR 001:141
- Local
 - Director appointment process; 106 KAR 001:241
 - Exercise; 106 KAR 001:221
 - Ordinance requirement; 106 KAR 001:231
 - Plan; 106 KAR 001:201
 - Training; 106 KAR 001:211
- Military Assistance Trust Funds
 - Family Trust Fund; 106 KAR 002:021
 - National Guard Adoption Benefit Program; 106 KAR 002:031
- Project application; 106 KAR 001:181
- Reimbursement
 - Eligibility list, supplementary state fund; 106 KAR 001:261
 - Project application; 106 KAR 001:191
- Rescue aid fund
 - Allocation; 106 KAR 001:341
 - Expenditure documentation; 106 KAR 001:371
- Specialized rescue squad alternative affiliation agreement process; 106 KAR 001:291
- Quarterly report, local agency program; 106 KAR 001:171
- Worker's compensation enrollment form; 106 KAR 001:251

ENERGY AND ENVIRONMENT CABINET

- Public Service Commission
 - Rules of procedure; 807 KAR 005:001E

ENVIRONMENTAL PROTECTION

- General Standards of Performance
 - List of hazardous air pollutants, petitions process, lesser quantity designations, and source category list; 401 KAR 063:060

EXAMINERS OF PSYCHOLOGY

- Continuing education; 201 KAR 026:175E
- Renewal and reinstatement; 201 KAR 026:225E

FINANCE AND ADMINISTRATION CABINET

- Commonwealth Office of Technology
 - The Kentucky state plane coordinate system; 200 KAR 041:010
- Infrastructure Authority
 - Guidelines for Kentucky Infrastructure Authority drinking water and wastewater grant program; 200 KAR 017:111
- Technology Office
 - Data breach notification forms; 200 KAR 001:016

FINANCIAL INSTITUTIONS, Department of

- General Provisions
 - Licensing and registration; 808 KAR 001:170

FIRE COMMISSION

- Volunteer fire department loan fund; 739 KAR 002:070

FISH AND WILDLIFE RESOURCES

- Fish
 - Taking of fish by traditional fishing methods; 301 KAR 001:201
- Game
 - Black bear seasons and requirements; 301 KAR 002:300
 - Deer hunting seasons, zones, and requirements; 301 KAR 002:172
 - Dove, wood duck, teal, and other migratory game bird hunting; 301 KAR 002:225
 - Elk hunting seasons, permits, zones, and requirements; 301 KAR 002:132
 - Feeding of wildlife; 301 KAR 002:015
 - Hunter education; 301 KAR 002:185
 - Hunting and trapping seasons and limits for furbearers; 301 KAR 002:251
 - Migratory birds; means by which birds may be take; 301 KAR 002:090
 - Repeal of 301 KAR 002:224 and 301 KAR 002:226; 301 KAR 002:219
 - Sandhill crane hunting requirements; 301 KAR 002:228
 - Taking of fish by nontraditional fishing methods; 301 KAR 001:410
 - Transportation and holding of live exotic wildlife; 301 KAR 002:082
 - Transportation and holding of live native wildlife; 301 KAR 002:081
 - Turkey Spring hunting of wild; 301 KAR 002:142
 - Wanton waste and disposal of big game and upland game birds; 301 KAR 002:245
 - Waterfowl seasons and limits; 301 KAR 002:221
 - Wildlife; importation, possession, and transportation of; 301 KAR 002:095
 - Wildlife rehabilitation permit; 301 KAR 002:075
- Hunting and Fishing
 - Commercial nuisance wildlife control; 301 KAR 003:120

FOOD STAMPS

- See Supplemental Nutritional Assistance Program, 921 KAR Chapter 003*

HEALTH AND FAMILY SERVICES

- Administration
 - Background checks, Child and adult protection employees subject to; 900 KAR 001:050
- Certificate of Need; 900 KAR Chapter 6
- Child Support; 921 KAR Chapter 001
- Developmental Health, Developmental and Intellectual Disabilities
 - Licensure of nonhospital-based outpatient alcohol and other

drug treatment entities; 908 KAR 001:374
Essential Personal Care Visitor Programs
Visitation guidelines; 900 KAR 014:010
Health Benefit Exchange; 900 KAR Chapter 010
Medicaid Services; KAR Title 907
State Health Plan; 900 KAR Chapter 5

HEALTH BENEFIT EXCHANGE

Eligibility and enrollment; 900 KAR 010:120

HERITAGE COUNCIL

Historic rehabilitation tax credit certifications; 300 KAR 006:011

HIGHWAYS

Traffic

Off-highway vehicles, safety, and routes; 603 KAR 005:350
Vegetation management; 603 KAR 005:155

HORSE RACING COMMISSION

Hearings and Appeals

Hearings, reviews, and appeals; 810 KAR 009:010

Medication Guidelines

Medication; testing procedures; prohibited practices; 810 KAR 008:010

HOUSING, BUILDINGS AND CONSTRUCTION

Heating, Ventilation, and Air Conditioning Licensing Requirements
Licensing requirements for master HVAC contractors and
journeyman HVAC mechanics; 815 KAR 008:010
Kentucky Building Code
Kentucky Building Code; 815 KAR 007:120
Standards of Safety
Kentucky standards of safety; 815 KAR 010:060

INSURANCE

Agents, Consultants, Solicitors and Adjustors

Licensing process; 806 KAR 009:025
Limited lines self-service storage space insurance requirements;
806 KAR 009:380
Portable electronics retailer license; 806 KAR 009:390

Authorization of Insurers and General Requirements

Cybersecurity reporting procedures; 806 KAR 003:250

Health Insurance Contracts

Annual report mental health parity nonquantitative treatment
limitation compliance; 806 KAR 017:585
Independent External Review Program; 806 KAR 017:290
Registration, utilization review, and internal appeal; 806 KAR 017:280

Repeal of 806 KAR 17:350; 806 KAR 017:531

Insurance Holding Company Systems and Other Insurance Filings

General; 806 KAR 037:010

Motor Vehicle Reparations (No-fault)

Kentucky no-fault rejection form; 806 KAR 039:030

JUSTICE AND PUBLIC SAFETY CABINET

Department of Corrections

Department of Corrections manuals; 501 KAR 006:080
Kentucky State Penitentiary; 501 KAR 006:040
Luther Luckett Correctional Complex; 501 KAR 006:050
Western Kentucky Correctional Complex; 501 KAR 006:130

Department of Criminal Justice Training

Online basic and in-service training; 503 KAR 003:130
On-site review of school security risk assessments and written
approval of local board of education's noncompliance with
KRS 158.4414(2); 503 KAR 007:010

Kentucky State Corrections Commission

Administration and application procedure for community
corrections grant program; 500 KAR 010:020
Community Corrections Board and grant recipient requirements;
500 KAR 010:030

Definitions for 500 KAR Chapter 010; 500 KAR 010:001

Program review; 500 KAR 010:040

Office of the Secretary

Funds disbursement from the elder and vulnerable victims trust

fund; 500 KAR 016:010

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

Kentucky Higher Education Assistance Authority

Student aid applications; 011 KAR 004:080

KHEAA Grant Programs

CAP grant award determination procedure; 011 KAR 005:145

CAP grant student eligibility; 011 KAR 005:037

Definitions pertaining to 011 KAR Chapter 005; 011 KAR 005:001

KENTUCKY RETIREMENT SYSTEMS

General Rules

Definitions for Title 105 of the Kentucky Administrative
Regulations. 105 KAR 001:001

Hospital and medical insurance for retired members and
Kentucky Retirement Systems Insurance Fund Trust; 105
KAR 001:411

Hybrid cash balance plan; 105 KAR 001:365

Repeal of 105 KAR 001:070; 105 KAR 001:071

Repeal of 105 KAR 001:370; 105 KAR 001:371

Reimbursement of hospital and medical insurance premiums for
Medicare eligible retired members reemployed with a
participating employer; 105 KAR 001:415

Kentucky Retirement Systems

Quasi-governmental employer reports on independent
contractors and leased employees; 105 KAR 001:451

K-TAP, KENTUCKY WORKS, WELFARE TO WORK, STATE SUPPLEMENTATION

Delegation of power for oaths and affirmations; 921 KAR 002:060

Family Assistance Short Term (FAST); 921 KAR 002:500

Kentucky Works Program (KWP) supportive services; 921 KAR 002:017

Procedures for determining initial and continuing eligibility; 921 KAR 002:040

Relocation Assistance Program (RAP); 921 KAR 002:510

Right to apply and reapply; 921 KAR 002:035

Standards of need and amount for the Kentucky Transitional
Assistance Program (KTAP); 921 KAR 002:016

Technical requirements for the Kentucky Transitional Assistance
Program (KTAP); 921 KAR 002:006

Technical requirements for Kentucky Works Program (KWP);
921 KAR 002:370

Time and manner of payments; 921 KAR 002:050

Work Incentive (WIN); 921 KAR 002:520

LABOR CABINET

Unemployment Insurance

Appeals; 787 KAR 001:110

Application for employer account; reports; 787 KAR 001:010

Change of status; discontinuance of business; 787 KAR 001:020

Claimant profiling; 787 KAR 001:310

Contract construction rates; 787 KAR 001:290

Employer contribution rates; 787 KAR 001:210

Interstate claimants; 787 KAR 001:150

Labor dispute or strike; notification; 787 KAR 001:080

Overpayment waivers; 787 KAR 001:360

Required reports and due dates; 787 KAR 001:220

Separation for cause; reports; 787 KAR 001:060

Successorship; 787 KAR 001:300

Unemployed worker's reporting requirements; 787 KAR 001:090

Unemployment insurance fund payments; 787 KAR 001:140

Voluntary election of coverage; 787 KAR 001:260

KENTUCKY LAW ENFORCEMENT COUNCIL

Department of Criminal Justice Training

General Training Provision

Online basic and in-service training Kentucky Law Enforcement
Council; 503 KAR 003:130

Peace officer, telecommunicator, and court security officer
professional standards; 503 KAR 001:140

LICENSURE FOR LONG-TERM CARE ADMINISTRATORS

Fees; 201 KAR 006:060

MEDICAID SERVICES

Kentucky Children's Health Insurance Program

Kentucky Children's Health Insurance Program Medicaid Expansion Title XXI of the Social Security Act; 907 KAR 004:020

Kentucky Children's Health Insurance Program Phase III Title XXI of the Social Security Act; 907 KAR 004:030

Medicaid Eligibility

Income standards for Medicaid other than Modified Adjusted Gross Income (MAGI) standards or for former foster care individuals; 907 KAR 020:020

Modified Adjusted Gross Income (MAGI) Medicaid eligibility standards; 907 KAR 020:100

Presumptive eligibility; 907 KAR 020:050

Medicaid Services

Advanced practice registered nurse (services); 907 KAR 001:104

Ambulatory surgical center; 907 KAR 001:008

Community mental health center behavioral health services

Coverage provisions and requirements regarding rural health clinic services; 907 KAR 001:082

Payments for price-based nursing facility services; 907 KAR 001:065

Vaccines for children program; 907 KAR 001:680

Payments and Services

Reimbursement for physicians' services; 907 KAR 003:010

Specialized children's services clinics Outpatient Pharmacy Program; 907 KAR 003:160

Outpatient drugs, reimbursement; 907 KAR 023:020

MEDICAL LICENSURE

Continued licensure of athletic trainers; 201 KAR 009:305

Standardized medical order for scope of treatment form; 201 KAR 009:470

MILITARY AFFAIRS

Disaster and Emergency Services, See Emergency Services

NURSING

Applications for licensure; 201 KAR 020:370

Faculty for prelicensure registered nurse and practical nurse programs; 201 KAR 020:310

Fees for applications and for services; 201 KAR 020:240

Licensure by examination; 201 KAR 020:070

Licensed certified professional midwives permitted medical tests and formula; 201 KAR 020:650

Licensed practical nurse infusion therapy scope of practice; 201 KAR 020:490

Licensing requirements for licensed certified professional midwives; 201 KAR 020:620

Organization and administration standards for prelicensure registered nurse or practical nurse programs of nursing; 201 KAR 020:260

OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

Appeals; 911 KAR 001:090

Early Hearing Detection and Intervention Program; 911 KAR 001:085

Medical staff; 911 KAR 001:060

OFFICE OF THE ATTORNEY GENERAL

Department of Law

Cremation forms and inspections; 040 KAR 002:150

Protocol for operation of local multidisciplinary teams on child sex abuse; 040 KAR 003:020

OFFICE OF INSPECTOR GENERAL

Controlled Substances

Monitoring system for prescription controlled substances; 902 KAR 055:110

Health Services and Facilities

Assisted living communities; 902 KAR 020:480

Kentucky abortion-including drug certification program and registration of qualified physicians; 902 KAR 020:365

Kentucky heart attack response and treatment recognition process; 902 KAR 020:470

Telehealth

Telehealth terminology and requirements; 900 KAR 012:005

OPTOMETRIC EXAMINERS

Advertising; 201 KAR 005:038

Board administration and optometric practice; 201 KAR 005:002

Expungement; 201 KAR 005:105

Unprofessional conduct; 201 KAR 005:045

PERSONNEL

Personnel Board

Probationary periods; 101 KAR 001:325

Personnel Cabinet, Unclassified

2023 plan year handbook for the public employee health insurance program; 101 KAR 002:21

PHARMACY

Board authorized protocols; 201 KAR 002:380

License transfer and non-resident pharmacist license; 201 KAR 002:030

Naloxone dispensing; 201 KAR 002:360

Ordering and administering vaccinations; 201 KAR 002:413E

Out of state pharmacy permits; 201 KAR 002:460

Unprofessional conduct of a pharmacy permit holder; 201 KAR 002:450

PHYSICAL THERAPY

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

Physical Therapy Compact Commission; 201 KAR 022:170

PROFESSIONAL GEOLOGISTS

Applications and examinations; 201 KAR 031:040

Fees; 201 KAR 031:010

Renewals; 201 KAR 031:050

Repeal of 201 KAR 031:030; 201 KAR 031:031

PUBLIC HEALTH

Communicable Diseases

Reportable disease surveillance; 902 KAR 002:020

Local Health Departments

Disciplinary procedures applicable for local health department employees; 902 KAR 008:100

Leave provisions applicable to employees of local health departments; 902 KAR 008:120

Local health department operations requirements; 902 KAR 008:160

Salary adjustments for local health departments; 902 KAR 008:060

Maternal and Child Health

Newborn screening program; 902 KAR 004:030

Programs for the Underserved

Community health worker certification; 902 KAR 021:040

Vital Statistics

Abortion reporting; 901 KAR 005:120

Certificate of abortion; 901 KAR 005:130

Permit to transport fetal remains; 901 KAR 005:140

PUBLIC PROTECTION CABINET

Charitable Gaming; KAR Title 820

REAL ESTATE COMMISSION

Standards of professional conduct; 201 KAR 011:121

RETIREMENT

*See Kentucky Retirement Systems (KAR Title 105)
Teachers' Retirement System (KAR Title 102)*

REVENUE

See also *Selective Excise Tax*

SECRETARY OF STATE

Filings
Forms; 030 KAR 009:010

SELECTIVE EXCISE TAX

Motor Fuel
Prices and annual survey value; 103 KAR 043:340

SOCIAL WORK

Renewal, termination, reinstatement of license; 201 KAR 023:051
Temporary permission to practice; 201 KAR 023:016

STATE BOARD OF ELECTIONS

Forms and Procedures
Chain of custody for records during an election contest; 031 KAR 004:201
Consolidation of precincts and precinct election officers; 031 KAR 004:196
Delivery and return of absentee ballots transmitted to covered voters via facsimile or electronically; 031 KAR 004:131
Establishment of risk-limiting audit pilot program; 031 KAR 004:210
Exceptions to prohibition on electioneering; 031 KAR 004:170
Recanvas procedures; 031 KAR 004:071
Submission of the federal postcard application via electronic mail; 031 KAR 004:141
Statewide Voter Registration
Voting precinct and address of overseas voter whose last place of residence is in the Commonwealth is no longer a recognized residential address; 031 KAR 003:031
Voting
Ballot standards and election security; 031 KAR 005:026
Use of the federal writ-in absentee ballot; 031 KAR 005:011
Electronic Voting Systems
E-poll book product certification; 031 KAR 002:030

STATE HEALTH PLAN

Facilities and services, 900 KAR 005:020

TEACHER'S RETIREMENT SYSTEM

General Rules
Disability retirement for TRS 4 members with less than five years of service; 102 KAR 001:361

TOURISM

Process for the distribution of tourism recovery and investment funds appropriated by the General Assembly in the 2022 Regular Session from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021; 300 KAR 001:021

TRANSPORTATION

Highways; See 603 Chapter 005
Office for Civil Rights and Small Business Development
Certification of disadvantaged business enterprises; 600 KAR 004:010

VETERANS AFFAIRS

State Veteran's Nursing Home
Changes for room and board, goods, and services at state veterans' nursing homes; 017 KAR 003:020

VETERINARY EXAMINERS

Authorization for animal control agencies to apply for restricted controlled substances certificate from DEA; 201 KAR 016:550
Certificate renewal for animal control agencies and animal euthanasia specialists; renewal notice; 201 KAR 016:572
Certification as an animal euthanasia specialist; 201 KAR 016:560
Duties and responsibilities of an animal euthanasia specialist; 201 KAR 016:562

Procedures for grievances, investigations, and administrative charges; 201 KAR 016:610
Responsibilities for certified animal control agencies; limitations on drugs; 201 KAR 016:552

WORKERS' CLAIMS

Labor Standards; Wages and Hours
803 KAR 001:006. Employer-employee relationship.
Workers' Claims
Utilization review, appeal of utilization review decisions and medical bill audit; 803 KAR 025:195
Workers' Compensation medical fee schedule for physicians; 803 KAR 025:089

WORKFORCE INVESTMENT

Office of Employment and Training
Local workforce development area governance; 787 KAR 002:040

WORKPLACE STANDARDS

Labor Standards; Wages and Hours
Board, lodging, gratuities and other allowances; 803 KAR 001:081