



ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, February 14, 2025

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet on March 10, 2025 at 1:00 p.m.in room 149 Capitol Annex. **ARRS Tentative Agenda – 1629** [Online agenda updated as needed](#)

INDEXES & OTHER INFORMATION

Regulation Review Procedure	1632	KRS Index.....	I - 12
ARRS Report.....	1741	Certifications	I - 22
Other Committee Reports	1744	Technical Amendments	I - 24
Locator Index - Effective Dates.....	I - 2	Subject Index.....	I - 25

REPRINTS

Board of Pharmacy
201 KAR 002:416. Pharmacy annual reporting of cost of dispensing data..... 1633

EMERGENCIES

Department for Community-based Services
922 KAR 001:360E. Private child care placement, levels of care, and payment 1636

AMENDED IN-PROCESS EMERGENCIES

Board of Speech-language Pathology and Audiology
201 KAR 017:120E. Audiology and Speech-Language Pathology Interstate Compact..... 1643

AS AMENDED

Secretary of State
030 KAR 002:011. Repeal of 30 KAR 2:010..... 1644

Department of Law
040 KAR 005:010. Hearing officer required training..... 1644

Department of Fish and Wildlife Resources
301 KAR 002:041. Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and bobwhite shoot-to-train season 1647

Department for Environmental Protection
401 KAR 047:110. Registered permit-by-rule 1650
401 KAR 048:320. Operating requirements for less than one (1) acre or expanded less than two (2) acre construction or demolition debris landfills 1652

Department of State Police
502 KAR 010:120. Hazardous materials endorsement requirements..... 1653
502 KAR 012:010. Sexual assault forensic-medical examination protocol..... 1654

Department of Financial Institutions
808 KAR 009:010. Deferred deposit database compliance 1657

Department for Medicaid Services

907 KAR 010:015. Payments for outpatient hospital services..... 1657

Department for Community-based Services

922 KAR 001:490. Background checks for foster and adoptive parents and relative and fictive kin caregivers 1660

AMENDED AFTER COMMENTS

Board of Veterinary Examiners

201 KAR 016:510. Fees for veterinarians 1664
201 KAR 016:513. Fees for Allied Animal Health Professional (AAHP) Permits..... 1667
201 KAR 016:515. Fees for veterinary facility registrations..... 1669
201 KAR 016:517. Fees for AAHP facility registrations .. 1671
201 KAR 016:730. Approved allied animal health professional (AAHP) programs; education requirements 1673
201 KAR 016:731. Examination requirements for AAHP providers 1675
201 KAR 016:732. Application requirements for AAHP permits -- reinstatement..... 1676
201 KAR 016:735. Renewal requirements for AAHP permits -- renewal notice -- expiration..... 1679
201 KAR 016:737. Responsibilities for AAHP providers; limitations on practice 1681
201 KAR 016:762. Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties 1683
201 KAR 016:765. Veterinary facilities -- Renewal notice -- Requirements for renewal and reinstatement 1685
201 KAR 016:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers ... 1688
201 KAR 016:772. Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties 1690

201 KAR 016:775. AAHP facilities -- Renewal notice -- Requirements for renewal and reinstatement..... 1692

201 KAR 016:777. Registered AAHP facilities – Duties of registered responsible parties and AAHP managers 1694

Board of Certification for Professional Counselors

201 KAR 036:050. Complaint management process 1696

PROPOSED AMENDMENTS

Department of Law

040 KAR 009:010. General application procedure 1699

040 KAR 009:020. Local government application procedure 1701

Personnel

101 KAR 001:325. Probationary periods 1703

Department of Education

701 KAR 005:055. Removal hearing procedures 1706

Department for Community-based Services

922 KAR 001:360. Private child care placement, levels of care, and payment 1707

NEW ADMINISTRATIVE REGULATIONS

Department for Medicaid Services

907 KAR 016:005. Definitions for 1915(i) Recovery, Independence, Support & Engagement (RISE) Initiative 1714

907 KAR 016:010. 1915(i) RISE Initiative Home and Community-Based Services (HCBS); Participant Eligibility 1717

907 KAR 016:015. Recovery, Independence, Support & Engagement (RISE) Initiative 1915(i) Home and Community-Based Services (HCBS); Provider Participation and Enrollment 1719

907 KAR 016:020. 1915(i) Home and Community-Based Services (HCBS) Recovery, Independence, Support & Engagement (RISE) Initiative; Covered Services 1729

907 KAR 016:025. Recovery, Independence, Support & Engagement Initiative (RISE) Program reimbursement provisions and requirements 1739

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2016 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: 51st Year of the Kentucky Register, page 318 (short form: 51 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	KAR	Chapter	Regulation
806		050:	155
Cabinet, Department, Board, or Agency		Office, Division, Board, or Major Function	Specific Regulation

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

© 2025 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, 702 Capitol Avenue, Room 76, State Capitol Annex, 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 Max Wise
Majority Floor Leader

Representative Steven Rudy
Majority Floor Leader

Senator Gerald A. Neal
Minority Floor Leader

Representative Pamela Stevenson
Minority Floor Leader

Senator Robby Mills
Majority Caucus Chair

Representative Suzanne Miles
Majority Caucus Chair

Senator Reginald Thomas
Minority Caucus Chair

Representative Al Gentry
Minority Caucus Chair

Senator Mike Wilson
Majority Whip

Representative Jason Nemes
Majority Whip

Senator David Yates
Minority Whip

Representative Lindsey Burke
Minority Whip

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Members

Senator Stephen West, Co-Chair
Representative Derek Lewis, Co-Chair
Senator Julie Raque Adams
Senator Mike Wilson
Senator David Yates
Representative Randy Bridges
Representative Deanna Gordon
Representative Mary Lou Marzian

Staff

Sarah Amburgey
Stacy Auterson
Laura Begin
Emily Caudill
Ange Darnell
Emily Harkenrider
Karen Howard
Anna Latek
Callie Lewis
Carrie Nichols

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.



Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
MONDAY, March 10, 2025
Annex Room 149



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

FINANCE AND ADMINISTRATION CABINET
Kentucky Public Pension Authority (KPPA)
General Rules

[105 KAR 001:451](#). Quasi-governmental employer reports on independent contractors and leased employees. (Not Amended After Comments)

BOARDS AND COMMISSIONS

Board of Pharmacy

[201 KAR 002:416E](#). Pharmacy annual reporting of cost dispensing data. (Filed with Ordinary) ("E" expires 09-13-2025)

Board of Optometric Examiners

[201 KAR 005:010](#). Application for licensure; endorsement. (Not Amended After Comments) (Deferred from February)

Board of Veterinary Examiners

[201 KAR 016:510](#). Fees for veterinarians. (Amended After Comments)

[201 KAR 016:513](#). Fees for Allied Animal Health Professional (AAHP) Permits. (Amended After Comments)

[201 KAR 016:515](#). Fees for veterinary facility registrations. (Amended After Comments)

[201 KAR 016:517](#). Fees for AAHP facility registrations. (Amended After Comments)

[201 KAR 016:730](#). Approved Allied Animal Health Professional (AAHP) Programs; education requirements. (Amended After Comments)

[201 KAR 016:731](#). Examination requirements for AAHP providers. (Amended After Comments)

[201 KAR 016:732](#). Application requirements for AAHP permits - reinstatement. (Amended After Comments)

[201 KAR 016:735](#). Renewal requirements for AAHP permits – renewal notice – expiration. (Amended After Comments)

[201 KAR 016:737](#). Responsibilities for AAHP providers; limitations on practice. (Amended After Comments)

[201 KAR 016:762](#). Application requirements for Veterinary facility registration; veterinarian managers; registered responsible parties.

(Amended After Comments)

[201 KAR 016:765](#). Veterinary facilities – renewal notice – requirements for renewal and reinstatement. (Amended After Comments)

[201 KAR 016:767](#). Registered veterinary facilities – duties of registered responsible parties and veterinarian managers. (Amended After Comments)

[201 KAR 016:772](#). Application requirements for AAHP facility registration; AAHP managers; registered responsible parties. (Amended After Comments)

[201 KAR 016:775](#). AAHP facilities – renewal notice – requirements for renewal and reinstatement. (Amended After Comments)

[201 KAR 016:777](#). Registered AAHP facilities - duties of registered responsible parties and AAHP managers. (Amended After Comments)

Board of Speech-Language Pathology

Interstate Compact

[201 KAR 017:120](#). Audiology and Speech-Language Pathology Interstate Compact. (Filed with Emergency; "E" expires 08-23-2025)

Board of Licensed Professional Counselors

[201 KAR 036:050](#). Complaint management process. (Amended After Comments)

[201 KAR 036:100E](#). Counseling compact. (Filed with Ordinary) ("E" expires 08-23-2025) (Deferred from February)

[201 KAR 036:100](#). Counseling compact. (Filed with Emergency; "E" expires 08-23-2025)

TOURISM, ARTS AND HERITAGE CABINET

Department of Fish and Wildlife Resources

Game

[301 KAR 002:132](#). Elk hunting seasons, permits, zones, and requirements.

[301 KAR 002:172](#). Deer hunting seasons, zones, and requirements.

[301 KAR 002:300](#). Black bear seasons and requirements.

Licensing

[301 KAR 005:022](#). License, tag, and permit fees.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Driver's License

[601 KAR 012:120E](#). Testing applicants for initial or renewal instruction permit, initial or renewal operator's license, or reinstatement. (Filed with Ordinary) ("E" expires 09-02-2025) (Not Amended After Comments)

VOLUME 51, NUMBER 9 – MARCH 1, 2025

[601 KAR 012:120](#). Testing applicants for initial or renewal instruction permit, initial or renewal operator's license, or reinstatement. (Filed with Emergency; "E" expires 09-02-2025)

EDUCATION AND LABOR CABINET

Department of Education

[704 KAR 003:315](#). Certification of nonpublic schools.

Department of Workplace Standards

Occupational Safety and Health

[803 KAR 002:300](#). General.

[803 KAR 002:320](#). Toxic and hazardous substances. (Filed with Emergency; "E" expires 08-16-2025)

PUBLIC PROTECTION CABINET

Department of Insurance

Agents, Consultants, Solicitors and Adjusters

[806 KAR 009:360](#). Pharmacy Benefit Manager License. (Deferred from February)

KENTUCKY HORSE RACING AND GAMING CORPORATION

General

[810 KAR 002:070](#). Thoroughbred and other flat racing associations. (Not Amended After Comments)

Flat and Steeplechase Racing

[810 KAR 004:030](#). Entries, subscriptions, and declarations. (Deferred from February)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Medicaid Services

Medicaid Services

[907 KAR 001:595E](#). Model Waiver II service coverage and reimbursement policies and requirements. (Filed with Ordinary) ("E" expires 09-19-2025)

[907 KAR 001:835E](#). Michelle P. waiver services and reimbursement. (Filed with Ordinary) ("E" expires 09-19-2025)

Payments and Services

[907 KAR 003:100E](#). Reimbursement for acquired brain injury waiver services. (Filed with Ordinary) ("E" expires 09-19-2025)

[907 KAR 003:210E](#). Acquired brain injury long-term care waiver services and reimbursement. (Filed with Ordinary) ("E" expires 09-19-2025)

Certified Provider Requirements

[907 KAR 007:015E](#). Reimbursement for home and community based waiver services version 2. (Filed with Ordinary) ("E" expires 09-19-2025)

Supports for Community Living Waiver

[907 KAR 012:020E](#). Reimbursement for New Support for Community Living Waiver Services. (Filed with Ordinary) ("E" expires 09-19-2025)

Medicaid Eligibility

[907 KAR 020:005E](#). Medicaid technical eligibility requirements not related to a modified adjusted gross income standard or former foster care individuals. (Filed with Ordinary) ("E" expires 09-19-2025)

Department for Behavioral Health, Developmental and Intellectual Disabilities

Substance Abuse

[908 KAR 001:410](#). Recovery housing.

Office of Human Resource Management

Administration

[920 KAR 001:090](#). Client Civil Rights complaint process.

Department for Community Based Services

Daycare

[922 KAR 002:020](#). Child Care Assistance Program (CCAP) improper payments, claims, and penalties.

3. REGULATIONS REMOVED FROM MARCH'S AGENDA

ENERGY AND ENVIRONMENT CABINET

Department for Natural Resources

Division of Mine Permits

Bond and Insurance Requirements

[405 KAR 010:001](#). Definitions. (Amended After Comments) (Deferred from January)

[405 KAR 010:015](#). General bonding provisions. (Not Amended After Comments) (Deferred from January)

VOLUME 51, NUMBER 9 – MARCH 1, 2025

PUBLIC PROTECTION CABINET

Department of Financial Institutions

Credit Unions

[808 KAR 003:050](#). Conduct of credit unions. (Amended After Comments) (Deferred from November)

****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**

(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 impact statement, 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 the month in which it was published; 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: This administrative regulation is being reprinted to reflect the correct Public Hearing and Public Comment Period dates. The content of the regulation is the same.

BOARDS AND COMMISSIONS
Board of Pharmacy
(New Administrative Regulation)

201 KAR 2:416. Pharmacy annual reporting of cost of dispensing data.

RELATES TO: KRS 18A.2254, 304.9-053, 304.9-054, 304.9-055, 304.14-120, 304.14-120, 304.17A-595, 304.17A-712, 304.17C-125, 304.38A-115, 367.828

STATUTORY AUTHORITY: KRS 315.038, 315.191(1)
 NECESSITY, FUNCTION, AND CONFORMITY: 315.191(1) authorizes the board to promulgate administrative regulations to regulate pharmacists, pharmacies, wholesalers and manufacturers. Senate Bill 188 from the 2024 legislative session requires the Board of Pharmacy to promulgate regulations to require all ambulatory pharmacies permitted by the Board of Pharmacy to report annually beginning March 1, 2026 cost of dispensing data to the Board of Pharmacy. The Board of Pharmacy shall then submit that data to the Department of Insurance within thirty days.

Section 1. Mandatory Submission of Data.

(1) On an annual basis, beginning March 1, 2026, and by March 1 every year thereafter, every ambulatory pharmacy permitted by the Board of Pharmacy shall submit to the Board, the following data relating to the dispensing costs for the previous year:

- (a) NCPDP number;
- (b) Labor costs, including:
 - 1. Pharmacist salaries, including benefits and taxes;
 - 2. Pharmacy technician salaries, including benefits and taxes;
 - 3. Salaries of other support staff involved in the dispensing of prescriptions; and
 - 4. Other employee benefits.
- (c) Cost to acquire the medications dispensed;
- (d) Cost of materials, including:
 - 1. Cost of prescription labels and paper;
 - 2. Cost of bottles, vials and packaging;
 - 3. Prescription delivery costs;
 - 4. Inventory services costs;
 - 5. Lost inventory costs; and
 - 6. Warehouse expenses.
- (e) Facility costs, including:
 - 1. Rent or mortgage payments for the pharmacy space;
 - 2. Mortgage interest;
 - 3. Utilities, including electricity, water, heating and communications costs;
 - 4. Facility taxes, including personal property, real estate and payroll as well as insurance
 - 5. Maintenance, cleaning and repair costs; and
 - 6. Security and alarm fees.
- (f) Operational costs, including:
 - 1. Insurance, including liability and property;
 - 2. Software and IT systems;
 - 3. Switch or e-prescribing fees;
 - 4. Office supplies and equipment;
 - 5. Professional liability insurance for pharmacists;
 - 6. Credit card processing fees;
 - 7. Prescription department licenses, permits, accreditation and fees;
 - 8. Cost of continuing education and certification for pharmacists and technicians;
 - 9. Dues and subscriptions for pharmacy department;
 - 10. Delivery and mailing expenses for the prescription department;
 - 11. Transaction fees;
 - 12. Charitable contributions;
 - 13. Employee training;

- 14. Bad debts for prescriptions, including uncollected copays; and
- 15. Third party prescriptions audit adjustments.
 - (g) Store costs, including:
 - 1. Marketing and advertising;
 - 2. Professional accounting and legal services;
 - 3. Franchise fees, if applicable; and
 - 4. Other costs not included elsewhere.
 - (h) Depreciation and amortization costs, including:
 - 1. Depreciation of building, equipment and fixtures; and
 - 2. Amortization of software and intangible assets.
 - (i) Total number of prescriptions dispensed each month of the prior year; and
 - (j) Total number of prescriptions prepared via a central fill pharmacy each month of the prior year; and
 - (k) Percent of revenue coming directly from the pharmacy department.
- (2) All data shall be reported to the Board electronically through the Board's licensing gateway on Reporting Form A, Pharmacy Cost of Dispensing Data, 12/2024.

Section 2. Optional Submission of Data.

(1) On an annual basis, beginning March 1, 2026 and by March 1 every year thereafter, any ambulatory pharmacy permitted by the Board of Pharmacy may submit to the Board, the following data for each prescription dispensed:

- (a) The date the claim was submitted to the pharmacy benefit manager;
- (b) The date the prescription was written;
- (c) The NCPDP transaction type;
- (d) The prescription insurance member identification number;
- (e) The prescription number assigned by the pharmacy;
- (f) The number of the refill;
- (g) The NDC number of the product dispensed;
- (h) The name of the product dispensed;
- (i) The strength of the medication dispensed;
- (j) The quantity of the medication dispensed;
- (k) The days supply of medication dispensed;
- (l) Whether the medication dispensed was generic;
- (m) Whether the medication dispensed was a specialty drug;
- (n) The NABP identification number of the pharmacy where the medication was dispensed;
- (o) The NPI identification number of the pharmacy where the medication was dispensed;
- (p) The name of the pharmacy where the medication was dispensed;
- (q) The amount, in dollars, paid to the pharmacy by the prescription benefit plan;
- (r) The amount, in dollars, paid to the pharmacy by the health plan member;
- (s) The total amount, in dollars, paid to the pharmacy for the prescription dispensed, including what the patient paid and what the health plan paid;
- (t) The amount, in dollars, paid to the pharmacy for dispensing the medication; and
- (u) The amount (in dollars) of retroactive fees that were assessed to the pharmacy by the pharmacy benefit manager for the medication dispensed at any time after the medication was dispensed, including, but not limited to:
 - 1. Direct remuneration fees;
 - 2. Indirect remuneration fees;
 - 3. Generic effective rats;
 - 4. In-network fees;
 - 5. Performance fees;
 - 6. Point-of-sale fees; and
 - 7. Pre and post adjudication fees.

VOLUME 51, NUMBER 9– March 1, 2025

(2) If the pharmacy chooses to submit this data, the data shall be reported to the Board electronically through the Board’s licensing gateway on Reporting Form B, Pharmacy Claims Data, 12/2024.

Section 3. All information and data submitted to the Board shall be deemed confidential and proprietary and shall not be subject to disclosure pursuant to KRS 61.870 to 61.884.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Reporting Form A, Pharmacy Cost of Dispensing Data, 12/2024; and

(b) Reporting Form B, Pharmacy Claims Data, 12/2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the Web site at <https://pharmacy.ky.gov/Businesses/Pages/Pharmacy.aspx>.

CHRISTOPHER HARLOW, Pharm.D., Executive Director

APPROVED BY AGENCY: December 12, 2024

FILED WITH LRC: December 17, 2024 at 4:18 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 26, 2025, at 10:00 a.m. Eastern Time via zoom teleconference. 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 March 31, 2025. 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: 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 is required pursuant to KRS 315.038. This regulation establishes procedures for pharmacies to report data to the Department of Insurance per Senate Bill 188 during the 2024 legislative session.

(b) The necessity of this administrative regulation: This administrative regulation is required by KRS 315.038.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation, authorized by KRS 315.191(1)(a), establishes data reporting procedures required by KRS 315.038.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will ensure that pharmacies know how to report data that is required to be reported by KRS 315.038 and as established by the Commissioner of Insurance at the Public Protection Cabinet.

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

(a) How the amendment will change this existing administrative regulation: 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: This regulation will impact all ambulatory pharmacies that are permitted by the Commonwealth of Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All ambulatory pharmacies permitted by the Board will have to review these data elements and collect data during the 2025 calendar year and then report the data by March 2026.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): It will not cost anything to comply with this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The Commissioner of Insurance will be able to review data submitted by pharmacies and compare it with data submitted by the pharmacy benefit managers.

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

(a) Initially: The implementation of this administrative regulation will not cost anything. We have a licensing software already developed that will allow for receipt of data and transmission of data to the Department of Insurance.

(b) On a continuing basis: There is no additional cost.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: 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: There is no fee being amended here directly or indirectly.

(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 here beyond what the General Assembly has established as an ambulatory pharmacy and only applying the contents of this regulation to such.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 315.038 requires the Board promulgate this regulation by January 1, 2025.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency, the Board of Pharmacy, is the only affected state unit impacted.

(a) Estimate the following for the first year:

Expenditures: This amendment does not create further expenditures outside of what is already allocated for licensing.

Revenues: This amendment does not create any additional revenue.

Cost Savings: none.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? These things are not expected to change as there is no fee increase or change per this amendment.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): There are no local affected entities with the exception of the Board.

(a) Estimate the following for the first year:

Expenditures: n/a

Revenues: n/a

Cost Savings: n/a

(b) How will expenditures, revenues, or cost savings differ in subsequent years? n/a

(4) Identify additional regulated entities not listed in questions (2) or (3): All ambulatory pharmacies permitted by the Board.

(a) Estimate the following for the first year:

Expenditures: There are no expenditures.

Revenues: There are no expected revenues.

Cost Savings: n/a

(b) How will expenditures, revenues, or cost savings differ in subsequent years? It will not change unless there is a statutory change.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is no expected fiscal impact of this amended regulation.

(b) Methodology and resources used to determine the fiscal impact: The estimated revenues generated for the budget are obtained from current and historical data.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Agency data.

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

**STATEMENT OF EMERGENCY
922 KAR 1:360E.**

This emergency administrative regulation is necessary in order to immediately increase the per diem rates for specific levels of private child placing therapeutic foster care provided for children with the highest needs in the custody of the state. The Department for Community Based Services (DCBS) proposes this emergency administrative regulation to address the urgent and critical needs of children and youth with complex need requirements who currently lack stable placements within Kentucky's foster care system. The regulation proposes an immediate increase in therapeutic foster care Level II and Level III per diem rates to better support private child placing foster families and care providers serving these vulnerable populations. An increase in these specific per diem rates is necessary to ensure providers can deliver more individualized care for children with complex needs. This adjustment will ensure an increased availability of adequate resources, promote stability in placements, and reduce the number of children without appropriate care. This action is necessitated by the ongoing crisis in placement availability, which poses significant risks to the well-being of affected youth and impedes the state's ability to fulfill its obligations under child welfare mandates. Immediate implementation is critical to safeguard the health, safety, and welfare of children and youth in the commonwealth. This amendment is deemed to be an emergency pursuant to KRS 13A.190(1)(a)1., as adequately supporting providers who offer this specialized care for children is necessary for the health, safety, and welfare of children in the state's custody. If further support is not provided, there will be provider closures and no one to provide care for these children. This emergency administrative regulation will be filed with an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
ERIC C. FRIEDLANDER, Secretary

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Emergency Amendment)**

922 KAR 1:360E. Private child care placement, levels of care, and payment.

EFFECTIVE: January 22, 2025
RELATES TO: KRS 199.011, 199.640-199.680, 199.801, 600.020(25), 42 U.S.C. 622, 672, 675
STATUTORY AUTHORITY: KRS 194A.050(1), 199.641(4), 605.090(1)(d), 605.150(1)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 199.641(4) and 605.090(1)(d) authorize the cabinet to establish by administrative regulation the rate setting methodology and the rate of payment for child-caring facilities and child-placing agencies, consistent with the level and quality of service provided. KRS 605.090(1)(d) authorizes the cabinet to promulgate administrative regulations establishing conditions under which the cabinet may place a child committed to the Department of Juvenile Justice or the cabinet, in a child-caring facility or a child-placing agency operated by a local governmental unit or private organization willing to receive the child, upon the conditions established by the cabinet. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This administrative regulation establishes: (a) levels of care based upon

the needs of a child for whom the cabinet has legal responsibility; (b) a payment rate for each level and placement setting; (c) gatekeeper responsibilities; (d) provider requirements; (e) procedures for classification at the appropriate level of care and placement setting; and (f) procedures for determination of components of the model program cost analysis.

Section 1. Definitions.

- (1) "Cabinet" is defined by KRS 199.011(3).
- (2) "Child-caring facility" or "facility" is defined by KRS 199.011(5).
- (3) "Child-placing agency" or "agency" is defined by KRS 199.011(6).
- (4) "Department" is defined by KRS 199.011(7) and 199.641(1)(b).
- (5) "Emergency shelter" is defined by KRS 600.020(25).
- (6) "Gatekeeper" means the department or agent responsible for:
 - (a) Making a clinical determination of the level of care necessary to meet a child's treatment and service needs; and
 - (b) Other administrative duties in the areas of:
 - 1. Assessment;
 - 2. Placement;
 - 3. Performance measurement; and
 - 4. Consultation regarding children and their needs.
- (7) "Index factor" means a specific number derived from time-study data, used to determine payment for each level of care.
- (8) "Initial level of care" means a level of care:
 - (a) Assigned by the gatekeeper to a child at the point of entry into the level of care system; and
 - (b) That is time-limited and effective for the first six (6) months of a child's placement.
- (9) "Level of care" means the standard representing the treatment and service needs of a child placed by the cabinet in out-of-home care.
- (10) "Level of care packet" means an assessment conducted by designated cabinet staff and a collection of forms required for submission to the gatekeeper for the purpose of determining the appropriate level of care and placement setting in accordance with Section 2(2) of this administrative regulation.
- (11) "Medically complex" means a child who is determined to have a medical condition as defined by 922 KAR 1:495 and further described in 922 KAR 1:350, Section 4.
- (12) "Model program cost analysis" is defined by KRS 199.641(1)(c).
- (13) "Placement coordinator" means an individual whose responsibilities are established in KRS 199.801.
- (14) "Reassigned level of care" means a level of care that is:
 - (a) Determined by the gatekeeper after a child's level of care expires; and
 - (b) Authorized for a specific period of time.
- (15) "Time study" is defined by KRS 199.641(1)(d).
- (16) "Utilization review" means a gatekeeper's examination, during a child's placement in a child-caring facility or child-placing agency, of the child's case record and existing documentation for the purpose of:
 - (a) Identifying the child's current level of functioning, treatment, service, and supervision needs; and
 - (b) Assigning the appropriate level of care.

Section 2. Referral Process for Level of Care System Placement.

- (1) A level of care packet shall be completed by a cabinet staff person and submitted to the gatekeeper for a child at least forty-eight (48) months of age or a child who is medically complex regardless of age at the time:

(a) The child is referred for placement with a child-caring facility or child-placing agency;

(b) A child currently placed in a child-caring facility or a child-placing agency reaches forty-eight (48) months of age or is found to be medically complex; or

(c) A child's level of care expires and assignment of a new level is necessary.

(2) A level of care packet shall include the following child-specific information:

(a) Identifying data;

(b) Individual strengths and limitations;

(c) Daily living skills;

(d) Physical health needs including:

1. Any significant medical history;

2. Current diagnoses, assessments, and treatment; and

3. Documentation indicating the child's medically complex status

if the child is medically complex;

(e) Behavioral health needs including:

1. Screening tools utilized based upon the child's age; and

2. Current diagnoses, assessments, and treatment

recommendations;

(f) Medications;

(g) History of substance abuse, high risk, or other significant behavior including:

1. Sexual acting out; and

2. Legal history, status, or other court involvement;

(h) Out-of-home care placement information including:

1. Reason for entering out-of-home care;

2. History of abuse, neglect, or dependency;

3. Current custody status;

4. Current and previous placements; and

5. Permanency goal;

(i) Social supports;

(j) Educational functioning, grade level, and any special educational need; and

(k) Religious background and practices.

(3)

(a) If a child needs placement within a child-caring facility or a child-placing agency, a cabinet staff person shall submit a copy of the completed level of care packet, including level assignment, to the placement coordinator.

(b) The placement coordinator shall forward the level of care packet to potential child-caring facilities or child-placing agencies.

(4) If a child-caring facility or child-placing agency accepts a child for out-of-home placement and the cabinet approves the placement in accordance with KRS 199.801 and 922 KAR 1:370, a cabinet staff person shall:

(a) Complete the DPP-114, Child Caring and Child Placing Level of Care Schedule with the level of care payment rate for placement type:

1. As assigned by the gatekeeper within the previous six (6) months; or

2. If there is an emergency placement, within two (2) business days of the placement or receipt of the assigned level of care;

(b) Arrange transportation for the child and his or her personal belongings that are small enough to be carried to the placement; and

(c) Notify the placement coordinator of the selected placement.

(5) If a child-caring facility or child-placing agency accepts an emergency placement requested by the cabinet outside of the gatekeeper's regular working hours, a cabinet staff person shall:

(a) Submit a level of care packet to the gatekeeper for a child who does not have a current level of care assignment; and

(b) Inform the placement coordinator of the location and date of placement.

(6) The placement coordinator shall notify a child-caring facility or child-placing agency that was not chosen for placement upon provision of notification in accordance with subsection (4)(c) of this section.

Section 3. Gatekeeper Responsibilities. The gatekeeper shall:

(1) Evaluate a child referred by the cabinet or currently placed in a child-caring facility or child-placing agency for the purpose of establishing an initial or reassigned level of care. The child shall be:

(a) Four (4) years of age or older; or

(b) Determined to be medically complex by designated cabinet staff;

(2) Within three (3) working days of receipt of the level of care packet:

(a) Determine the appropriate level of care according to an assessment of the child's treatment, supervision, and service needs consistent with one (1) of the three (3) levels of care; and

(b) Return the completed CRP-6, Children's Review Program Notice of Level of Care Payment Authorization Assignment, to the department and the child-caring facility or the child-placing agency;

(3) Assess a child placed in a child-caring facility in accordance with 42 U.S.C. 675a(c) within the first thirty (30) days of placement;

(4) Conduct a utilization review for a child:

(a) Six (6) months from the initial placement or reassignment and placement in a child-caring facility and child-placing agency; and

(b)

1. Every three (3) months thereafter if the child is in a child-caring facility; or

2. Every six (6) months thereafter if the child is in a foster care placement or therapeutic foster care;

(5) Reassign a child's level of care after the previous level has expired;

(6) Monitor each child-caring facility and child-placing agency;

(7) Maintain a confidential information system for each child served that shall include:

(a) Placement history;

(b) Level of care assignments;

(c) Length of treatment; and

(d) Discharge outcomes; and

(8) For a utilization review, return the completed CRP-2, Children's Review Program Notice of Level of Care Payment Authorization, to the child-caring facility or child-placing agency and the cabinet after a level is conducted or reassigned.

Section 4. Levels of Care. A level of care shall be assigned in accordance with this section.

(1) A Level I child shall be a child who requires a routine home environment that:

(a) Provides for the basic needs of the child;

(b) Provides guidance and nurturing;

(c) Provides supervision to meet the needs of the child;

(d) Provides educational support;

(e) Provides access to routine medical care; and

(f) Ensures the emotional and physical well-being of the child.

(2) A Level II child shall be a child who:

(a) Requires a routine home environment that meets the requirements of subsection (1) of this section;

(b) Has identified treatment needs based on available behavioral health screening and assessment information or current treatment recommendations;

(c) Has a history of complex trauma related to maltreatment;

(d) Requires supervision in a structured supportive setting with:

1. Counseling available from professional staff;

2. Educational support; and

3. Services designed to improve physical and behavioral health and wellbeing;

(e) May occasionally require intense levels of intervention to maintain the least restrictive environment; and

(f) Requires a program flexible enough to allow increased:

1. Independence if the child is capable; or

2. Structure during temporary periods of regression.

(3) A Level III child shall be a child who:

(a) Has significant treatment needs as indicated by:

1. Available behavioral health screening and assessment information or current treatment recommendations that require specialized or frequent treatment services;

2. A determination by designated cabinet staff that the child has a high degree of medical complexity that requires specialized medical care;

3. The presence of both significant behavioral health needs requiring treatment and a determination of medical complexity by designated cabinet staff; or

4. A severe impairment or disability that requires a caregiver to attend to all care needs of the child; and

(b) Requires a highly structured supportive setting:

1. With frequent therapy or therapeutic services provided by a qualified mental health professional or other treatment professional allowed pursuant to 922 KAR 1:300 within a treatment program designed to improve social, emotional, and educational adaptive behavior;

2. That includes twenty-four (24) hour supervision; or

3. That provides safe and effective care for a severe, chronic medical condition, behavioral health issue, or other highly specialized needs.

Section 5. Payment Methodology and Rates.

(1) Payment Methodology.

(a) The cabinet shall base a per diem rate for the care of a child placed by the cabinet in a private child-caring facility, upon the "model program cost analysis" defined by KRS 199.641(1)(c).

(b) Each private child-caring facility and child-placing agency shall report to the cabinet annually, on the DPP-888, Instructions for Completing the Annual Cost Report and Time Study for Child Caring and Child Placing Programs and Facilities.

(2) The cabinet shall establish an index factor for payment on behalf of a child for whom a level of care has been determined.

(a) The factor shall be determined:

1. Based on the amount of treatment provided at each level of care; and

2. By determining the median of:

a. Number of daily treatment hours, derived from time study data, provided to children served by private child-caring facilities and child-placing agencies; and

b. Level of care of children served by private child-caring facilities and child-placing agencies that contract with the cabinet.

(b)

1. For children whose level is determined, the median level of care shall be represented by an index factor of one (1).

2. For children whose level is not determined, the median level of care shall be represented by an index factor that is proportionate to the amount of treatment provided to the children in the median level pursuant to subparagraph 1 of this paragraph.

(3) A statewide median cost, including board, care, and treatment components, for each level of care shall be calculated by using a utilization factor of eighty (80) percent for residential treatment and seventy-five (75) percent for a group home.

(4) The payment rate for each level of care shall be calculated by multiplying the median cost by the index factor specific to that level of care. The rate for each level of care shall be adjusted by the Consumer Price Index during each intervening period between the fiscal year used for the cost analysis and calculation of the rate.

(5) Statewide median cost shall be calculated:

(a) Using a utilization factor of eighty (80) percent:

1. For an emergency shelter with a treatment license:

a. Board;

b. Care; and

c. Treatment components; or

2. For an emergency shelter without a treatment license:

a. Board; and

b. Care components; and

(b) Adjusting for each level of care by the Consumer Price Index during each intervening period between the fiscal year used for the cost analysis and calculation of the rate.

(6)

(a) To the extent funds are available, an incentive payment for a private child-caring facility that participates in a per diem rate contract with the cabinet shall be determined by evaluating the performance of the child-caring facility, in accordance with KRS 199.641(2)(a). Measurable performance outcomes shall include:

1. Child safety while in the care of a private child-caring facility or child-placing agency;

2. Child safety after reunification with the child's family;

3. Adequate educational support;

4. Reduced time spent in out-of-home care without an increase in the rate of out-of-home care reentry;

5. Increased placement stability during the service period;

6. Increased achievement of permanency goals; and

7. Increased stability in less restrictive or permanent placement following planned discharge.

(b) The cabinet's contract with a private child-caring facility shall specify the:

1. Indicators used to measure the performance outcomes established in paragraph (a) of this subsection; and

2. Target percentages used as performance goals.

(c) Each child in the custody of the cabinet who is placed in a private child-caring facility during the contract period shall be included in the percentage of children for whom the cabinet expects achievement of an outcome.

(d) At the time the contract period expires, each private child-caring facility shall be ranked based on the percentage of children for whom the facility achieved an outcome. To the extent funds are available, a payment incentive shall be distributed to a private child-caring facility that performed in the top one-third (1/3) of the facilities.

(e) The amount of a payment incentive shall be determined according to the funding appropriated for this purpose in the biennial budget.

(7) In addition to services provided on a per diem rate, the cabinet shall solicit proposals from private child-caring facilities or child-placing agencies to provide alternative services to children and their families. To the extent funds are available, the alternative services:

(a) Shall be geared toward improved performance outcomes; and

(b) May include case management responsibilities shared between the cabinet and the child-caring facility or child-placing agency.

(8) Payment to child-caring facilities or child-placing agencies that provide alternative services according to subsection (7) of this section shall be based upon expectations agreed upon between the cabinet and the child-caring facility or child-placing agency such as:

(a) Reduced length of stay in out-of-home placement;

(b) Increased safety from child abuse or neglect;

(c) Increased number of children moving into and remaining in permanent placement;

(d) Increased number of children and their families cared for in close proximity to their home communities;

(e) Increased number of children reunified with their families;

(f) Increased accountability for success in after care; or

(g) Decreased reentry into state custody.

Section 6. Residential Care.

(1) A child-caring facility that cares for children in the custody of the cabinet shall be licensed pursuant to 922 KAR 1:305 and shall meet the standards for child-caring facilities established in 922 KAR 1:300.

(2) The facility shall comply with 922 KAR 1:300, Section 8, Residential Treatment Program, if providing treatment-oriented services.

(3) Only a child assigned as Level III shall be placed in residential care.

(4) The daily rate for residential care to a child-caring facility shall be:

(a) \$193.50 per child for a child-caring facility determined by designated cabinet staff to not meet the requirements of a specified setting for placement in accordance with 42 U.S.C. 672(k)(2); and

(b) \$336.00 per child for a child-caring facility determined by designated cabinet staff to meet the requirements of a specified setting for placement in accordance with 42 U.S.C. 672(k)(2).

Section 7. Emergency Shelter Care.

(1) An emergency shelter child-caring facility shall meet the requirements of 922 KAR 1:380. The rate for emergency shelter care shall be:

(a) \$220.59 per child per day for a child-caring facility with a treatment license; or

(b) \$165.44 per child per day for a child-caring facility without a treatment license.

(2) If a child with an assigned level of care enters an emergency shelter child-caring facility with a treatment license, the emergency shelter child-caring facility shall adhere to the child's individual treatment plan.

Section 8. Foster Care and Therapeutic Foster Care for a Child-Placing Agency.

(1) The daily rate for foster care shall be \$51.33 per child for:

(a) A child under the age of four (4) who has not been assigned a level; and

(b) A child over the age of four (4) with a level I assigned level of care.

(2) The daily rates for therapeutic or treatment foster care shall be:

(a) Level II - ~~\$108.55~~[\$99.50] per child; and

(b) Level III - ~~\$156.34~~[\$139.96] per child.

(3) A private agency foster home shall not receive a per diem that is less than the corresponding public foster home per diem published at <https://www.chfs.ky.gov/agencies/dcbps/dpp/Documents/stateagencyfostercareperdiemrates.pdf>.

Section 9. Pregnant and Parenting Teen Programs. A child-caring facility with a pregnant and parenting teen program shall receive:

(1) A rate consistent with the assigned level of care for the adolescent parent; and

(2) Inclusive of child care cost, the amount established in Section 8(1) of this administrative regulation for the committed child of an adolescent parent who is committed to the cabinet.

Section 10. Independent Living Programs.

(1) An independent living program shall be licensed pursuant to 922 KAR 1:305 and shall meet the standards for independent living programs established in 922 KAR 1:310 and 922 KAR 1:340.

(2) The daily rate for an independent living program shall be:

(a) \$99.50 per child for Level I or Level II; and

(b) \$139.96 per child for Level III.

(3) A Level III child in an independent living setting shall require increased structure, supervision, case management, and treatment services.

Section 11. Programs with Decoupled Rates. A child-caring facility or child-placing agency providing highly specialized behavioral health services may be paid for board and treatment services separately through agreement with the:

(1) Department for the cost of room, board, and watchful oversight; and

(2) Department for Medicaid Services or its designee for behavioral health treatment services.

Section 12. Provider Requirements.

(1) A child-caring facility or child-placing agency shall:

(a) Inform the department of the levels of care the facility or agency has the ability to serve;

(b) Demonstrate its ability to provide services, either directly or by contract, appropriate to the assigned level for each child, including:

1. Room, board, and other activity contributing to housing, food, clothing, school supplies, or personal incidentals;

2. Clinical services including:

a. The evaluation and treatment of behavioral health needs; and

b. Identification and alleviation of related trauma symptoms, disability, or distress experienced by a child who follows a specific individual treatment plan targeted to identify a problem; and

3. Support services that:

a. Identify necessary resources and coordinate services provided by a range of agencies or professionals;

b. Allow a child to cope with the trauma, disability, or distress;

c. Provide access to improving the educational or vocational status of the child; and

d. Provide essential elements of daily living;

(c) Submit the following reports in time for the reports to be received by the gatekeeper within thirty (30) days prior to the utilization review due date:

1. To the gatekeeper, a Child and Adolescent Needs and Strengths assessment report completed within the past six (6) months or another supplemental tool approved by the gatekeeper; and

2. To the gatekeeper and designated cabinet staff, a copy of the CRP-7, Children's Review Program Application for Level of Care Payment (ALP):

a. On a quarterly basis, for a private child care residential placement; or

b. On a semiannual basis for a foster care placement;

(d) Provide outcomes data and information as requested by the gatekeeper; and

(e) Obtain accreditation within two (2) years of initial licensure or within two (2) years of acquiring an agreement with the cabinet, whichever is later, from a nationally-recognized accreditation organization, such as:

1. The Council on Accreditation; or

2. The Joint Commission.

(2) Emergency shelters without a treatment license shall be exempt from the accreditation requirements specified in subsection (1)(e) of this section.

Section 13. Utilization Review and Authorization of Payment.

(1) The child-caring facility or child-placing agency shall submit to the gatekeeper the reports established in Section 12(1)(c) of this administrative regulation for the utilization review in time for the reports to be received by the gatekeeper within thirty (30) days prior to the utilization review due date.

(2) If the child-caring facility or child-placing agency fails to submit the reports as established in Section 12(1)(c) of this administrative regulation in time for the reports to be received by the gatekeeper within thirty (30) days prior to the utilization review due date, the cabinet shall:

(a) Suspend payments until the necessary information has been submitted to the gatekeeper;

(b) If a child's level is reduced after untimely reports are received by the gatekeeper, make an adjustment for overpayment retroactive to the first utilization review due date that was missed; or

(c) If a child's level is increased as a result of delinquent reports, apply a higher rate beginning the day after the untimely reports are received by the gatekeeper.

(3) If the child-caring facility makes timely submission of the reports, and if the:

(a) Level of care remains unchanged, payments shall continue unchanged;

(b) Level of care is reduced, and the:

1. Child remains in the same placement, the lower level of care shall be effective on the 31st day following the utilization review due date; or

2. Child is placed in another child-caring facility or child-placing agency after the utilization review due date, the rate for the lower level shall be effective on the day the child is placed; or

(c) Level of care is increased, the rate for the higher level of care shall be effective the day after the utilization review due date.

(4) If the child-caring facility, child-placing agency, or cabinet staff disagrees with the level of care assigned by the gatekeeper, the child-caring facility, child-placing agency, or cabinet staff may request a redetermination as established in Section 14 of this administrative regulation.

Section 14. Redetermination.

(1) If the child-caring facility, child-placing agency, or cabinet staff disagrees with the level of care assigned by the gatekeeper, the child-caring facility, child-placing agency, or cabinet staff may request a redetermination of the assigned level by providing to the gatekeeper:

(a) New information that supports the request for a new level; and

(b) Completion of the "request for redetermination" section of one (1) of the following forms:

VOLUME 51, NUMBER 9– March 1, 2025

1. CRP-2, Children's Review Program Notice of Level of Care Payment Authorization, for a utilization review;

2. CRP-4, Children's Review Program Notice of Level of Care Redetermination;

3. CRP-5, Children's Review Program DCBS Foster Care Utilization Review Notice of Level Assignment, for a utilization review; or

4. CRP-6, Children's Review Program Notice of Level of Care Payment Authorization Assignment, for a reassignment.

(2) If the request for a redetermination is received by the gatekeeper within thirty (30) days after the most recent utilization review due date or admission, and if the gatekeeper assigns a higher level with a CRP-4, Children's Review Program Notice of Level of Care Redetermination, the increased payment shall be retroactive to the most recent of the following:

(a) The date of the most recent utilization review due date if the complete utilization review materials were received on or before the utilization review due date; or

(b) The date of admission.

(3) If the request for redetermination is received by the gatekeeper more than thirty (30) days after the most recent utilization review due date or admission, and if a:

(a) Higher level is assigned by the gatekeeper with a CRP-4, the increased payment shall be effective the day after the request is received by the gatekeeper; or

(b) Lower level is assigned by the gatekeeper with a CRP-4, the lower payment shall be effective thirty (30) days after the request is received by the gatekeeper.

(4) If the child-caring facility, child-placing agency, or cabinet staff does not agree with the redetermination as provided by the CRP-4, an appeal may be requested in accordance with Section 16 or 17 of this administrative regulation.

Section 15. Reassignment.

(1) If the level of care expires and the child is moved to a different child-caring facility or child-placing agency placement, a reassigned level of care shall be obtained by the:

(a) Department completing a level of care packet for a level assignment; or

(b) New child-caring facility or child-placing agency submitting the following within thirty (30) days of the placement:

1. A cover letter requesting a reassignment;

2. The most recent Child and Adolescent Needs and Strengths assessment report or a comparable assessment of the child; and

3. Documentation to support the level of care assignment, such as the level of care packet or discharge summary.

(2) The reassigned level of care rate shall be effective on the date of admission to the new placement.

(3) If the child-caring facility or child-placing agency disagrees with the level of care assigned by the gatekeeper, the child-caring facility or child-placing agency may request a redetermination as established in Section 14 of this administrative regulation.

Section 16. Informal Dispute Resolution.

(1) A contract agent dissatisfied by a decision of the cabinet or a gatekeeper may seek informal resolution by filing a request with the secretary of the cabinet, or designee, within ten (10) days following notice of the decision.

(2) Upon receipt of a request for informal resolution, the cabinet shall:

(a) Review the request; and

(b) Render a written decision on the issue raised within thirty (30) calendar days unless an extension is granted by the secretary or designee:

1. Due to extenuating circumstances that prolong the review; and

2. With notice provided to the contract agent.

(3) If the dispute relates to a decrease or denial of payment, the contract agent may request an administrative hearing in accordance with Section 17 of this administrative regulation.

Section 17. Administrative Hearing Process. A child-caring facility or child-placing agency may request an administrative hearing in accordance with 922 KAR 1:320.

Section 18. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "CRP-2, Children's Review Program Notice of Level of Care Payment Authorization", 01/22;

(b) "CRP-4, Children's Review Program Notice of Level of Care Redetermination", 01/22;

(c) "CRP-5, Children's Review Program DCBS Foster Care Utilization Review Notice of Level Assignment", 01/22;

(d) "CRP-6, Children's Review Program Notice of Level of Care Payment Authorization Assignment", 01/22;

(e) "CRP-7, Children's Review Program Application for Level of Care Payment (ALP)", 07/22;

(f) "DPP-114, Child Caring and Child Placing Level of Care Schedule", 01/25[09/23]; and

(g) "DPP-888, Instructions for Completing the Annual Cost Report and Time Study for Child Caring and Child Placing Programs and Facilities", 09/23.

(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/dcbps/Pages/default.aspx>.

LESA DENNIS, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 21, 2025

FILED WITH LRC: January 22, 2025 at 8:43 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 24, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by March 17, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until March 31, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Rachael Ratliff

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes levels of care based upon the needs of a child for whom the Cabinet for Health and Family Services has legal responsibility, a payment rate for each level, gatekeeper responsibilities, provider requirements, procedures for classification at the appropriate level of care, and procedures for determination of components of the model program costs analysis.

(b) The necessity of this administrative regulation: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate and fulfill the responsibilities vested in the cabinet. KRS 199.641(4) and 605.090(1)(d) authorize the cabinet to establish by administrative

regulation the rate setting methodology and the rate of payment for child-caring facilities and child-placing agencies, consistent with the level and quality of service provided. KRS 605.090(1)(d) authorizes the cabinet to promulgate administrative regulations establishing conditions under which the cabinet may place a child committed to the Department of Juvenile Justice or the cabinet in a child-caring facility or a child-placing agency operated by a local governmental unit or private organization willing to receive the child, upon the conditions established by the cabinet. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the levels of care and associated payments for a child's placement at a child-caring facility or child-placing agency consistent with the level and quality of care and service provided.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes through its incorporation of the methodology regarding the placement of a child in the custody of the cabinet with a child-caring facility or child-placing agency, procedures concerning the model program cost analysis, provider and gatekeeper requirements, levels of care, and payment rate for each level of care.

(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 increases the per diem rates for specific levels of care provided for children with the highest needs in the custody of the state. Information from providers requests that a rate increase be implemented as soon as possible as private child-placing agencies for Level II and Level III therapeutic foster care to meet the increased need for behavioral health services for children with complex needs. Material incorporated by reference is also being amended to reflect this rate increase.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to increase the reimbursement rate to ensure the availability of adequate resources for youth with specialized needs, promote stability in placements, and reduce the number of children without appropriate care. By aligning financial support with the heightened demands of these placements, this measure seeks to improve outcomes for youth, enhance recruitment and retention of foster families, and strengthen the overall capacity of Kentucky's child welfare system. This action is necessitated by the ongoing crisis in placement availability, which poses significant risks to the well-being of affected youth and impedes the state's ability to fulfill its obligations under child welfare mandates. Immediate implementation is critical to safeguard the health, safety, and welfare of children and youth in the commonwealth. The health and welfare of these children are jeopardized without the payment rate increase, in addition to threats to federal child welfare funding due to an inadequate service array for children requiring out-of-home care.

(c) How the amendment conforms to the content of the authorizing statutes: The amended administrative regulation conforms to the authorizing statutes by ensuring that children with complex needs are placed in the most appropriate, least restrictive setting. Additionally, this amendment increases the daily rate for private child placing agencies are reimbursed at a rate to meet the needs of the child.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by increasing some payment rates so that they are more consistent with actual provider costs, thereby better facilitating placement options and preserving the health and welfare of children in the custody of the cabinet.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: On January 5, 2025, there were 2,275 unique children placed in a private child placing agency setting according to their needed level of care for Level II and Level III therapeutic foster care established in this administrative regulation (TWS-W058, 1/5/25). There are 84 licensed private child placing agencies that provide Level II and Level III therapeutic foster care.

(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 children affected by this administrative regulation will have no new action required. Federal law has increased the standards that must be met for some of the entities providing care pursuant to this administrative regulation; therefore, they will be receiving increased per diems for providing care and meeting these new standards. It is the intent of the department that these increases will also help maintain staff and private foster homes so that the placement of children with higher therapeutic or medical needs will be accepted.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs to affected entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Affected entities will receive a per diem increase through this amendment for children with complex needs who require a higher level of care. Children in the state's custody will benefit from having more placement options and providers that can provide the level of care they need.

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

(a) Initially: The per diem increases are within existing appropriations for state fiscal year 2025 and 2026. The administrative body is projecting a total cost of \$15,000,000 for state fiscal years 2025 and 2026.

(b) On a continuing basis: The administrative body will continually monitor its costs to make any adjustments necessary to maintain a comprehensive service array within available funding. The possibility of an additional budget request exists beginning in state fiscal year 2027 to continue the per diem increase and provide adequate services to children with the highest needs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The amended administrative regulation is implemented through a combination of state General Funds, federal Title IV-E (of the Social Security Act) foster care maintenance and restricted funds derived from Medicaid Title V.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation as funding was appropriated in House Bill 6 for state fiscal years 2025 and 2026.

(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? This administrative regulation does include tiering as different per diem rates and standards are associated with specific levels of care provided to children in the state's custody.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. 622, 672, 675

(2) State compliance standards. KRS 194A.050(1), 199.641(4), 605.090(1)(d), 605.150(1)

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 622, 672, 675

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 199.641(4), 605.090(1)(d), 605.150(1), 42 U.S.C. 622, 672

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, specifically the Department for Community Based Services (DCBS), is impacted by this administrative regulation.

(a) Estimate the following for the first year:

Expenditures: \$5,000,000

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The emergency administrative regulation is projected to cost \$10,000,000 for state fiscal year 2026. There is not anticipated revenue or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): On January 5, 2025, there were 2,275 unique children placed in a private child placing agency setting according to their needed level of care for Level II and Level III therapeutic foster care established in this administrative regulation (TWS-W058, 1/5/25). There are 84 licensed private child placing agencies that provide Level II and Level II therapeutic foster care.

(a) Estimate the following for the first year:

Expenditures: No expenditures are anticipated.

Revenues: No revenues are anticipated.

Cost Savings: No cost savings are anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no costs to affected entities. In subsequent years, affected entities will continue to receive a per diem rate increase through this amendment for children with complex needs, requiring a higher level of care. Children in the state's custody will benefit from having more placement options and providers that can provide the level of care they need. It is anticipated that this rate increase to therapeutic foster care levels II and III will be of benefit to the children placed in these homes through more stable placements that are specifically trained to care for children with higher therapeutic or medical needs.

(4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional regulated entities not listed in response to questions (2) or (3).

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The fiscal impact of this administrative regulation will cost an estimated \$5,000,000 for the remainder of state fiscal year 2025 and \$10,000,000 for state fiscal year 2026.

(b) Methodology and resources used to determine the fiscal impact: The department identified 2,275 children placed in Level II and Level III private therapeutic foster care on January 5, 2025, and conducted an analysis to determine the anticipated fiscal impact resulting from an increase in per diems for the remainder of state fiscal year 2025 for children placed in those levels of care.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The proposed amended administrative regulation is estimated to have a fiscal impact of \$5,000,000 to the Cabinet for Health and Family Services.

(b) The methodology and resources used to reach this conclusion: The department identified 2,275 children placed in Level II and Level III private therapeutic foster care on January 5, 2025, and conducted an analysis to determine the anticipated fiscal impact resulting from an increase in per diems for the remainder of state fiscal year 2025 for children placed in those levels of care.

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

BOARDS AND COMMISSIONS
Board of Speech-Language Pathology and Audiology
(Emergency Amended at ARRS Committee)

201 KAR 17:120E. Audiology and Speech-Language Pathology Interstate Compact.

EFFECTIVE: February 10, 2025

Prior Versions:

New Administrative Regulation: 51 Ky.R. 1237

RELATES TO: KRS 334A.188

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.188

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.188, Section 15.B.1. requires the Board of Speech-Language Pathology and Audiology to review any rule adopted by the Audiology and Speech-Language Pathology Interstate Compact pursuant to Section 10 of KRS 334A.188 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the **Audiology and Speech-Language Pathology Interstate [Counseling] Compact.**

Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules of the Audiology and Speech-Language Pathology Interstate Compact, which includes the Audiology and Speech-Language Pathology Interstate Compact Rules as of **October 7, 2023**~~April 17, 2023~~.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Audiology and Speech-Language Pathology Interstate Compact Rules", October 7, 2023, and as revised.

(a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;

(b) Chapter 2 – Rule on Data System Reporting Requirements, adopted April 17, 2023; and

(c) Chapter 3 – Rule on Implementation of Criminal Background Check Requirement, adopted October 7, 2023.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board **of** Speech-Language Pathology and Audiology, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Speech-Language Pathology and Audiology Web site at <https://slp.ky.gov/>.

(3) This material may also be obtained at:

(a) The Audiology and Speech-Language Pathology Interstate Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://aslpcompact.com/commission/commission-governance-documents/>.

FILED WITH LRC: February 10, 2025

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, phone (502) 782-2709 (office), fax (502) 564-4818, email Sara.Janes@ky.gov, Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

GENERAL GOVERNMENT
Department of State
Office of Elections
(Amended at ARRS Committee)

30 KAR 2:011. Repeal of 30 KAR 2:010.

RELATES TO: KRS 14.025, 118.105
STATUTORY AUTHORITY: KRS 13A.120, 13A.310, 118.105
NECESSITY, FUNCTION, AND CONFORMITY: The administrative regulation repealed herein has been superseded by KRS 118.105[statute]. KRS 13A.310(1) establishes a duty to repeal an ordinary administrative regulation if it is desired that it no longer be effective.

Section 1. 30 KAR 2:010. Certification of vacancy in nominations, is hereby repealed.

FILED WITH LRC: February 10, 2025

CONTACT PERSON: Jennifer Scutchfield, Assistant Secretary of State, 700 Capital Avenue, State Capitol, Suite 152, Frankfort, Kentucky 40601, phone (502) 564-3490, fax (502) 564-5687, email jscutchfield@ky.gov.

OFFICE OF ATTORNEY GENERAL
Department of Law
Office of Administrative Hearings
(Amended at ARRS Committee)

40 KAR 5:010. Hearing officer required training.

RELATES TO: KRS 13B.030(4), 15.111
STATUTORY AUTHORITY: KRS 13B.030(4)
NECESSITY, FUNCTION, AND CONFORMITY: [~~This administrative regulation is necessary to comply with~~]KRS 13B.030(4) [~~which~~]requires the office[division] to establish by administrative regulation, [regulations] minimum standards concerning length of training, course content, and instructor qualifications for initial training and continuing education of hearing officers. [~~The function of~~]This administrative regulation establishes[is to establish] education requirements for hearing officers.

Section 1. Definitions.

(1) "Agency" is defined by KRS 13B.010(1).

(2) "Approved training" means initial instruction or continuing education that has been approved by the office in accordance with this administrative regulation.

(3) "Credit" means a unit equal to one (1) instructional hour used for measuring initial training requirements and continuing education requirements.

(4) "Educational year" means the reporting period for mandatory continuing education requirements beginning on July 1 of each year and ending on June 30 of the successive year for which satisfaction of the continuing education training requirements is being calculated.

[(1)] ["Classroom hour" means fifty (50) minutes of actual classroom instruction.]

[(2)] [(2)] "Hearing officer" is defined by KRS 13B.010(5)[KRS 13B.010(7)].

(6) "Instructional hour" means fifty (50) minutes of instruction. The instruction can be presented in person or by other technological transmission methods including video recording, DVD, audio recording, CD-ROM, computer online services, internet live-stream, internet video-on-demand service, or other appropriate technology. The instruction can be live or pre-recorded.

(7) "Office" is defined by KRS 13B.010(6).

(8) "Sponsor" means the person or entity presenting the training course. The sponsor and the instructor can be one in the same.

(9) "Training course" means initial hearing officer instruction or a continuing education that is in accordance with this administrative regulation.

Section 2. Training Requirements. In addition to any agency-specific training or requirements, an individual shall complete the initial training requirements and satisfy the continuing training requirements of this administrative regulation in order to serve as a hearing officer.

[Section 2.] [A person shall not serve as a hearing officer unless he has completed eighteen (18) classroom hours, including agency specific training, of initial hearing officer instruction, and six (6) classroom hours of continuing education instruction as provided by Sections 3 and 5 of this administrative regulation.]

Section 3. Initial Training Requirements. The initial hearing officer training requirement shall be at least eighteen (18) instructional hours of [approved]training approved as established in Sections 5 and 6 of this administrative regulation.

Section 4. Continuing Education Training Requirements.

(1) A hearing officer shall earn a minimum of six (6) credits of [approved]training, approved as established in Sections 5 and 6 of this administrative regulation, each educational year.

(2) A hearing officer who earns more than six (6) credits for an educational year may carry forward up to twelve (12) credits to satisfy the continuing education requirements for the next two (2) educational years.

(3) Any excess credits earned in an educational year greater than twelve (12) credits shall not be carried forward.

(4) Credits shall not be carried forward more than two (2) years.

Section 5. Qualifying Standards for Training Courses. Training courses shall consist of a topic or topics that contribute to the skills necessary to serve as a competent hearing officer such as:

(1) Adequate notice;

(2) Administrative law and procedure;

(3) Application of KRS Chapter 13B;

(4) Case management;

(5) Conduct and control of hearings;

(6) Credibility of witnesses;

(7) Decision writing;

(8) Due process;

(9) Ethics;

(10) Evidence;

(11) Findings and evidence;

(12) Intervention;

(13) Mediation; and

(14) Prehearing conferences and discovery.

Section 6. Approvals and Instructor Qualifications.

(1) A training course shall only qualify for credit if the course[if] is approved by the office as established in[meeting the standard of]Section 5 of this administrative regulation.

(2) Any person, entity, or sponsor of a training course seeking to qualify the course[if] for credit shall provide to the office for evaluation:

(a) An outline of the course in sufficient detail to disclose the pertinent material that is to be taught;

(b) The work experience, credentials, and educational background of the training course instructor; and

(c) Any other information requested by the office to determine the appropriateness of the course.

(3) A hearing officer training course shall be conducted substantially as submitted for approval by the office.

(4) Training course instructor. *The instructor shall have:*

(a) ~~[The instructor shall have]~~Substantial, recent experience and demonstrated ability in offering the training for which credit is sought; and

(b) ~~[The instructor shall have]~~the education, training, or experience to provide training in the subject matter of the presentation. For example, appropriate education, training, or experience **relevant to administrative hearings or the practice of administrative law** may be demonstrated by having:

1. Taught or conducted an approved training course within the past two (2) years;[1]

2. Academic credentials or qualifications;[2]

3. Writings or publications authored by the individual;[3] or

4. Public speaking or panel presentations ~~[involving subject matters relevant to administrative hearings or the practice of administrative law]~~.

(5) It shall be the responsibility of the individual seeking credit for the satisfaction of training requirement to **verify[ensure]** that the course has been approved by the office. The individual seeking credit shall bear the risk of seeking approval for courses already taken without pre-approval.

Section 7. Compliance.

(1) ~~An individual shall not serve as a hearing officer in an administrative hearing unless compliant with the training requirements of this administrative regulation.~~

(2) ~~If the agency utilizes a hearing officer not provided by the office, the agency shall ensure that the hearing officer is **at a minimum** compliant with the training requirements of this administrative regulation[**, at a minimum**].~~

~~[Section 3.] [Approved Instruction. Approved instruction for hearing officers shall be the administrative hearings subjects established by this section.]~~

~~[(1)] [Instruction in the conduct of administrative hearings in each of the following areas:]~~

~~[(a)] [Administrative law and procedure. The course shall cover the:]~~

~~[1.] [History, origin, source, and limitations of agency authority to act;]~~

~~[2.] [Role of hearing officials;]~~

~~[3.] [Adjudicatory function as opposed to and differentiated from the regulatory and enforcement functions of an agency; and]~~

~~[4.] [Regulatory and enforcement processes of agencies.]~~

~~[(b)] [Due process. The course shall cover the fundamentals of constitutional due process concepts of adequate notice and a reasonable opportunity to be heard, and shall emphasize constitutional restrictions on notice and a hearing;]~~

~~[(c)] [Conduct and control of hearings. The course shall cover the following items and include applicable documentary samples:]~~

~~[1.] [The role of prehearing conferences and discovery;]~~

~~[2.] [Opening a hearing;]~~

~~[3.] [The conduct of a hearing;]~~

~~[4.] [The order of proof;]~~

~~[5.] [Marking and handling exhibits;]~~

~~[6.] [Ruling on objections;]~~

~~[7.] [Swearing in of witnesses;]~~

~~[8.] [Proper demeanor, dress, formality, and decorum;]~~

~~[9.] [Making the hearing accessible to handicapped persons; and]~~

~~[10.] [Closing a hearing;]~~

~~[(d)] [Credibility. The course shall cover:]~~

~~[1.] [Judging demeanor and forthrightness of witnesses, appearance and body language;]~~

~~[2.] [Sexual, racial and cultural bias, and prejudice; and]~~

~~[3.] [Judging common sense of answers, consistency, context and flow.]~~

~~[(e)] [Ethics. The course shall include:]~~

~~[1.] [The principles of:]~~

~~[a.] [Conflict of interest;]~~

~~[b.] [Ex parte contact;]~~

~~[2.] [Ethical standards to which hearing officers, judges and lawyers are held; and]~~

~~[3.] [A review of the ethical code applicable to hearing officers, judges and lawyers.]~~

~~[(f)] [Case file and docket management. The course shall cover the principles of:]~~

~~[1.] [Case file composition, handling, docketing and tracking;]~~

~~[2.] [Keeping exhibit and witness lists;]~~

~~[3.] [Motion practice;]~~

~~[4.] [Setting discovery deadlines;]~~

~~[5.] [Continuances;]~~

~~[6.] [Reviewing the record, hearing decision time limitations and extensions thereof.]~~

~~[(g)] [Evidence in administrative proceedings. The course shall include a review of the following items, and applicable samples of documentary and testimonial evidence:]~~

~~[1.] [Competency;]~~

~~[2.] [Documentary evidence;]~~

~~[3.] [Demonstrative evidence;]~~

~~[4.] [Hearsay;]~~

~~[5.] [Privileges;]~~

~~[6.] [Work product rule;]~~

~~[7.] [Oaths and swearing;]~~

~~[8.] [Establishing a foundation;]~~

~~[9.] [Cumulative, proffered, and confidential evidence;]~~

~~[10.] [Official notice;]~~

~~[11.] [Handling evidence; and]~~

~~[12.] [Standards and burdens of proof applicable in administrative proceedings;]~~

~~[(h)] [Decision writing. The course shall cover the following items and include written samples:]~~

~~[1.] [The function and purpose of the written decision;]~~

~~[2.] [The basic administrative decision format;]~~

~~[3.] [How to differentiate between factual findings and legal conclusions;]~~

~~[4.] [How to identify and establish jurisdiction over subject matter and parties;]~~

~~[5.] [How to establish the procedural history;]~~

~~[6.] [How to use an appropriate format; and]~~

~~[7.] [A review of writing style, tone and organization.]~~

~~[(2)] [The course shall include training in the application of KRS Chapter 13B, and shall consist of instruction in each of the following areas:]~~

~~[(a)] [Conflict of interest. The course shall cover conflicts of interest as addressed in KRS 13B.040 including:]~~

~~[1.] [Who is governed;]~~

~~[2.] [What kind of contact is prohibited;]~~

~~[3.] [Prohibited actions or conduct, including serving as, or assisting or advising a hearing officer;]~~

~~[4.] [The mechanics of withdrawal;]~~

~~[5.] [Determination of who is an investigator or prosecutor who acted in the same proceeding, or the preadjudicative stage of an administrative hearing; and]~~

~~[6.] [The standard to be applied.]~~

~~[(b)] [Ex parte contact. The course shall cover improper ex parte contact as defined in KRS 13B.100 including:]~~

~~[1.] [The concept of "substantive" as opposed to "procedural" inquiries and a determination of the "merits" of an administrative action;]~~

~~[2.] [Who is prohibited from making ex parte inquiries;]~~

~~[3.] [Under what circumstances hearing officials and assistants may talk ex parte with "parties" and other "interested persons";]~~

~~[4.] [Specific instruction on how to handle ex parte contact, how to train support staff and the method required to document ex parte contact in the record;]~~

~~[5.] [Contacts by agency and outside counsel, contacts by the hearing officer and contacts with the agency head or other agency personnel;]~~

~~[6.] [Case studies and written materials, including ethical opinions from the Bar, relevant case decisions, and the relevant judicial canons and rules of professional conduct applicable to judges and attorneys.]~~

~~[(c)] [Adequate notice. The course shall cover the contents and effect of the notice of hearing required by KRS 13B.050, including:]~~

~~[1.] [Scheduling and time limits;]~~

VOLUME 51, NUMBER 9– March 1, 2025

[2.] [Improper mailing;]
[3.] [Incomplete or improper notice content; and]
[4.] [The effect of violation of KRS 13B.050 and remedies therefore;]
[(d)] [Intervention. The course shall cover intervention under KRS 13B.060 and include sample petitions and orders:]
[1.] [Mandatory and permissive intervention;]
[2.] [Statutory rights to intervention;]
[3.] [The standard for permissive intervention;]
[4.] [The procedure for petitioning to intervene;]
[5.] [Structuring the intervention; and]
[6.] [Writing the order permitting or denying intervention.]
[(e)] [Prehearing conferences and discovery. The course shall cover the nature, scope and purpose of a prehearing conference under KRS 13B.070 including:]
[1.] [Its relation to settlement, alternative dispute resolution, discovery and the hearing process;]
[2.] [Methods of managing and scheduling prehearing conferences that will promote the orderly and prompt conduct of a hearing, including the filing of motions, prehearing memorandums, witness and exhibit lists, briefs, proposed findings, conclusions, and recommended orders;]
[3.] [Discovery available under KRS 13B.050, 13B.080 and 13B.090;]
[4.] [Discovery orders and problems;]
[5.] [Issuance, quashing and enforcement of subpoenas and the standards therefore;]
[6.] [The obligation to reveal documentary or tangible evidence and exculpatory evidence in the agency's possession, and the consequences of the failure to do so; and]
[7.] [Written samples of prehearing conference orders, motions and subpoenas.]
[(f)] [Hearing procedures and compiling the record. The course shall cover and include material relating to the following items:]
[1.] [Methods to ensure the orderly and prompt conduct of the hearing under KRS 13B.080;]
[2.] [The obligation to have testimony given under oath, and the swearing of witnesses;]
[3.] [Briefs;]
[4.] [Argument;]
[5.] [Testimony;]
[6.] [Marking and admission of evidence;]
[7.] [Granting defaults, and the procedures and standards for rendering defaults;]
[8.] [The meaning and composition of the record under KRS 13B.130; and]
[9.] [The method of compiling the record for review, including submission in writing, and proffers of evidence.]
[(g)] [Findings and evidence. The admissibility of hearsay and standards therefor. The course shall:]
[1.] [Cover the basic evidentiary standard for all types of evidence;]
[2.] [Constitutional, statutory grounds for exclusion and privileges recognized in Kentucky law;]
[3.] [Ruling on and memorializing objections; and]
[4.] [Taking "official notice" of facts.]
[(h)] [The recommended order and writing for judicial review. The course shall cover the following items and include samples of written findings, conclusions and recommended orders:]
[1.] [The nature, scope, and function of findings and conclusions under KRS 13B.110;]
[2.] [The interrelation with evidentiary rulings under KRS 13B.050 and 13B.090;]
[3.] [Compilation of the record under KRS 13B.130;]
[4.] [The standards for judicial review under KRS 13B.150;]
[5.] [The obligation to base findings only upon the evidence in the record, under KRS 13B.090(1); and]
[6.] [Time limits, extensions, and the consequences of the failure to file a recommended order within statutory time periods.]
[(3)] [Agency specific training. Instruction shall include agency specific training that:]

[(a)] [Covers the specific federal and state authorizing statutes and regulations under which a hearing officer will conduct hearings; and]
[(b)] [Has been approved by the agency head and the division.]
[Section 4.]
[(1)] [An initial hearing officer instruction or continuing education course shall:]
[(a)] [Comply with the provisions of Sections 3 and 5 of this administrative regulation;]
[(b)] [Consist of topics that will enable a hearing officer to:]
[1.] [Acquire, maintain, and improve his skills as a hearing officer; and]
[2.] [Serve the public; and]
[(c)] [Consist of a minimum of two (2) hours.]
[(2)]
[(a)] [Credit shall be granted for completion of an initial hearing officer instruction or continuing education course that has been approved by the division.]
[(b)] [A sponsor of an education course shall submit for approval by the division:]
[1.] [An outline of the course in sufficient detail to disclose the pertinent material that is to be taught; and]
[2.] [The work experience, credentials, and education background of the instructor of the course.]
[Section 5.] [Continuing Education.]
[(1)] [An education year shall begin on July 1, and end on June 30 of the next calendar year.]
[(2)] [Credit shall be given for continuing education courses that have been completed on or before June 30.]
[(3)] [For each education year, a person certified as a qualified hearing officer pursuant to KRS Chapter 13B shall complete a minimum of six (6) credit hours of continuing education courses that have been approved by the division.]
[(4)] [A hearing officer who earns more than six (6) credits of continuing education may carry forward a total twelve (12) credits.]
[(5)] [A total of six (6) of the continuing education credits earned in an education year may be credited toward satisfaction of the continuing education requirement for each of the two (2) continuing education years following the education year in which they were earned.]
[(6)] [Continuing education credits earned in an education year in excess of twelve (12) credits shall:]
[(a)] [Not be carried forward; and]
[(b)] [Remain on the hearing officer's record.]
[(7)] [On or before July 1 of each year, a person certified as a qualified hearing officer under KRS Chapter 13B in this Commonwealth, shall certify to the director the number of credit hours of continuing education hours completed.]
[(8)]
[(a)] [Certification may be submitted to the director upon completion of the continuing education activity at any time during the education year.]
[(b)] [Certification shall not be submitted later than the July 15th immediately following the education year in which the activities were completed.]
[(9)]
[(a)] [If a hearing officer fails to comply with the provisions of this section, the division director shall notify him as soon as practicable on or after August 1 of the same year calendar year.]
[(b)] [The authority to hear administrative actions under KRS Chapter 13B shall be suspended until such time as the continuing education requirements are met.]
FILED WITH LRC: February 10, 2025
CONTACT PERSON: J. Christopher Bowlin, Executive Director, Office of Administrative Hearings within the Department of Law, Office of Attorney General, 700 Capital Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-2894, email christopher.bowlin@ky.gov.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amended at ARRS Committee)

301 KAR 2:041. Shooting areas, dog training areas, commercial and noncommercial~~commercial~~ foxhound training enclosures, and bobwhite shoot-to-train season.

RELATES TO: KRS 150.010, 150.170, 150.180, 150.280, 150.630, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(28), 150.240(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.175(28) authorizes the issuance of a special license for residents and nonresidents for the purpose of hunting on licensed shooting areas. KRS 150.240(2) authorizes the department to promulgate administrative regulations governing public or commercial shooting areas. This administrative regulation establishes a bobwhite shoot-to-train season and other requirements to ensure uniform operation of shooting areas, dog training areas, and commercial and noncommercial foxhound training enclosures.

Section 1. Definitions.

(1) "Commercial foxhound training enclosure" means a fenced area where red fox (*Vulpes vulpes*), coyote (*Canis latrans*), or both species are to be held for the purposes of dog training and for which business transactions occur to accumulate compensations, payments, or profits.

(2)(4) "Dog training area permit" means a permit that designates an area to allow dog training and shooting of captive-reared bobwhite quail.

(3)(2) "Hoofed animal" means ungulate wildlife except wild hogs and javelinas.

(4) "Noncommercial foxhound training enclosure" means a fenced area where red fox (*Vulpes vulpes*), coyote (*Canis latrans*), or both species are to be held for the purposes of dog training but for which no compensations or payments are received or profits earned in any way.

(5)(3) "Shooting area" means a place where animals are held or propagated in captivity and released to be taken by hunters.

Section 2. Seasons.

(1) The dog training area season and the dog training area hunting season shall be year-round for:

- (a) Captive-reared bobwhite quail; ~~and~~
- (b) Pheasant and chukar, pursuant to 301 KAR 3:030; ~~and~~;
- (c) Commercial and noncommercial foxhound training enclosures for chase but not to kill red fox or coyote.

(2) The shooting area hunting seasons shall be as follows:

- (a) Bobwhite quail: August 15 through April 15;
- (b) Mallard ducks: year-round;
- (c) Hoofed animals: September 1 through May 15; and
- (d) All other species: the statewide season in effect where the shooting area is located.

(3) The bobwhite shoot-to-train season shall be from August 15 through May 15.

Section 3. Bobwhite Shoot-to-Train Requirements.

- (1) A person shall only shoot on private land.
- (2) Prior to shooting, a person shall:
 - (a) Apply on the Bobwhite Quail Shoot-to-Train Application provided by the department;
 - (b) Submit the completed application to the department;
 - (c) Possess a valid Kentucky hunting license or be license-exempt pursuant to KRS 150.170;
 - (d) Possess:
 - 1. Proof of purchase of captive-reared bobwhite quail; or
 - 2. A captive wildlife permit;
 - (e) Band all captive-reared bobwhite quail with:
 - 1. Aluminum, #7 leg bands; or

- 2. Department-issued, aluminum leg bands;
- (f) Walk and examine the entire area to be hunted to ensure that no wild bobwhite quail are present; and
- (g) Release banded birds immediately prior to dog training or shooting.

(3) A person shall contact the department to update an application that is no longer accurate.

(4) The number of leg bands on the dog training or shooting site shall not exceed the number of captive-reared bobwhite present on the site.

(5) A person shall comply with the holding and permit requirements established in 301 KAR 2:081 if:

- (a) Captive-reared bobwhite quail are possessed for more than ten (10) days; or
- (b) More than 100 captive-reared bobwhite quail are possessed.

Section 4. Permits, Applications, and Transfers.

(1) A person shall obtain a permit from the department before operating the following:

- (a) A shooting area for birds;
- (b) A dog training area; or
- (c) A commercial or noncommercial foxhound training enclosure, ~~except that~~:-

1. A commercial or noncommercial foxhound training enclosure permit shall not be issued after January 1, 2026 for a new enclosure occurring within the Enhanced Rabies Surveillance Zone defined in 301 KAR 2:081.;

2. An enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026 may remain permitted so long as the permit coverage is continuously maintained; and;

3. A permitted enclosure within the Enhanced Rabies Surveillance Zone may expand acreage upon existing enclosures but may not create a new, separate enclosure within the Enhanced Rabies Surveillance Zone.

(2) A new shooting area permit shall not be issued for hoofed animals.

(3) The following permits shall be valid from July 1 through June 30:

- (a) Dog training area permit;
- (b) Shooting area permit for birds; and
- (c) For hoofed animals, a shooting area permit ~~for hoofed animals~~-in existence prior to March 8, 2002.

(4) A commercial or noncommercial foxhound training enclosure permit shall be valid for one (1) year from the date of issuance.

(5) A person shall apply using the appropriate form provided by the department:

- (a) Shooting Area Permit Application;
- (b) ~~Commercial~~-Foxhound Training Enclosure Permit Application ~~and Checklist~~; or
- (c) Dog Training Area Permit Application.

(6) Applications~~An application~~ for ~~a~~ dog training areas~~area~~ and commercial and noncommercial foxhound training enclosures shall not be approved until ~~a~~ department law enforcement personnel~~conservation officer~~ or biologist~~inspect~~inspects the area to determine if it meets the requirements established in ~~Sections~~Section 6 and 8 of this administrative regulation.

(7) An applicant for a shooting area, dog training area, or commercial or noncommercial foxhound training enclosure shall provide documentation proving~~the applicant is the~~;

- (a) ~~The applicant is the owner~~Owner of the land where the facility is to be located;~~or~~
- (b) ~~The applicant is the lessee~~Lessee of the land where the facility is to be located; ~~and~~;
- (c) The acreage meets the requirements of a commercial or noncommercial foxhound training enclosure by providing:

1. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

2. Aerial imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

VOLUME 51, NUMBER 9– March 1, 2025

(8) A commercial or noncommercial foxhound training enclosure within the Enhanced Rabies Surveillance Zone that is permitted prior to January 1, 2026 may be transferred if:

(a) A currently permitted facility is sold to another entity;
(b) The facility is inspected by law enforcement personnel prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:
1. Obtains a commercial or noncommercial foxhound training enclosure permit; and

2. Establishes the acreage meets the minimum requirements of a commercial or noncommercial foxhound training enclosure by providing:

a. A plat that lists the acreage of the commercial or noncommercial foxhound training enclosure boundaries completed by a licensed surveyor; or

b. Aerial imagery to scale with marked boundaries and acreage of the commercial or noncommercial foxhound training enclosure subject to verification by the department.

(9) If ownership or lessee of a commercial or noncommercial foxhound training enclosure changes, the new owner or lessee shall be responsible for applying for a new permit.

(10)[(8)] A shooting area permit shall be transferable if:

(a) A currently permitted facility is sold to another entity;

(b) The facility is inspected by department law enforcement personnel[a conservation officer or biologist] prior to transfer;

(c) The seller of the facility is compliant with the provisions of this administrative regulation; and

(d) The purchaser of the facility:

1. Completes a Shooting Area Permit Transfer Application [provided by the department]; and

2. Provides a plat of the shooting area boundaries completed by a licensed surveyor.

(11)[(9)] A transferred shooting area permit shall only be valid for the land that was permitted prior to the time of transfer.

[(10)] [If ownership of a commercial foxhound training enclosure changes, the new owner shall be responsible for applying for a new permit.]

(12)[(11)] A person hunting on a shooting area shall:

(a) Possess a valid Kentucky hunting license;

(b) Possess a valid shooting area hunting license;

(c) Possess a shoot-to-retrieve field trial permit; or

(d) Be hunting license exempt pursuant to KRS 150.170.

(13)[(12)] A shooting area hunting license shall be valid for only one (1) specific shooting area.

Section 5. Shooting Area Requirements.

(1) The boundary of a shooting area shall be marked with signs:

(a) At least eight (8) inches by twelve (12) inches;

(b) Having a white background with contrasting letters at least one (1) inch high;

(c) That read "Shooting Area"; and

(d) Placed no more than 500 feet apart.

(2) A person shall check in at a designated check station or with the operator of a shooting area before hunting.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

(a) Name;[;]

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall:

(a) Obtain a bill of sale or receipt for each purchase that contains the number of:

1. Game birds purchased; or

2. Game bird eggs purchased; and

(b) Retain previous year's records and receipts for at least one (1) full year.

(5) A permit holder shall possess a commercial captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a shooting area year-round.

Section 6. Dog Training Area Requirements.

(1) A dog training area shall be between ten (10) and seventy-five (75) acres in size.

(2) The dog training area shall:

(a) Be contiguous;

(b) Consist of at least ninety (90) percent mowed or cut grass no greater than ten (10) inches in height; and

(c) Have a marked boundary with signs:

1. At least eight (8) inches by twelve (12) inches high;

2. Having a white background with contrasting letters at least one (1) inch high;

3. That read "Dog Training Area"; and

4. Placed no more than 150 feet apart.

(3) A permit holder shall maintain a daily record of people using the area which includes each person's:

(a) Name;

(b) Address; and

(c) Hunting license number.

(4) A permit holder shall retain previous year's records and receipts for at least one (1) full year.

(5) A person using a dog training area shall possess:

(a) A bill of sale or receipt for any bobwhite quail released on the area; and

(b) A captive wildlife permit, if applicable, pursuant to 301 KAR 2:081.

(6) A field trial may be held on a dog training area year-round.

Section 7. Hoofed Animals.

(1) A shooting area permit holder shall not import or release a hoofed animal.

(2) A shooting area permit holder who legally holds hoofed animals shall:

(a) Keep a record of the:

1. Total number of each hoofed species taken;

2. Name of each hunter;[;]

3. Address of each hunter;

4. Hunting license number of each hunter; and

5. Species taken by each hunter; and

(b) Submit to the department all records each month from September through May.

(3) A permit holder shall not import, possess, release, or hunt any member of the family Suidae.

Section 8. Commercial and Noncommercial Foxhound Training Enclosures.

(1) A commercial foxhound training enclosure shall:

(a) Be at least 200 acres; and

~~[(b)] [Be fenced to enclose foxes; and]~~

~~[(b)] [(e)] Not be divided by an interior fence that restricts the range of red fox and coyote [foxes] to less than 200 acres.~~

(2) A noncommercial foxhound training enclosure shall:

(a) Be at least **forty (40)[40] acres; and**

(b) Not be divided by an interior fence that restricts the range of red fox and coyote to less than **forty (40)[40] acres.**

~~[(3)] [(2)] Multiple enclosures of the same type and under the same ownership or management may be listed under the same permit if: [Two (2) or more enclosures under the same ownership or management may be licensed under the same permit if:]~~

~~(a) Each enclosure is at least the minimum acreage required for the permit; and [200 acres in size; and]~~

~~(b) The enclosures share a common fence.~~

(4) Commercial and noncommercial training enclosures shall:

(a) Have an exterior fence that completely encloses the commercial or noncommercial foxhound training enclosure and is at least five (5) feet above ground level for its entire length;

(b) Have a fence consisting of woven wire, chain link, or equivalent strength material capable of preventing escape by red fox and coyote;

(c) Have at least one (1) strand of electric wire inside at the bottom of the fence capable of preventing red fox and coyote from digging out of or climbing over the fence;

(d) Have a minimum of twelve (12) inches of additional fence bent inward at a ninety (90) degree angle or at least one (1) strand of electric wire at the top of the fence capable of preventing red fox and coyote from climbing out;

VOLUME 51, NUMBER 9– March 1, 2025

(e) Have modifications in place at gates, creeks, and similar weaknesses to prevent escape of red fox or coyote; and

(f) Maintain fences and electric wire to be in working order at all times and free of debris or vegetation that enable red fox or coyote to escape.

(5)(3) A commercial or noncommercial foxhound training permit holder shall:~~[The permit holder shall provide for the foxes:]~~

(a) Limit the number of dogs to no more than one (1) dog per two (2) acres for enclosures 100 acres or greater and no more than one (1) dog per three (3) acres for enclosures less than 100 acres.

(b) Limit the number of red fox and coyote combined to no more than one (1) animal per five (5) acres maximum at any time.

(c) Only obtain red fox or coyote:

1. From a licensed trapper who has a noncommercial captive wildlife permit as established in 301 KAR 2:081;

2. During the furbearer trapping season; and

3. Within the county of the permitted commercial or noncommercial foxhound training enclosure.

(d) Quarantine red fox and coyote:

1. In a separate quarantine enclosure from the training enclosure where animals in quarantine cannot come in contact with free ranging wildlife or red fox and coyote within the training enclosure;

2. Within a separate quarantine enclosure that meets or exceeds the minimum size requirements for red fox and coyote as specified in 301 KAR 2:081; and

3. For a minimum of seven (7) days.~~;~~

(e) Acclimate newly introduced red fox and coyote within the commercial or noncommercial foxhound training enclosure for a minimum of an additional seven (7) days following quarantine prior to dog training.

(f) Only release healthy and unaltered red fox and coyote that have not been physically altered in any way into commercial and noncommercial foxhound training enclosures.

(g) Only maintain red fox and coyote in captivity in a sanitary and safe condition and in a manner that does not result in the maltreatment or neglect of wildlife.

(h) Only allow dog training within an enclosure for a maximum of sixteen (16) hours within a twenty-four (24) hour period.

(i) Provide red fox and coyote with the following:

1. A diet that meets the nutritional needs of the animals;

[a.] ~~[Food;]~~

2.~~[(b)] Clean water;~~

3.~~[(c)] Shelter from inclement weather; and~~

4.~~[(d)] At least one (1) escape den per forty (40) acres and at least one (1) escape den per red fox or coyote[~~of the following~~], which ~~are~~~~is~~ sufficient to prevent capture of red fox and coyote by dogs as follows:~~foxhounds, per every fifty (50) acres:]~~~~

a.~~[1.] Natural den;~~

b.~~[2.] Constructed den;~~

c.~~[3.] Box; or~~

d.~~[4.] Hollow log.~~

[4] ~~[A fox held for release into an enclosure shall be confined pursuant to 301 KAR 2:081.]~~

(6)(5) A person shall not~~[intentionally]~~ engage in an activity which would cause foxhounds to injure or kill a red fox or coyote in an enclosure at any time.

(7)(6) Chasing red fox or coyote in~~[Fox chasing on]~~ permitted commercial and noncommercial foxhound training enclosures~~[areas]~~ shall be considered an authorized field trial and no hunting license shall be required~~[if a fox is not captured or killed]~~.

[7] ~~[A person shall not take any wildlife within an enclosure except under legal statewide seasons and methods.]~~

(8) The take of any species other than chase of red foxes or coyotes is prohibited within a commercial or noncommercial foxhound training enclosure.

(9) A person shall not possess or release any native or exotic wildlife in a commercial or noncommercial foxhound training enclosure with the exception of red fox and coyote.

(10) A commercial and noncommercial foxhound training enclosure operator shall abide by the following disease prevention and control measures:

(a) Without damaging the head, dispatch diseased or sick acting red fox and coyote, retain carcass, and report to the department veterinarian within twenty-four (24) hours for proper disposition of the carcass;

(b) Report escaped red fox or coyotes to department veterinarian within twenty-four (24) hours; and

(c) Allow the department to inspect a commercial or noncommercial foxhound training enclosure when reportable diseases are suspected or confirmed and take the following actions when necessary:~~;~~

1. Quarantine and prohibit introduction or removal of red fox and coyote to or from an enclosure until the department determines there is no longer a threat of disease exposure to humans, wildlife, or domestic animals;

2. Dispatch animals for diagnostic testing;

3. Require disinfection of the enclosure by the training enclosure operator; and

4. Examination of records for disease exposure notification.

(11) Permits ~~shall~~~~do~~ not confer ownership, wildlife remains under the stewardship of the Department and may be confiscated, relocated, or euthanized.

(12) Hunting or take of any species other than chase of red fox or coyote is prohibited within a commercial or noncommercial foxhound training enclosure.

(13)(8) A commercial or noncommercial foxhound training enclosure owner or operator shall:~~[The owner or operator of an enclosure shall:]~~

(a) Allow department law enforcement personnel~~[a conservation officer]~~ to inspect the facility at any reasonable time;~~and]~~

~~[(b)] [Comply with all permitting requirements, if applicable, pursuant to 301 KAR 2:081.]~~

(b) Maintain a registry of names, addresses, phone numbers, and dates hunted for one (1) year of all participants engaging in foxhound training activities or field trials to be provided to department staff upon request for purposes of disease response; and

(c) Maintain the following records and report to the department annually by submitting a Foxhound Training Enclosure Annual Report form:

1. The number of all red foxes and coyotes trapped for release into the enclosure;

2. The name, address, phone number, trapping license number, and noncommercial captive wildlife permit number of the trapper associated with each red fox and coyote;

3. The county of origin for each red fox and coyote;

4. The capture and release dates for each red fox and coyote; and

5. All missing, escaped, or killed red fox and coyote.

(d) Report ~~shall~~~~must~~ be provided to the department within thirty (30) days of the expiration date of the permit.

Section 9. Revocation for Dog Training Area, Shooting Area, and Bobwhite Quail Shoot to Train Permits.~~[Revocation of Permits.]~~

(1) Revocation. A person who is convicted of a fish and wildlife violation, including KRS Chapter 150, KAR Title 301, or any federal fish and wildlife laws, shall have his or her permit revoked for a period of one (1) year.

(2) Appeal Procedures. An individual whose request for a permit has been denied or revoked may request an administrative hearing pursuant to KRS Chapter 13B.

Section 10. Permit Denial and Revocation for Commercial and Noncommercial Foxhound Training Enclosures.

(1) Denial. The department shall deny the issuance of a new permit, deny a renewal of an existing or lapsed permit, and may confiscate wildlife of a person who:

(a) Is convicted of a violation of any provisions of:

1. KRS Chapter 150;

2. KAR Title 301; or

3. Any federal statute or regulation related to hunting, fishing, or wildlife;

(b) Provides false information on a commercial or noncommercial foxhound training enclosure permit application,

VOLUME 51, NUMBER 9– March 1, 2025

captive wildlife permit application, reports, facility inspection, or records;

(c) Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure permit;

(d) Acquires red fox or coyote from an illegal source, location, or outside the legal season;

(e) Fails a facility inspection;

(f) Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251; or

(g) Is located within the rabies surveillance zone and has previously had their permit revoked.

(2) Facility Inspections.

(a) A permit holder shall allow a game warden to inspect the foxhound training enclosure facilities and property prior to approval of any application and if permitted, at any reasonable time and frequency.

(b) The game warden shall immediately notify the applicant or permit holder and the Wildlife Division director if a facility inspection reveals that the facility is not in compliance with this administrative regulation and shall provide a completed Training Enclosure Inspection form to the appropriate Wildlife Division personnel within three (3) business days.

(c) If an inspection determines that a facility is not in compliance with ~~a~~ KRS Chapter 150 ~~or~~ and KAR Title 301, the game warden shall make a second inspection after ten (10) calendar days, and the permit application shall be denied or the permit shall be revoked and all wildlife may be confiscated if the non-compliant conditions have not been corrected.

(3) Revocations.

(a) The department shall revoke the permit and may confiscate wildlife, of a person who:

1. Is convicted of a violation of any provisions of:

a. KRS Chapter 150;

b. KAR Title 301; or

c. Any federal statute or regulation related to hunting, fishing, or wildlife;

2. Provides false information on a commercial or noncommercial foxhound training enclosure permit application, captive wildlife permit application, reports, facility inspection, or records;

3. Acquires red fox or coyote prior to receiving an approved commercial or noncommercial foxhound training enclosure or captive wildlife permit;

4. Acquires red fox or coyote from an illegal source, location, or outside the legal season;

5. Fails a second facility inspection; or

6. Fails to comply with any provision of this administrative regulation, 301 KAR 2:081, 301 KAR 2:230, or 301 KAR 2:251.

(b) If a person's commercial or noncommercial foxhound training enclosure is revoked for one (1) enclosure, permits for all other enclosures in their name shall be revoked and the enclosures may not be permitted for the applicable denial period.

(c) A fee shall not be refunded for a permit that is revoked.

(4) Denial period. An applicant for a commercial or noncommercial foxhound training enclosure permit or captive wildlife permit that has been revoked or denied for the grounds established in this section shall be ineligible to reapply, and all applications denied:

(a) Permanently for commercial and noncommercial foxhound training enclosures within the rabies surveillance zone; and

(b) For commercial and noncommercial foxhound training enclosures outside the rabies surveillance zone.:[;]

1. The initial denial period, for one (1) year;

2. A second denial period, for three (3) years; and

3. A third or subsequent denial period, for five (5) years.

(5) Confiscated wildlife.

(a) All red fox and coyote may be confiscated if a commercial and noncommercial foxhound training enclosure permit is revoked or denied or if a person possesses red fox or coyote without a valid commercial or noncommercial foxhound training enclosure permit.

(b) Confiscated wildlife shall be released, transferred, or dispatched as ordered by the department.

(c) Wildlife shall not be returned to the person, entity, or facility from which they were confiscated.

(d) Wildlife shall be surrendered to the department, for processing and disposition pursuant to this administrative regulation, upon being presented with a written order by the commissioner.

(6) Administrative hearings.

(a) An individual whose permit has been denied or revoked may request an administrative hearing, which shall be conducted pursuant to KRS Chapter 13B.

(b) A request for a hearing shall be in writing and postmarked or delivered in person to the department no later than thirty (30) days after notification of the denial or the revocation.

(c) Upon receipt of the request for a hearing, the department shall proceed according to the provisions of KRS Chapter 13B.

(d) The hearing officer's recommended order shall be considered by the commissioner, and the commissioner shall issue a final order, pursuant to KRS Chapter 13B.

Section 11.[Section 10.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Bobwhite Quail Shoot-to-Train Application", July 2012 edition.:[;]

(b) "Dog Training Area Permit Application", July 2012 edition;

(c) "Foxhound Training Enclosure Permit Application and Checklist", 2024 edition;

(d) "Foxhound Training Enclosure Permit Annual Report", 2024 edition;

(e) "Shooting Area Permit Application", July 2012 edition; and

(f) "Shooting Area Permit Transfer Application", July 2012 edition.

[(a)] ["Shooting Area Permit Application", July 2012 edition;]

[(b)] ["Commercial Foxhound Training Enclosure Permit Application", July 2012 edition;]

[(c)] ["Dog Training Area Permit Application", July 2012 edition;]

[(d)] ["Shooting Area Permit Transfer Application", July 2012 edition; and]

[(e)] ["Bobwhite Quail Shoot-to-Train Application", July 2012 edition.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or online at:

(a) <https://fw.ky.gov/Licenses/Documents/CommercialFoxhoundTrainingApp2024.pdf> for the "Foxhound Training Enclosure Permit Application and Checklist"; or

(b) <https://fw.ky.gov/Licenses/Documents/CommercialFoxhoundTrainingAnnualReport2024.pdf> for the "Foxhound Training Enclosure Permit Annual Report".

FILED WITH LRC: February 10, 2025

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.

**ENERGY AND ENVIRONMENT CABINET
Department Of Environmental Protection
Division Of Waste Management
(Amended at ARRS Committee)**

401 KAR 47:110. Registered permit-by-rule.

RELATES TO: KRS ~~224.1-010~~[224.01-010], 224.10-100, 224.10-105, 224.40-100, 224.40-110, 224.40-120, 224.40-305, 24.40-310, 224.40-315, 224.40-320, 224.40-325, 224.40-330, 224.40-340, 224.40-605, 224.40-650, 224.43-010, 224.43-020, [224.43-070,]224.43-310, 224.43-315, 224.43-330, 224.43-340, 224.43-345, 224.43-350, 224.70-100, 224.70-110, 224.99-010, 224.99-020
STATUTORY AUTHORITY: KRS 224.10-100(19)(c).:[;and] [;] (24), 224.40-100, 224.40-305

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(19)(c) and [;] (24)[;] and 224.40-305 authorize the cabinet to promulgate administrative regulations for the management,

processing, and disposal of wastes. KRS 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This administrative regulation establishes requirements for registered permits-by-rule and the standards for the certification program.

Section 1. Issuance of Registered Permit-by-rule.

(1) Before accepting waste, the owner or operator of a solid waste site or facility ~~established[specified]~~ in 401 KAR 47:080, Section 2(6), shall notify the cabinet by submitting a notarized registration **as established in subsection (2) of this section, along with any supporting documentation, such as maps or specifications.**

~~(a) [For solid waste sites or facilities other than medical waste transfer stations,] The registration shall become effective thirty (30) calendar[five (5) business] days after the cabinet receives it unless the cabinet determines the registration complies with this administrative regulation[approves] or denies the registration within that time. A registration shall be denied if the registration is incomplete or the registration fails to demonstrate compliance with the requirements established in 401 KAR 47:120 and 401 KAR 48:320[Chapters 47 and 48]. [For medical waste transfer stations, the registration shall become effective thirty (30) days after the cabinet receives it unless the cabinet denies the registration within that time.]~~

~~(b) The cabinet shall hold a public hearing in accordance with 401 KAR 47:140, Section 10, prior to accepting or denying the registration, upon the request of any individual.~~

~~(c) The owner or operator of a registered permit-by-rule facility shall comply with the environmental performance standards in 401 KAR 30:031 in order for the registered permit-by-rule to remain effective.~~

~~(2) The registration for a registered permit-by-rule facility shall be submitted to the cabinet on one (1) of the following registration forms:~~

- ~~(a) DEP 7059; Solid Waste Transfer Station, Convenience Center, and Recycling Center;~~
- ~~(b) DEP 7059-A; Solid Waste Composting Facility;~~
- ~~(c) DEP 7059-E; Class I Solid Waste Landfarm;~~
- ~~(d) DEP 7059-H; Less-than-one-acre Construction/Demolition Debris (CDD) Landfill; or~~
- ~~(e) DEP 7059-J; Solid Waste Incinerator.~~

~~(3) [A registration that is determined to be administratively incomplete may be denied within five (5) business days after receiving the registration. Thereafter,] If the cabinet determines that a registration that is not approved or denied pursuant to subsection (1)[4] of this section fails to include all of the information required, the cabinet shall notify the operator that the registration is deficient.~~

~~(a) The owner or operator shall submit the requested information within thirty (30) calendar days of the date of the notice of deficiency.~~

~~(b) The cabinet shall review the registration[~~cabinet's review shall be conducted~~] in accordance with the requirements of 401 KAR 47:025.~~

~~(4) Prior to submission of the registration, the owner or operator shall prepare a groundwater protection plan in accordance with 401 KAR 5:037.~~

~~(5) The owner or operator shall publish a notice two (2) weeks prior to submission of the registration in a daily or weekly newspaper of general circulation where the proposed facility is located.~~

~~(a) Public notices shall be of a size to include not less than two (2) column widths for advertising and shall be in a display format.~~

~~(b) The public notice shall contain[~~the following~~]:~~

- ~~1.[~~(a)~~] Name and address of the owner or operator;~~
- ~~2.[~~(b)~~] The type of facility;~~
- ~~3.[~~(c)~~] A brief description of the business to be conducted; and~~
- ~~4.[~~(d)~~] Name and address of the facility.~~

Section 2. Operating Requirements for Registered Permit-by-rule Facilities.

(1) The owner or operator of a facility operating under a registered permit-by-rule, except as ~~established[provided]~~ in Section 3 of this administrative regulation, shall not:

- (a) Store, treat, or dispose of solid waste not included[specified] in the registration; or

(b) Exceed the design capacities stated[specified] in the registration.

(2) The owner or operator of a facility operating under a registered permit-by-rule shall comply with the environmental performance standards in 401 KAR 30:031.

(3) The owner or operator of a registered permit-by-rule facility shall keep records as ~~established[provided]~~ in this section.

(a) The owner or operator of a less-than-one (1) acre or expanded less-than-two (2) acre construction or [A]demolition debris landfill or solid waste incinerator shall report quarterly pursuant to KRS 224.43-330. In addition, the owner or operator shall submit DEP 7046, Annual Waste Quantity Report, to the cabinet annually and upon closure of the facility.

(b) The owner or operator of a composting facility shall report quarterly pursuant to KRS 224.43-330. In addition, the owner or operator shall submit DEP 7108, Annual Report for a Solid Waste Composting Facility, to the cabinet annually and upon closure of the facility.

(c) The owner or operator of a landfarming facility shall report quarterly pursuant to KRS 224.43-330. In addition, the owner or operator shall submit DEP 7064, Annual Report for a Class I Solid Waste Landfarm, to the cabinet annually and upon closure of the facility.

(d) The owner or operator of a registered permit-by-rule convenience center, transfer station or commercial recycling center shall document records on DEP 7046, Annual Waste Quantity Report. Records shall be kept on site and available for inspection for at least three (3) years.

(4) The owner or operator of a solid waste incinerator shall conduct the Toxicity Characteristic Leaching Procedure (TCLP) test ~~established[described]~~ in 401 KAR 39:060, Section 2[31:030, Section 5], before the initial disposal of any ash and ~~if[whenever]~~ the characteristics of the waste accepted by the incinerator significantly change.

~~(a) The owner or operator shall keep a record of the current TCLP laboratory analysis report required by this section available for inspection by the cabinet for at least three (3) years.~~

~~(b) The owner or operator of a solid waste incinerator shall report the volume of ash generated to the cabinet annually and upon closure of the facility. The report shall be submitted no later than January 31 for the preceding calendar year.~~

Section 3. Changes to a Registered Permit-by-rule.

(1) A revised registration shall be submitted as established in paragraphs (a) through (c) of this subsection[follows].~~[.]~~

(a) Solid wastes not previously identified in the registration may be stored, treated, or disposed at a facility operating under a registered permit-by-rule if the owner or operator submits a revised registration to the cabinet prior to that change.

(b) The owner or operator of a facility operating under a registered permit-by-rule shall submit a revised registration to the cabinet prior to increasing the design capacity of processes used at a facility.

(c) The owner or operator of a facility operating under a registered permit-by-rule shall submit a revised registration to the cabinet prior to changing the processes for the storage, treatment, or disposal of solid waste, using additional processes, or changing the owner or operator.

(2) The revised registration shall become effective thirty (30) calendar[five (5) business] days after the cabinet receives it, unless the cabinet approves or denies the registration within that time. The cabinet shall review the registration in accordance with Section 1 of this administrative regulation.

Section 4. Revocation of a Registered Permit by Rule. The cabinet may revoke a registered permit-by-rule for ~~the following causes~~:

(1) Noncompliance by the owner or operator with a condition of the registration;

(2) ~~[The] Owner, operator, or key personnel failure[fail]~~ owners, operator's, or key personnel's failure during the registration process to disclose all information required by the cabinet during the registration process;

(3) ~~The~~ Owner, operator, or key personnel **misrepresentation of misrepresentation** ~~owner's, operator's, or key personnel's misrepresentation of~~ any information required by the cabinet ~~at any time~~;

(4) **A cabinet determination** ~~The~~ **cabinet determines** ~~cabinet's determination~~ that the operation endangers human health, safety, or the environment;

(5) ~~The~~ Owner, operator, or key personnel **violation of violate** ~~owner's, operator's or key personnel's violation of~~ any requirement of KRS Chapter 224 or 401 KAR Chapters 30 through 49 ~~the administrative regulations promulgated pursuant thereto~~; or

(6) A change to the registered-permit-by-rule that was made without complying with Section 3 of this administrative regulation.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) DEP 7059; "Solid Waste Transfer Station, Convenience Center, and Recycling Center", November 2016;

(b) DEP 7059-A; "Solid Waste Composting Facility", November 2016;

(c) DEP 7059-E; "Class I Solid Waste Landfarm", November 2016;

(d) DEP 7059-H; "Less-than-one-acre Construction/Demolition Debris", July 2024 ~~November 2016~~;

(e) DEP 7059-J; "Solid Waste Incinerator", November 2016;

(f) DEP 7064; "Annual Report for a Class I Solid Waste Landfarm", November 2016;

(g) DEP 7108; "Annual Report for a Solid Waste Composting Facility", November 2016; and

(h) DEP 7046; "Annual Waste Quantity Report", November 2016.

(2) This material may be inspected, copied, or obtained at the Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or at any of the division's field offices Monday through Friday, 8 a.m. to 4:30 p.m.; 2642 ~~Russellville~~ Russellville Road, Bowling Green, Kentucky 42101; 2751 Campbellsville Road, Columbia, Kentucky 42728; 8020 Veterans Memorial Drive, Suite 110, Florence, Kentucky 41042; 1332 State Highway 15, Hazard, Kentucky 41701; 875 South Main Street, London, Kentucky 40741; 9116 Leesgate Road, Louisville, Kentucky 40222-4925; Madisonville State Office Building, 625 Hospital Drive, Madisonville, Kentucky 42431; 525 Hecks Plaza Drive, Morehead, Kentucky 40351; 130 Eagle Nest Drive, Paducah, Kentucky 42003.

(3) This material is also available at the division Web site at eec.ky.gov/environmental-protection/waste.

FILED WITH LRC: February 10, 2025

CONTACT PERSON: Tyler Shields, Environmental Control Supervisor, Department for Environmental Protection, Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 782-5325, fax (502) 564-4245, email Tyler.Shields@ky.gov.

ENERGY AND ENVIRONMENT CABINET
Department Of Environmental Protection
Division Of Waste Management
(Amended at ARRS Committee)

401 KAR 48:320. Operating requirements for less than one (1) acre or expanded less than two (2) acre construction or [demolition debris landfills.

RELATES TO: KRS ~~224.1-010~~ 224.01-010, 224.10-100, 224.10-105, 224.40-100, 224.40-110, 224.40-120, 224.40-305, 224.40-310, 224.40-315, 224.40-320, 224.40-325, 224.40-330, 224.40-340, 224.40-605, 224.40-650, 224.43-010, 224.43-020, 224.43-070, 224.43-310, 224.43-315, 224.43-330, 224.43-340, 224.43-345, 224.43-350, 224.70-100, 224.70-110, 224.99-010, 224.99-020, 322.040

STATUTORY AUTHORITY: KRS 224.10-100(19)(c), ~~and~~ [(24), 224.40-100, 224.40-120, 224.40-305, 224.40-330, 224.40-605

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(19)(c) and [(24), 224.40-120, 224.40-305, 224.40-330, and

224.40-605 authorize the cabinet to promulgate administrative regulations for the management, processing, and disposal of wastes. KRS 224.40-305 requires that persons engaging in the management, processing, and disposal of waste obtain a permit. This administrative regulation establishes the technical requirements for less than one (1) acre or expanded less than two (2) acre construction or ~~demolition debris landfills.~~

Section 1. Applicability. This administration regulation shall apply ~~applies~~ to owners and operators of less than one (1) acre or expanded less than two (2) acre construction or ~~demolition debris landfills.~~ The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition debris landfill~~ shall operate the facility in accordance with the requirements of this administrative regulation.

Section 2. Requirement to Obtain a Registered Permit-by-rule. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition debris landfill~~ shall not begin construction or accept waste until the registered permit-by-rule for the facility has become effective as established ~~specified~~ in 401 KAR 47:110.

Section 3. Construction Requirements. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition debris landfill~~ located inside a "wellhead protection area," as defined by ~~in~~ 401 KAR 5:002, Section 1, shall construct and maintain a liner and leachate collection system.

(1) The liner shall:

(a) Be constructed of soil:

1. With a minimum thickness of twelve (12) inches; and

2. That includes a low permeability soil component with a minimum of twelve (12) contiguous inches of 1 x 10⁻⁷ centimeters per second maximum permeable material, or its equivalent; and

(b) Cover the bottom and sidewalls of the facility, with the bottom liner sloped toward a leachate collection system that complies with subsection (3) of this section.

(2) A professional engineer, licensed in Kentucky pursuant to KRS 322.040, shall supervise ~~oversee~~ the design and installation of the liner, including moisture and density tests, and shall certify that the liner meets the compaction requirements. The certification shall be submitted to the cabinet within ten (10) days of completion of the liner.

(3) The leachate collection system shall:

(a) Have a minimum of a twelve (12) inch layer of gravel, or a layer of equivalent performance, and a toe-drain; and

(b) Be discharged into a collection tank with a minimum capacity of 1000 gallons.

(4) A professional engineer licensed in Kentucky, pursuant to KRS 322.040, shall supervise ~~oversee~~ the design and installation of the leachate collection system, and shall certify that the collection tank meets the capacity requirement. The certification shall be submitted to the cabinet within ten (10) days of completion of the liner.

Section 4. Operating Requirements.

(1) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or ~~demolition debris landfill~~ shall comply with ~~the following operating requirements~~:

(a) The environmental performance standards of 401 KAR 30:031;

(b) The siting requirements of 401 KAR 48:050, Sections 1 through ~~2, and~~ 3;

(c) The liner and a leachate collection system as established ~~specified~~ in Section 3 of this administrative regulation, if the landfill is to be located in a wellhead protection area;

(d) The groundwater protection plan requirements of 401 KAR 5:037;

(e) The requirements of KRS 224.40-120;

(f) The operator certification requirements established pursuant to KRS 224.40-605; and

(g) The annual report requirement of 401 KAR 47:110, Section 2(3).

VOLUME 51, NUMBER 9– March 1, 2025

(2) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill shall:

(a) Dispose only of "construction or [A]demolition waste," or construction material as defined by [in] 401 KAR 48:005, Section 1(18);

(b) Not dispose of electrical fixtures containing hazardous liquids, such as fluorescent light ballasts or transformers;

(c) ~~[Properly]~~ Dispose of any non-construction or [A]demolition debris landfill waste at a ~~[properly]~~ permitted disposal facility;

(d) During operation, clearly delineate the horizontal boundary with slats, stakes, or other types of easily identifiable permanent markers to show that the constructed boundary is within the permitted boundary;

(e) Install silt fencing, hay bales, or other appropriate best management practices to prevent sediment from leaving any area disturbed by construction, including stockpiled soil and borrow pit areas. The sediment controls shall be kept in good operating order;

(f) Only accept cabinet-approved waste from sources listed in the registration ~~and approved by the cabinet~~. Wastes may be added by submitting a revised registration pursuant to 401 KAR 47:110, Section 3(~~3~~);

(g) Place the waste in layers, two (2) feet thick or smaller, and compact each layer thereafter;

(h) Cover each ten (10) foot lift with a minimum of six (6) inches compacted soil;

(i) Maintain a buffer zone of 750 yards from any other less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill permitted boundary;

(j) Remove landfill debris, mud, and waste from off-site roadways; ~~and~~

(k) ~~Limit the [The]~~ maximum capacity of a less than one (1) acre construction or [and] demolition debris landfill ~~[shall] not to exceed 40,000 cubic yards of waste; and [;]~~

(l) Limit the maximum capacity of a less than one (1) acre construction or demolition debris landfill that has been expanded to a less than two (2) acre construction or demolition debris landfill not to exceed a total combined volume of 110,000 cubic yards of waste.

(3) Interim cover period. The owner or operator:

(a) Shall place interim soil cover in a manner to eliminate protruding waste over an area that will not receive at least twelve (12) cubic yards of waste within ninety (90) calendar days of the last waste placement;

(b) Shall not have more than one (1) acre of exposed waste at any given time;

(c) Shall not remove the interim cover until the day of waste placement;

(d) Shall place, compact, and grade the interim cover to promote positive drainage; and

(e) Shall apply temporary erosion controls at the time of placing interim cover.

Section 5. Closure Requirements. The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill shall close the facility as established in the section. ~~[follows:]~~

(1) The landfill shall be covered with a soil cap, two (2) feet thick, and the entire disturbed area shall be vegetated within thirty (30) days of ceasing to accept waste. The cabinet may approve an alternative cover ~~[of equivalent performance]~~ proposed by the owner or operator if the alternative cover is of equivalent performance.

(a) The vegetation shall consist of:

1. A minimum of two (2) legumes;
2. One (1) annual grass; and
3. One (1) perennial grass, in sufficient poundage to provide at least ninety (90) percent ground coverage for the disturbed area.

(b) The grass seed shall be covered with at least one and one-half (1.5) tons of straw mulch or an alternative that delivers equivalent performance per acre.

(c) The straw mulch or its alternative shall be stabilized with netting on slopes that exceed fifteen (15) percent.

(d) The final cap shall have a slope of between five (5) percent and twenty-five (25) percent upon completion of the final grading.

(2) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill shall record a notice, with the property deed, on which the less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill is located.

(a) The notice shall notify, in perpetuity, any potential purchaser of the property of the landfill's location and dates of operation, the nature of the waste disposed, and impose a restriction against any disturbance of the cap.

(b) The notice shall be recorded in accordance with KRS Chapter 382, and proof of recording shall be submitted to the cabinet prior to the cabinet's approval of closure.

(3) The owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill shall, upon completion of closure of the facility, contact the cabinet for a closure inspection and release of the bond, as established [described] in 401 KAR 48:310.

(4) Closure shall be completed no later than thirty (30) days after final [last] receipt of waste.

Section 6. Corrective Action Requirements.

(1) If the cabinet determines that a threat to human health, safety, or the environment exists, the owner or operator of a less than one (1) acre or expanded less than two (2) acre construction or [A]demolition debris landfill shall conduct corrective action in accordance with 401 KAR 48:300, Section 8.

(2) The owner or operator shall certify to the cabinet that corrective action has been completed ~~in accordance with this section~~.

(3) The cabinet shall determine that corrective action has been completed before releasing the bond.

FILED WITH LRC: February 10, 2025

CONTACT PERSON: Tyler Shields, Environmental Control Supervisor, Department for Environmental Protection, Division of Waste Management, 300 Sower Boulevard, Frankfort, Kentucky 40601, phone (502) 782-5325, fax (502) 564-4245, email Tyler.Shields@ky.gov.

**JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(Amended at ARRS Committee)**

502 KAR 10:120. Hazardous materials endorsement requirements.

RELATES TO: KRS 281A.120, 281A.130, 281A.150, 281A.160, 281A.170, 49 U.S.C. 5103a, 49 C.F.R. Parts 383, 1515, 1572

STATUTORY AUTHORITY: KRS 281A.040

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281A.040 authorizes any state agency vested with a specific responsibility to have the necessary power and authority to promulgate administrative regulations to reasonably carry out the provisions of KRS Chapter 281A. 49 C.F.R. Part 1572 requires fingerprint verified criminal background checks on all persons obtaining or renewing a hazardous materials endorsement for a commercial driver's license. This administrative regulation establishes the necessary procedures for conducting fingerprint verified criminal background checks and establishing the location of the fingerprinting centers where the Kentucky State Police shall take fingerprints and transmit them to the federal government.

Section 1. Definitions.

(1) "CDL" or "Commercial Driver's License" is defined by KRS 281A.010(5) and 49 C.F.R. 383.5.

(2) "CDL testing location" means the department's regional CDL testing offices.

(3) "Determination of no security threat" is defined by 49 C.F.R. 1572.15(d)(1).

(4) "DOT" means the federal Department of Transportation.

(5) "Final Determination of Threat Assessment" is defined by 49 C.F.R. 1572.15(d)(4).

VOLUME 51, NUMBER 9– March 1, 2025

- (6) "HME" means hazardous materials endorsement.
- (7) "Initial Determination of Threat Assessment" is defined by 49 C.F.R. 1572.15(d)(2).
- (8) "KSP" means the Kentucky State Police.
- (9) "Proper identification" means:
 - (a) A driver's license issued by the applicant's state where they will obtain or have obtained a commercial driver's license; or
 - (b) With respect to non-United States citizens applying for a hazardous materials endorsement for a commercial driver's license, proper identification means valid and unrestricted documentation establishing lawful nonimmigrant alien, asylee, or refugee status.
- (10) "TSA" means the federal Transportation Security Administration.

Section 2. Initial Applications for HME.

(1) An applicant applying for a hazardous materials endorsement shall first obtain a commercial driver's instruction permit or CDL prior to requesting a security threat assessment from the TSA. ~~["The applicant shall submit application information in accordance with 49 C.F.R. 1572.9. The applicant shall further submit to a fingerprint verified criminal background check conducted by KSP."]]~~

(2) To begin the process, an applicant shall contact KSP at the following phone number to make an appointment: 1-888-655-9655.

(3) An applicant shall bring proper identification, be prepared to provide the information required by 49 C.F.R. 1572.9, and submit to a fingerprint verified criminal background check at the appointment~~and a completed "Transportation Security Administration Application for a Hazardous Materials Endorsement," OMB No. 1652].~~

(4) An applicant shall pay a [\$115 fee for a fingerprint-based background check until December 1, 2024. Beginning December 2, 2024, an applicant shall pay a \$138.25 fee for a fingerprint-based background check. The fee may be paid by:

- (a) Certified check;
- (b) Cashier's check;
- (c) Money order; or
- (d) Electronically before the appointment at https://secure.kentucky.gov/formservices/KSP/hazmat_FP.

(5) An applicant shall be fingerprinted by KSP at a regional CDL testing location. KSP shall send the fingerprints to the Federal Bureau of Investigation for a fingerprint-verified criminal background check and send the biographical information sheet to the TSA.

(6) If TSA informs the Commonwealth of a finding of Determination of No Security Threat, then the applicant shall be notified by the Transportation Cabinet that he or she is eligible [to take the knowledge test required to qualify for the HME.

(7) If TSA informs the Commonwealth of a finding of Initial Determination of Threat Assessment, the applicant shall not be issued a HME. The applicant may appeal the TSA's determination in accordance with 49 C.F.R. 1515.5 or 1515.9. Following appeal, if the applicant receives a Final Determination of Security Threat Assessment, the applicant may seek a waiver from the TSA in accordance with 49 C.F.R. 1515.7.

(8) Within fifteen (15) days after the TSA has notified the Commonwealth of a Determination of No Security Threat or of a finding of Final Determination of Security Threat Assessment, the Transportation Cabinet shall update the applicant's permanent record to reflect the results of the security threat assessment, the issuance or denial of an HME, and the new expiration date of the HME.

Section 3. Renewal Applications for HME.

(1) The Transportation Cabinet shall send persons holding a HME notice of renewal at least sixty (60) days prior to expiration.

(2) Persons wishing to renew their HME shall begin the renewal process at least thirty (30) days prior to expiration.

(3) To begin the renewal process, a renewal applicant shall contact KSP at the following phone number to make an appointment: 1-888-655-9655. ~~["A renewal applicant shall submit to fingerprinting and further complete the "Transportation Security Administration Application for a Hazardous Materials Endorsement," OMB No. 1652-0027, containing all information necessary for the TSA to complete the required assessment as~~

~~described in 49 C.F.R. 1572.9 no later than thirty (30) days prior to the expiration of the HME endorsement.]]~~

(4) A renewal applicant shall bring to the appointment proper identification, be prepared to provide the information required by 49 C.F.R. 1572.9, and submit to a fingerprint verified criminal background check at the appointment~~and a completed "Transportation Security Administration Application for a Hazardous Materials Endorsement," OMB No. 1652-0027].~~

(5) A renewal applicant shall pay a [\$115 fee for a fingerprint-based background check until December 1, 2024. Beginning December 2, 2024, a renewal applicant shall pay a \$138.25 fee for a fingerprint-based background check. The fee may be paid by:

- (a) Certified check;
- (b) Cashier's check;
- (c) Money order; or
- (d) Electronically before the appointment at https://secure.kentucky.gov/formservices/KSP/Hazmat_FP.

(6) A renewal applicant shall be fingerprinted by KSP at a regional CDL testing location. KSP shall send the fingerprints to the Federal Bureau of Investigation for a fingerprint verified criminal background check and send the biographical information sheet to the TSA.

(7) ~~["If the Commonwealth has not received notification from TSA of the results of the security threat assessment prior to the expiration of the renewal applicant's HME, the Transportation Cabinet may extend the expiration date of the HME for a period of up to ninety (90) days. Any additional extension shall be approved by TSA."]]~~

~~[(8)]~~ If TSA informs the Commonwealth of a finding of Determination of No Security Threat, then the renewal applicant shall be notified by the Transportation Cabinet that he or she is eligible [to take the knowledge test required to qualify for the HME.

~~[(8)]~~~~[(9)]~~ If TSA informs the Commonwealth of a finding of Initial Determination of Threat Assessment, the renewal applicant shall not be issued ~~an~~~~a~~ HME. The renewal applicant may appeal the TSA's determination under the procedures set forth in 49 C.F.R. 1515.5 or 1515.9. Following appeal, if the renewal applicant receives a Final Determination of Security Threat Assessment, the applicant may seek a waiver from TSA in accordance with 49 C.F.R. 1515.7.

~~[(9)]~~~~[(10)]~~ Within fifteen (15) days after the TSA has notified the Commonwealth of a Determination of No Security Threat or of a finding of Final Determination of Security Threat Assessment, the Transportation Cabinet shall update the applicant's permanent record to reflect the results of the security threat assessment, the issuance or denial of an HME, and the new expiration date of the HME.

~~[(10)]~~~~[(11)]~~ An applicant who has received a passing score on the HME test and is applying for a Class C CDL with a hazardous materials endorsement shall drive a Class C placarded vehicle for the skills test.

Section 4. Transfer Applications For HME. [(1)] In accordance with 49 C.F.R. 1572.13(e), an applicant who applies to transfer an existing HME from another state to the Commonwealth shall not be required to undergo a new security threat assessment until the security threat assessment renewal period established in the preceding issuing state, not to exceed five (5) years, expires.

FILED WITH LRC: February 10, 2025

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Kentucky State Police
(Amended at ARRS Committee)

502 KAR 12:010. Sexual assault forensic-medical examination protocol.

RELATES TO: KRS 15A.160, 16.132, Chapter 49, 72.020, 209.020(4), 209.030, 209A.020, 209A.030, [209A.030,]209A.100, 209A.110, 209A.130, 211.600, 216B.015(27), 216B.400,

VOLUME 51, NUMBER 9– March 1, 2025

216B.990(3), 314.011(14), 403.707, 421.570, 510.010-510.140, 524.140, ~~529.010(3), 529.010(14), 529.010(2), 529.010(13)~~, 529.100, 530.020, 530.064(1)(a), 531.310, 600.020, 620.030, 34 U.S.C. 10449, 45 C.F.R. 164.512

STATUTORY AUTHORITY: KRS 15A.160, 216B.400
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.160 authorizes the Justice and Public Safety Cabinet to promulgate administrative regulations for the administration of all laws and functions ~~that~~ *which* are vested in the cabinet, except laws and functions vested in the Department of Public Advocacy. KRS[] 216B.400 requires the cabinet to promulgate administrative regulations developing a statewide medical protocol for sexual assault examinations. This administrative regulation establishes the procedures to be followed by medical staff before, during, and after the examination of a victim of a sexual assault.

Section 1. Definitions.

(1) "Basic treatment" means basic medical care provided to victims of sexual offenses, including a medical screening, an examination for medical injuries, treatment for sexually transmitted infections, and, if appropriate, delivery of postexposure HIV prophylaxis.

(2) "Designated storage facility" means an examination facility, local law enforcement agency, or other agency that has an agreement with an examination facility to provide secure storage for samples collected during sexual assault forensic-medical examinations that are not immediately reported to law enforcement.

(3) "Examination Facility" means a sexual assault examination facility, as defined ~~by~~ *in* KRS 216B.015(27).

(4) "Qualified medical professional" means any physician's assistant or advanced practice registered nurse whose training and scope of practice include performance of speculum examinations.

(5) "Rape crisis center advocate" means a victim advocate who:

- (a) Has met the requirements of KRS 421.570; and
- (b) Works or volunteers for a rape crisis center regulated by the Cabinet for Health and Family Services, pursuant to KRS 211.600 and 922 KAR 8:010.[]

(6) "Victim" means a person who may have suffered direct, threatened, or attempted physical or emotional harm from the commission or attempted commission of:

- (a) A sexual offense, pursuant to KRS 510.010 to 510.140;
- (b) Incest, pursuant to KRS 530.020; or
- (c) An offense relating to:

- 1. The use of a minor in a sexual performance, pursuant to KRS 531.310;
- 2. An unlawful transaction with a minor, pursuant to KRS 530.064(1)(a); or
- 3. Human trafficking for commercial sexual activity, pursuant to KRS ~~529.010(3), 529.010(14), 529.010(2), 529.010(13)~~, and 529.100.

Section 2. Preforensic-Medical Examination Procedure. If a person seeking treatment as a victim arrives at an examination facility, the appropriate staff at the facility prior to conducting the forensic-medical examination shall comply with the following requirements:[]

(1) Reporting to the Rape Crisis Center Advocate. The examination facility staff shall:

- (a) Contact the rape crisis center to inform the on call advocate that a victim has arrived at the examination facility for an examination; and
- (b) Upon arrival of the advocate, ask if the victim wishes to have a rape crisis center advocate present for the examination or otherwise available for consultation.

(2) Limited Mandatory Reporting to the Cabinet for Health and Family Services.

(a) If the victim is less than eighteen (18) years old, the examination facility ~~staff~~ *staff* shall:

- 1. Assess whether the victim may be an abused, neglected, or dependent child, as defined in KRS 600.020. If child abuse, neglect, or dependency is suspected, medical personnel shall immediately report the incident to the Cabinet for Health and Family Services, a local or state law enforcement agency, or the Commonwealth's attorney or county attorney in accordance with KRS 620.030; and

2. If a report is made, consult with the Cabinet for Health and Family Services or law enforcement to determine whether referral to a regional children's advocacy center or other specialized treatment facility is in the best interest of the child.

(b) If the victim is eighteen (18) years old or older, the examination facility staff shall:

1. Not contact law enforcement or release any information to law enforcement without the victim's authorization.

2. If the victim may be an adult as defined in KRS 209.020(4), immediately report the incident to the Cabinet for Health and Family Services and notify the victim of the report.

(3) Optional Reporting to Law Enforcement. The examination facility staff shall:

(a) Ask if the victim wants to report the incident to law enforcement.[][:]

(b) If the victim chooses to report the incident to law enforcement, obtain the victim's consent for treatment and authorization for release of information, and contact law enforcement; and

(c) If the victim chooses not to report to law enforcement, keep information or samples from release to law enforcement, unless the victim has specifically authorized the release of information or samples.

(4) Mandatory Reporting to Law Enforcement. Any professional, as defined by KRS 209A.020, who learns of the death of a victim with whom he or she had a professional interaction, shall immediately notify law enforcement if the professional believes domestic or dating violence or abuse caused, contributed, or is related to the victim's death, in accordance with KRS 209A.110.

(5) Examination facility staff shall:

(a) Inform the victim that all statements made during the interview and the sample collection process to physicians, nurses, ~~or~~ other hospital personnel, or law enforcement officers are not privileged and may be disclosed;

(b) Provide a detailed explanation of the forensic-medical examination, the reasons for conducting the forensic-medical examination, and the effect on a criminal prosecution if a forensic examination is not performed or reported to law enforcement;

(c) Advise the victim that photographs and other documentation, if released to law enforcement, may be used as evidence and that the photographs may include the genitalia;

(d) Advise the victim that the forensic-medical examination, including basic treatment, shall be conducted free of charge, but costs related to additional medical treatment may be incurred.[][:]

(e) Inform the victim that consent for the forensic sample collection process may be withdrawn at any time during the examination;

(f) Inform the victim of the need for a physical examination due to the risk of sexually transmitted infections, including HIV, pregnancy, injury, or other medical problems whether or not the victim chooses to have the evidence collected;

(g) Obtain documented consent from the victim prior to conducting the forensic-medical examination; and

(h) Document that the procedures established in this section are completed.

Section 3. The Forensic-Medical Examination.

(1) A physical examination may be conducted for basic treatment and to collect samples in all cases of sexual assault, regardless of the length of time that may have elapsed between the time of the assault and the examination itself.

(2) If the reporting patient is a child, examination facility staff shall refer to the "Kentucky Medical Protocol for Child Sexual Assault/Abuse Evaluation" developed by the Sexual Assault Response Team Advisory Committee for guidance in conducting the forensic evidence ~~exam~~ *team* ~~exam~~.

(3) If the sexual assault occurred within ninety-six (96) hours prior to the forensic-medical examination, a Kentucky State Police Sexual Assault Evidence Collection Kit shall be used. The examination facility shall enter the kit information into the sexual assault forensic evidence kit tracking portal, as prescribed by KRS 16.132.

(4) Personnel in attendance during the forensic examination shall be limited to the following persons:

- (a) Examining physician, sexual assault nurse examiner, as defined in KRS 314.011(14), or qualified medical professional;
- (b) Attending nurse and additional nursing personnel;
- (c) Rape crisis center advocate; and
- (d) Other persons who are:
 1. Dictated by the health needs of the victim; or
 2. Requested by the victim.

(5) Photographs, including photographs of the genitalia, may be taken if the appropriate equipment is available at the examination facility, precautions are taken to ensure confidential storage, and the victim has consented to having photographs taken.

(6) The following types of samples may be collected during the examination:

- (a) Hairs from the head or ~~pubic~~~~public~~[pubic] region;
- (b) Fingernail cuttings, swabs, or scrapings;
- (c) Clothing fibers, or other trace evidence;
- (d) Bodily fluids, including:
 1. Semen;
 2. Blood;
 3. Sweat; and
 4. Saliva;
- (e) Clothing; and
- (f) Other samples that may be presented as evidence at a trial.

(7) Samples shall not be collected if the victim is unconscious unless the collection is consistent with appropriate and necessary medical treatment.

(8) The collection of samples shall cease immediately if the victim dies during the process.

(9) The coroner shall be contacted if the victim dies during the sexual assault medical-forensic examination, and the samples processed and the evidence collected up to that time shall be delivered to the coroner or the coroner's designee. Collection of samples may be completed by medical personnel if requested by the coroner.

(10) The coroner shall be notified in accordance with KRS 72.020 and samples shall not be collected if the victim is deceased upon arrival at the examination facility.

Section 4. Postforensic Examination Procedures. At the conclusion of the forensic-medical examination the appropriate personnel at the examination facility shall provide the victim with:

(1) Information regarding follow-up procedures and appointments concerning:

- (a) ~~Sexually~~~~Sexual~~[Sexually] transmitted infections, including HIV;
- (b) Pregnancy;
- (c) Urinary tract or other infections; and
- (d) Similar assault related health conditions;

(2) Information regarding the availability of follow-up counseling and support services available from a rape crisis center or other mental health agency;

(3) Information from the law enforcement officer regarding who to contact about the prosecution of the offense in cases reported to law enforcement;

(4) A garment or other appropriate ~~clothing~~~~clothing~~[clothing] to wear in leaving the examination facility, or assistance in obtaining other personal ~~clothing~~~~clothing~~[clothing];

(5) Information about:

(a) The Office of Claims and Appeals[], as established in KRS Chapter 49; and

(b) The following administrative regulations providing aid to a crime victim:

1. 802 KAR 3:010; ~~and~~
2. 802 KAR 3:020; ~~and~~

(6) The appropriate educational materials, as described in KRS 209A.130, if it has been determined that the patient may be a victim of dating or domestic violence and abuse, as defined in KRS 209A.020; ~~and~~[-]

(7) If the victim chooses not to report to law enforcement, information about:

- (a) Length of time samples will be stored;

(b) Whom the victim may contact to file a report or authorize the release of samples; and

(c) Whether the samples will be automatically destroyed or transferred for extended storage if the victim does not request release of samples to law enforcement within the specified period.

Section 5. Storage and Transfer of Samples.

(1) Chain of custody documentation shall be maintained throughout all storage and transfer procedures.

(2) All samples shall be stored under circumstances that restrict access to reduce the likelihood of tampering and protect the chain of custody. The number of individuals with access to the storage area shall be limited to the minimum number possible.

(3) The following information shall be maintained for each sample stored:

- (a) Patient identifier;
- (b) Date collected;
- (c) Description of sample;
- (d) Signature of the collecting medical professional;
- (e) Date and time entered into storage and signature of person receiving; and
- (f) Date and time removed from storage, signature of person removing, and purpose of removal.

(4) If the victim chooses to report the incident to law enforcement as a crime or has authorized the release of samples to local law enforcement for secure storage, the appropriate law enforcement agency shall be notified of the report within twenty-four (24) hours of the examination. The examination facility shall transfer samples to local law enforcement officials within five (5) days.

(5) Law enforcement officials shall comply with the storage requirements prescribed within KRS 524.140.

(6) Law enforcement officials shall submit the kit for analysis to the Kentucky State Police Forensics Laboratories within thirty (30) days.

(7) If the victim chooses not to report the incident to law enforcement as a crime when the examination is performed, the examination facility shall arrange for the samples to be stored securely for at least a period of one (1) year. An agency that elects to maintain custody of an unreported kit shall continue to maintain custody of the kit for at least one (1) year from the collection date.

(8) The examination facility may either store samples or transfer samples to a designated storage facility.

(9) The examination facility shall maintain documentation regarding ~~transfers~~~~transfer~~[transfers] of ~~the~~ samples.

(10) Facilities or agencies ~~providing~~~~procuring~~[providing] secure storage of samples under this section shall assure compliance with this section and ensure that samples are stored within a locked or otherwise secure container in a limited-access location.

(11) Storage agreements:

- (a) May be long-term or case specific; and
- (b) Shall designate sending and receiving facilities and certify compliance with subsections (1) through (9) of this section.

(12) If the victim chooses not to report the incident to law enforcement as a crime when the examination is performed, samples shall not be released to a law enforcement agency, except if:

- (a) The local law enforcement agency receiving samples has entered into an agreement to serve as a designated storage facility;
- (b) The victim later chooses to file a delayed report; or
- (c) Pursuant to a court order.

Section 6. Removal of Samples from Secure Storage. Samples shall not be permanently removed from storage except if:

- (1) The victim authorizes release of samples to a law enforcement agency or other entity;
- (2) The time frame for storage has lapsed, as established by Section ~~5(7)~~~~5~~~~(9)~~[(6)] of this administrative regulation;
- (3) The victim authorizes the destruction of the samples; or
- (4) A court order has been issued for release or destruction.

Section 7. Destruction of Samples.

(1) One (1) [year after the sample was collected, the examination facility or designated storage facility may destroy the sample at any time in accordance with ~~the that~~ [the] facility's policy.

(2) Destruction shall be conducted using biohazard precautions.

(3) Destruction shall be documented by the examination facility or designated storage facility that stored the samples.

(4) Samples may be destroyed upon ~~the~~ [the] request of a victim. The victim's request for destruction shall be documented by the examination facility and designated storage facility, if used.

Section 8. Incorporation by Reference.

(1) Sexual Assault Response Advisory Committee Guidance "Kentucky Medical Protocol for Child Sexual Assault-Abuse Evaluation", 2024[2024] edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Association of Sexual Assault Programs, Inc., 83 C.[83-C] Michael Davenport Boulevard, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Children's Advocacy Centers of Kentucky Web site at <https://cackentucky.org/>.

FILED WITH LRC: February 10, 2025

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.

**PUBLIC PROTECTION CABINET
Department of Financial Institutions
Division of Non-Depository Institutions
(Amended at ARRS Committee)**

808 KAR 9:010. Deferred deposit database compliance.

RELATES TO: KRS 286.9-010(7)(6), 286.9-075, 286.9-100(1), (7), (9), (10), (18), (19), 286.9-140[.]

STATUTORY AUTHORITY: KRS 286.9-090(1), 286.9-100, 286.9-140(1)[.]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 286.9-100(9) prohibits licensees from having more than two (2) deferred deposit transactions from any one (1) customer at any one (1) time and limits the total proceeds received by a customer from all deferred deposit transactions to \$500. KRS 286.9-140(1) requires the commissioner to implement a common database with real-time access through an internet connection accessible to the department and licensees to verify whether any deferred deposit transactions are outstanding for a particular person and authorizes the commissioner to promulgate administrative regulations[adopt rules] to administer and enforce KRS 286.9-140. This administrative regulation establishes requirements for licensee use of the database established pursuant to KRS 286.9-140.

Section 1. Closed Deferred Deposit Service Transactions. The Commissioner deems the following occurrences as closed deferred deposit service transactions pursuant to[Definitions. The following shall be additional definitions of "closed" or "close" under] KRS 286.9-010(7)(6)(e):

(1) The customer's payment instrument was unpaid and the licensee has sold the underlying debt to a non-affiliated third party without recourse;

(2) The underlying debt represented by the customer's payment instrument has been discharged in bankruptcy;

(3) The database provider has designated the deferred deposit transaction concerning the customer's payment instrument as closed pursuant to KRS 286.9-140(7); or

(4) The licensee has reported to the database provider that the deferred deposit transaction concerning the customer's payment instrument is closed following being held open pursuant to KRS 286.9-140(7).

Section 2. Deferred Deposit Database Requirements.

(1) A licensee shall institute procedures and maintain an accounting system designed to:

(a) Prevent the licensee from entering into transactions with a customer in violation of KRS 286.9-100(9), including procedures for:

1. Maintaining a record of all current transactions with the licensee; and

2. Checking the record of current transactions with the database prior to issuance of a new transaction; and

(b) Generate reports that will readily permit examination and verification of compliance with KRS 286.9-100(9), KRS 286.9-140, and this section by department examiners.

(2) For each deferred deposit transaction, a licensee shall submit:

(a) The customer's date of birth;

(b) The check number of the payment instrument, if applicable;

(c) The database verification fee of \$2.25, which may be paid directly by the licensee or charged to the customer[. if any];

(d) The service fee charged to the customer; and

(e) The date the payment instrument was deposited or otherwise presented for payment.

(3) A licensee shall indicate in the database whether the customer entered into the deferred deposit transaction in person, electronically, or by via telephone.

(4)[(3)] A licensee shall not cause a closed deferred deposit transaction to be reopened in the database unless:

(a) The deferred deposit transaction was closed by reason of clerical error by the licensee;

(b) The licensee caused the deferred deposit transaction to be reopened on or before the close of business on the business day after the transaction was closed; and

(c) Reopening the transaction would not cause the customer to exceed the transaction limits set forth in KRS 286.9-100(9).

(5)[(4)] A licensee shall not accept, collect, or seek payment on a deferred deposit transaction that is designated as closed in the database.

(6)[(5)] A licensee that has reported to the database provider that a deferred deposit transaction is open beyond the maturity date pursuant to KRS 286.9-140(7) shall immediately notify the database provider when the transaction becomes closed.

(7)[(6)] A new licensee or an existing licensee applying for an additional location shall establish an account with the database provider for each location prior to the time of application.

FILED WITH LRC: February 10, 2025

CONTACT PERSON: Gary Stephens, Assistant General Counsel, 500 Mero Street, 2SW19, Frankfort, Kentucky 40601, phone 502-782-9046, fax 502-573-8787, email gary.stephens@ky.gov or Marni Gibson, Commissioner, Dept. of Financial Institutions, 500 Mero Street, 2SW19, Frankfort, Kentucky 40601, phone 502-782-9053, fax 502-573-8787, email Marni.Gibson@ky.gov.

**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Fiscal Management
(Amended at ARRS Committee)**

907 KAR 10:015. Payments for outpatient hospital services.

RELATES TO: KRS 205.520, 205.637, 205.8451, 216.380, 42 C.F.R. 400.203, 412.105, 413.70, 413.75, 438.114, 440.2, 440.20(a), 447.321, 42 U.S.C. 1395l(h), (dd)(e)(1), 1396r-8(a)(7)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560, 205.637(3), 205.6310, 205.8453, 42 U.S.C. 1396a, 1396b, 1396d

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has the responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the method for determining amounts payable by the Medicaid Program for outpatient hospital services.

Section 1. Definitions.

(1) "Critical access hospital" or "CAH" means a hospital meeting the licensure requirements established in 906 KAR 1:110 and KRS 216.380.

(2) "Department" means the Department for Medicaid Services or its designee.

(3) "Emergency medical condition" is defined by 42 U.S.C. 1395dd(e)(1).

(4) "Federal financial participation" is defined in 42 C.F.R. 400.203.

(5) "Finalized" means approved or final as determined by the Centers for Medicare and Medicaid Services (CMS).

(6) "Flat rate" means a set and final rate representing reimbursement in entirety with no subsequent cost settling.

(7) "Lock-in recipient" means a recipient enrolled in the department's lock-in program pursuant to 907 KAR 1:677.

(8) "Lock-in recipient's designated hospital" means the hospital designated to provide nonemergency care for a lock-in recipient pursuant to 907 KAR 1:677.

(9) "Nonemergency" means that a condition or situation does not require an emergency service pursuant to 42 C.F.R. 438.114[447-53].

(10) "Outpatient cost-to-charge ratio" means the ratio determined by dividing the Medicaid-adjusted costs reported on Supplemental Worksheet E-3, Part VIII, [Page 12]column 2, line 21[27] of the cost report by the Medicaid-adjusted charges reported on column 2, line 12[20] of the same schedule.

(11) "Recipient" is defined by KRS 205.8451(9).

Section 2. In-State Outpatient Hospital Service Reimbursement.

(1)

(a) Except for critical access hospital services, outpatient hospital laboratory services, or a service referenced in subsection (6) of this section, the department shall reimburse on an interim basis for in-state outpatient hospital services at a facility specific outpatient cost-to-charge ratio based on the facility's most recently filed cost report.

(b) An outpatient cost-to-charge ratio shall be expressed as a percent of the hospital's charges.

(2) Except as established in subsection (6) of this section, a facility specific outpatient cost-to-charge ratio paid during the course of a hospital's fiscal year shall be designed to result in reimbursement, at the hospital's fiscal year end, equaling ninety-five (95) percent of a facility's total outpatient costs incurred during the hospital's fiscal year.

(3) Except as established in subsections (4) and (6) of this section:

(a) Upon reviewing an in-state outpatient hospital's as submitted cost report for the hospital's fiscal year, the department shall preliminarily settle reimbursement to the facility equal to ninety-five (95) percent of the facility's total outpatient costs, excluding laboratory services, incurred in the corresponding fiscal year; and

(b) Upon receiving and reviewing an in-state outpatient hospital's finalized cost report for the hospital's fiscal year, the department shall settle final reimbursement, excluding laboratory services, to the facility equal to ninety-five (95) percent of the facility's total outpatient costs incurred in the corresponding fiscal year.

(4)

(a) The department's total reimbursement for outpatient hospital services shall not exceed the aggregate limit established in 42 C.F.R. 447.321.

(b) If projections indicate for a given state fiscal year that reimbursing for outpatient hospital services at ninety-five (95) percent of costs would result in the department's total outpatient hospital service reimbursement exceeding the aggregate limit established in 42 C.F.R. 447.321, the department shall proportionately reduce the final outpatient hospital service reimbursement for each hospital to equal a percent of costs which shall result in the total outpatient hospital reimbursement equaling the aggregate limit established in 42 C.F.R. 447.321.

(5) In accordance with 42 U.S.C. 1396r-8(a)(7), a hospital shall include the corresponding healthcare common procedure coding

(HCPC) code if billing a revenue code of 250 through 261 or 634 through 636 for an outpatient hospital service.

(6)

(a) Except for a critical access hospital, the department shall reimburse a flat rate of twenty-five (25) dollars for a screening of a lock-in recipient to determine if an emergency medical condition exists.

(b) A hospital shall use revenue code 451 to bill for a service referenced in paragraph (a) of this subsection.

(c) A service or reimbursement for a service referenced in paragraph (a) of this subsection, shall not be included:

1. With a hospital's costs for reimbursement purposes; and

2. In any cost settlement between the department and hospital.

(7) In accordance with 907 KAR 10:014:

(a) Except for a service referenced in subsection (6) of this section, the department shall not reimburse for a nonemergency service, other than a screening in accordance with 907 KAR 10:014, Section 2(6)(a), provided to a lock-in recipient if provided by a hospital other than the lock-in recipient's designated hospital.

(b) The department shall not reimburse for a nonemergency service provided to a lock-in recipient in an emergency department of a hospital.

Section 3. Out-of-State Outpatient Hospital Service Reimbursement. Excluding services provided in a critical access hospital and laboratory services, reimbursement for an outpatient hospital service provided by an out-of-state hospital shall be ninety-five (95) percent of the average in-state outpatient hospital cost-to-charge ratio.

Section 4. Critical Access Hospital Outpatient Service Reimbursement.

(1) The department shall reimburse for outpatient hospital services in a critical access hospital as established in 42 C.F.R. 413.70(b) through (d).

(2) A critical access hospital shall comply with the cost reporting requirements established in Section § 6 of this administrative regulation.

Section 5. Outpatient Hospital Laboratory Service Reimbursement.

(1) The department shall reimburse for an in-state or out-of-state outpatient hospital laboratory service:

(a) At the Medicare-established technical component rate for the service in accordance with 907 KAR 1:028 if a Medicare-established component rate exists for the service; or

(b) By multiplying the facility's current outpatient cost-to-charge ratio by its billed laboratory charges if no Medicare rate exists for the service.

(2) Laboratory service reimbursement, in accordance with subsection (1) of this section, shall be:

(a) Final; and

(b) Not settled to cost.

(3) An outpatient laboratory hospital laboratory service shall be reimbursed in accordance with this section regardless of whether the service is performed in an emergency room setting or in a nonemergency room setting.

Section 6. Direct Graduate Medical Education Costs at In-State Hospitals with Graduate Medical Education Programs.

(1) If federal financial participation for outpatient direct graduate medical education (DGME) costs is not provided to the department, the department shall not reimburse eligible in-state hospitals for outpatient DGME costs.

(2)

(a) If federal financial participation for outpatient DGME costs is provided to the department, the department shall:

1.(a) Provide a supplemental outpatient DGME payment to in-state hospitals for the outpatient direct costs of a graduate medical education program approved by Medicare as established in this subsection.

2.[4] Effective for the state fiscal year beginning July 1, 2024, the department shall make an annual outpatient DGME supplemental payment for the direct costs of graduate medical

VOLUME 51, NUMBER 9– March 1, 2025

education incurred by in-state hospitals with a graduate medical education program approved by Medicare.

(b)(2) A supplemental DGME payment shall be made:

1.(a) Separately from the per visit and cost settlement payment methodologies;

2.(b) On an annual basis; and

3.(c) Using the hospital's cost report period ending in the calendar year one (1) year prior to the beginning of the state fiscal year. For example, for the state fiscal year beginning July 1, 2024, the cost report period ending in calendar year 2023 shall be utilized.

(c)(b) The annual supplemental DGME payment shall equal the difference between the supplemental DGME amount minus any DGME payments received through outpatient cost settlements and any outpatient DGME payments received from managed care organizations.

(d)(c) The department shall determine a supplemental DGME amount equal to the product of:

1. Total DGME costs, obtained from Worksheet B, Part 1, Line 118, Columns 21 and 22 of the hospital's Medicare cost report **submitted pursuant to Section 8(1) of this administrative regulation**; and

2. The hospital's Medicaid outpatient net revenue, including both fee-for-service and managed care, divided by net revenue from Medicaid, obtained from Worksheet S-10, line 2 of the hospital's Medicare cost report **submitted pursuant to Section 8(1) of this administrative regulation**.

Section 7. Indirect Medical Education Payments at In-State Hospitals with Graduate Medical Education Programs.

(1) If federal financial participation for outpatient indirect medical education (IME) costs is not provided to the department, the department shall not reimburse eligible in-state hospitals for outpatient IME costs.

(2) If federal financial participation for outpatient IME costs is provided to the department, the department shall:

(a) As established in this subsection, provide a supplemental outpatient IME payment to a hospital that is owned or operated by a state university or a state university related party organization, with a state university affiliated graduate medical education program approved by Medicare.

(b) Effective for the state fiscal year beginning July 1, 2024, make an annual IME payment to state university teaching hospitals equal to:

1.

a. The total of all outpatient hospital base payments received from fee-for-service Medicaid during the previous year multiplied by the sum of one (1) and the adjusted hospital specific IME factor determined in accordance with **paragraph (c) of this subsection [subparagraph 4. plus]**; and

b.(2) The total of all outpatient hospital base payments received from managed care organizations in the previous year multiplied by the sum of one (1) and the adjusted hospital specific IME factor in accordance with **paragraph (c) of this subsection; and**

2. Minus [subparagraph 4., minus]

(3) IME payments, if any, included in the outpatient cost settlement.

(c)(4) The adjusted hospital-specific IME factor shall be calculated pursuant to 42 C.F.R. [§]412.105(d), except that the count of FTE residents reported on Worksheet E, Part A, Lines 10 and 11, Column 1 of the Medicare cost report **submitted pursuant to Section 8(1) of this administrative regulation** shall be substituted for the numerator of the ratio of full-time equivalent residents to beds described in **42 C.F.R. 412.105 paragraph (d)(1) therein**.

(d)(5) The annual calculation described in this subsection shall utilize the hospital's cost report period ending in the calendar year one (1) year prior to the beginning of the state fiscal year. For example, for the state fiscal year beginning July 1, 2024, the cost report period ending in calendar year 2023 shall be utilized.

Section 8. Cost Reporting Requirements.

(1) An in-state outpatient hospital participating in the Medicaid Program shall submit to the department a copy of the Medicare cost report it submits to CMS, an electronic cost report file (ECR), the

Supplemental Medicaid Schedule KMAP-1, the Supplemental Medicaid Schedule KMAP-4 and the Supplemental Medicaid Schedule KMAP-6.

(a) A cost report shall be submitted:

1. For the fiscal year used by the hospital; and
2. Within five (5) months after the close of the hospital's fiscal year.

(b) Except as provided in subparagraph 1 or 2 of this paragraph, the department shall not grant a cost report submittal extension.

1. The department shall grant an extension if an extension has been granted by Medicare. If an extension has been granted by Medicare, when the facility submits its cost report to Medicare, it shall simultaneously submit a copy of the cost report to the department.

2. If a catastrophic circumstance exists, as determined by the department (for example flood, fire, or other equivalent occurrence), the department shall grant a thirty (30) day extension.

(2) If a cost report submittal date lapses and no extension has been granted, the department shall immediately suspend all payment to the hospital until a complete cost report is received.

(3) If a cost report indicates payment is due by a hospital to the department, the hospital shall submit the amount due or submit a payment plan request with the cost report.

(4) If a cost report indicates a payment is due by the hospital to the department and the hospital fails to remit the amount due or request a payment plan, the department shall suspend future payment to the hospital until the hospital remits the payment or submits a request for a payment plan.

(5) An estimated payment shall not be considered payment-in-full until a final determination of cost has been made by the department.

(6) A cost report submitted by a hospital to the department shall be subject to departmental audit and review.

(7) Within seventy (70) days of receipt from the Medicare intermediary, a hospital shall submit to the department a printed copy of the final Medicare-audited cost report including adjustments.

(8)

(a) If it is determined that an additional payment is due by a hospital after a final determination of cost has been made by the department, the additional payment shall be due by a hospital to the department within sixty (60) days after notification.

(b) If a hospital does not submit the additional payment within sixty (60) days, the department shall withhold future payment to the hospital until the department has collected in full the amount owed by the hospital to the department.

Section 9.[Section 7.] Federal Financial Participation. A provision established in this administrative regulation shall be null and void if the Centers for Medicare and Medicaid Services:

- (1) Denies federal financial participation for the provision; or
- (2) Disapproves the provision.

Section 10.[Section 8.] Appeals. A hospital may appeal a decision by the department regarding the application of this administrative regulation in accordance with 907 KAR 1:671.

Section 11.[Section 9.] Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Supplemental Worksheet E-3, Part **VII, III, Page 12**", **December 2010/May 2004** edition["];
- (b) "Supplemental Medicaid Schedule KMAP-1", January 2007 edition;
- (c) "Supplemental Medicaid Schedule KMAP-4", January 2007 edition; and
- (d) "Supplemental Medicaid Schedule KMAP-6", January 2007 edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m., or online, <https://www.chfs.ky.gov/agencies/dms/Pages/default.aspx>.

FILED WITH LRC: February 10, 2025

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A,

VOLUME 51, NUMBER 9– March 1, 2025

Frankfort, Kentucky 40621; phone 502-564-7476; 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 Senate Standing Committee on Families and Children, February 11, 2025, and House Standing Committee on Families and Children, February 13, 2025)

922 KAR 1:490. Background checks for foster and adoptive parents and relative and fictive kin caregivers.

RELATES TO: KRS 17.500-17.580, 27A.090, 194A.005(1), 199.011(6), (9), (14), 199.462(1), 199.470(4), 211.684, 600.020(7), (28), (40), (61), (62), 605.090(1)(b), (6), 605.120, 605.130, 620.050(5), Chapter 625, 45 C.F.R. 1356.30, 42 U.S.C. 247d, 671(a)(20), 5106a, 5141

STATUTORY AUTHORITY: KRS 194A.050(1), 199.462(5), 199.640(5), 605.120(5), (6), 605.130(7), 605.150

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 199.462(5) requires the cabinet to promulgate an administrative regulation for the purpose of requiring a criminal background investigation on behalf of a foster or adoptive parent applicant, an adult member of the applicant's household, or a relative or fictive kin caregiver. KRS 605.150 authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS 605.130(7), by which the cabinet shall perform ~~such~~ other services as may be deemed necessary for the protection of children. KRS 199.640(5) requires the secretary~~authorizes the cabinet~~ to promulgate administrative regulations establishing basic standards of care and service for child-placing agencies relating to the health and safety of all children in the care of the agency. 45 C.F.R. 1356.30 requires criminal record checks be conducted for prospective foster and adoptive parents. This administrative regulation establishes background check requirements for relative and fictive kin caregivers, ~~or~~ applicants seeking to provide foster or adoptive services, or individuals seeking an independent adoption. Additionally, this administrative regulation imposes a stricter requirement than the federal mandate because the cabinet requires the denial of an applicant if: (1) a criminal record check conducted on behalf of an adult household member reveals physical abuse, battery, or a drug or alcohol-related felony within the previous five (5) year period or a felony involving a spouse, a child, sexual violence, or death; or (2) a child abuse or neglect check conducted by the cabinet reveals that a household member, twelve (12) years of age or older, committed sexual abuse or sexual exploitation of a child, has been responsible for a child fatality related to abuse or neglect, or has had parental rights terminated involuntarily.

Section 1. Definitions.

(1) "Address check" means a search of the Sex Offender Registry to determine if an address is a known address of a registered sex offender.

(2) "Administrative review" means that the status of the individual subject to the child abuse and neglect check is pending the outcome of an:

(a) Investigation or assessment in accordance with 922 KAR 1:330; or

(b) Appeal concerning a cabinet substantiated finding of child abuse or neglect.

(3) "Adolescent member of the household" means a youth who:

(a) Resides in the home of:

1. An individual who applies for approval or has been approved to provide foster or adoptive services; or

2. A relative or fictive kin caregiver;

(b) Is age twelve (12) through age seventeen (17); and

(c) Is not placed in the home by a state agency.

(4) "Adult member of the household" means an adult who:

(a) Resides in the home of:

1. An individual who applies for approval or has been approved to provide foster or adoptive services;~~or~~

2. A relative or fictive kin caregiver; or

3. An individual applying for an independent non-relative adoption as defined in 922 KAR 1:010 or an independent relative adoption petitioner who is exempt as defined in KRS 199.470(4); and

(b) Is eighteen (18) years of age or older.

(5) "Applicant" means an individual who applies for approval as a foster or adoptive parent of a child ~~in the custody of the state~~ under:

(a) 922 KAR 1:350, Requirements for public child welfare agency foster parents, adoptive parents, and respite care providers;~~or~~

(b) 922 KAR 1:310, Standards for child-placing agencies placing children who are in the custody of a state agency;

(c) 922 KAR 1:315, Standards for child-placing agencies placing children who are not in the custody of a state agency; or

(d) 922 KAR 1:010, Independent non-relative adoptions.

(6) "Cabinet" is defined by KRS 194A.005(1) and 600.020(7).

(7) "Child fatality" is defined by KRS 211.684.

(8) "Child-placing agency" is defined by KRS 199.011(6).

(9) "Fictive kin" is defined by KRS 199.011(9) and 600.020(28).

(10) "KARES system" means the cabinet's secure, web-based application used to access abuse and neglect registries and facilitate fingerprint-supported state and national criminal background checks for authorized users of the system.

(11) "Kentucky National Background Check Program" or "NBCP" means a background screening program administered by the cabinet in accordance with 906 KAR 1:190.

(12) "Near fatality" is defined by KRS 600.020(40) and 42 U.S.C. 5106a(b)(4)(A).

(13) "Rap back system" is defined by KRS 199.011(14).

(14) "Relative caregiver" means a relative with whom the child is, or shall be, placed by the cabinet.

(15) "Sex Offender Registry" means the registration system for adults who have committed sex crimes or crimes against minors established in accordance with KRS 17.500 through 17.580.

(16) "Sexual abuse" is defined by KRS 600.020(61).

(17) "Sexual exploitation" is defined by KRS 600.020(62).

Section 2. Background Checks Required for Foster or Adoptive Parent Applicants.

(1) An applicant pursuant to 922 KAR 1:310 or 922 KAR 1:350, and each adult member of the household, shall submit to a background check in accordance with Section 4 of this administrative regulation, which shall include:

(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:

1. Kentucky Justice and Public Safety Cabinet; or

2. Administrative Office of the Courts;

(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years;

(c) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation; and

(d) An address check of the Sex Offender Registry.

(2) Prior to approval of an applicant pursuant to 922 KAR 1:310 or 922 KAR 1:350, each adolescent member of the household shall complete a DPP-157, Background Check Request for Foster or Adoptive Applicants and Adolescent or Adult Household Members, and submit to a child abuse or neglect check conducted by the cabinet.

(3) An exemption to the fingerprint check requirement pursuant to subsection (1)(c) of this section may be granted by the department if an adult household member of the applicant is medically unable to appear for fingerprints, as set forth in a written request submitted by the agency to designated department staff, which shall include:

(a) The adult household member's name and date of birth;

(b) The nature of the adult household member's medical condition necessitating an exemption; and

(c) Attached medical documentation of the adult household member's medical condition [if a household member of the applicant is bedridden, homebound, or medically unable to appear for fingerprints, the agency shall submit a memo to designated cabinet staff].

Section 3. Background Checks for Foster or Adoptive Applicants Who Will Accept Placement of a Child Not in the Custody of the Cabinet.

(1) An individual applying to accept placement of a child not in the custody of or otherwise made the legal responsibility of the cabinet or the Department of Juvenile Justice, pursuant to ~~922 KAR 1:315~~[922 KAR 1:310], shall be exempt from enrollment in KARES and subject to the requirements established in Section ~~9(3)~~[8(3)] of this administrative regulation.

(2) An applicant pursuant to ~~922 KAR 1:315~~[922 KAR 1:310] and each adult and adolescent member of the household shall complete a separate DPP-157 and submit to:

(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:

1. Kentucky Justice and Public Safety Cabinet; or
2. Administrative Office of the Courts;

(b) A child abuse or neglect check conducted by the cabinet pursuant to 922 KAR 1:470;

(c) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation; and

(d) An address check of the Sex Offender Registry.

(3) A Kentucky child abuse or neglect check conducted by the cabinet shall identify the name of each applicant, adolescent member of the household, or adult member of the household who has:

- (a) Been found by the cabinet to have:
 1. Committed sexual abuse or sexual exploitation of a child;
 2. Been responsible for a child fatality or near fatality related to abuse or neglect;
 3. Abused or neglected a child within the seven (7) year period immediately prior to the application; or
 4. Had parental rights terminated; or
- (b) A matter pending administrative review.
- (4) An applicant shall not be approved if:

(a) A criminal records check reveals that the applicant, or adult member of the household, has a:

1. Felony conviction involving:
 - a. A spouse, a child, sexual violence, or death as described by 42 U.S.C. 671(a)(20); or
 - b. Physical abuse, battery, a drug, or alcohol within the five (5) year period prior to application; or
2. Criminal conviction relating to child abuse or neglect; ~~or~~

[3.] [Civil judicial determination related to child abuse or neglect;]

(b) A child abuse or neglect check reveals that the applicant, adolescent member of the household, or adult member of the household, has been found to have:

1. Committed sexual abuse or sexual exploitation of a child;
2. Been responsible for a child fatality or near fatality related to abuse or neglect; or
3. Had parental rights terminated involuntarily in accordance with KRS 625.050 through 625.120 or another state's laws; or

(c) An address check of the Sex Offender Registry and supporting documentation confirm that a sex offender resides at the applicant's home address.

(5) An individual identified in accordance with subsection (3) of this section may submit an open records request in accordance with 922 KAR 1:510.

Section 4. Fingerprint-Based Background Checks.

(1) Fingerprint-based background checks shall be conducted for the following individuals through the Kentucky National Background Check Program pursuant to 906 KAR 1:190, using the KARES system:

(a) An applicant pursuant to 922 KAR 1:310 or 922 KAR 1:350 and each adult member of the household; and

(b) A relative or fictive kin caregiver who has lived outside of the state of Kentucky within the last five (5) years; ~~and~~

~~[(c)] [An applicant who was approved under the waiver for fingerprint-based background checks during the declared national emergency caused by the COVID-19 pandemic, with only a name-based criminal background check].~~

(2) An individual meeting the criteria of subsection (1) of this section shall provide to the cabinet or child-placing agency:

(a) A copy of his or her driver's license or other government-issued photo identification for verification that the photograph and name clearly match the individual submitting to the check; and

(b) A completed and signed:

1. DPP-162, Applicant Waiver Agreement and Statement; and
2. DPP-163, Disclosures to be Provided to and Signed by the Applicant and Adult Household Members.

(3) Cabinet or child-placing agency staff shall log on to the NBCP portal and enter the individual's information for a check of the:

(a) Child abuse and neglect **check conducted by the cabinet for each state of residence during the past five (5) years [central registry pursuant to 922 KAR 1:470];**

(b) National Crime Information Center's National Sex Offender Registry in accordance with 34 U.S.C. 20921; ~~and~~

(c) Sex Offender Registry in accordance with KRS 17.500 through 17.580;

(d) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:

- 1. Kentucky Justice and Public Safety Cabinet; or**
- 2. Administrative Office of the Courts; and**

(e) A criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation.

(4)

(a) In accordance with KRS 199.462(2) and 42 U.S.C. 671(a)(20), the cabinet or child-placing agency shall submit payment by[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 an applicant's rap back has not expired, a new fingerprint check shall not be required.

(b) A child-placing agency enrolled in the NBCP shall pay a fee not to exceed ~~thirty (30)~~[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 for each applicant.

(5)

~~[(a)] [Upon submission of payment in accordance with subsection (4) of this section, cabinet or child-placing agency staff shall print a copy of the DPP-164, Applicant Live Scan Fingerprinting Form, from the NBCP portal and provide the form to the applicant, adult member of the household, or relative or fictive kin caregiver.]~~

~~[(b)] Cabinet or child-placing agency staff shall have[:]~~

~~[1.] [Have] no more than ninety (90) calendar days from the date of payment pursuant to subsection (4) of this section to submit the applicant's fingerprints at an authorized collection site for NBCP; and]~~

~~[2.] [Instruct the applicant or other individual to present the completed DPP-164 and copy of driver's license or other government-issued photo identification to the designated agent at an authorized collection site prior to fingerprint submission].~~

(6) Upon completion of the background check required by this section, ~~or~~Section 6, or Section 7 of this administrative regulation, the cabinet shall provide notice to the requesting agency that the applicant or individual is:

(a) Approved; or

(b) Not approved due to a disqualifying background check result pursuant to subsection (7) of this section.

(7) An applicant or individual shall not be approved if the results of the background check indicate a:

- (a) Felony conviction involving:

VOLUME 51, NUMBER 9– March 1, 2025

1. A spouse, a child, sexual violence, or death as established in 42 U.S.C. 671(a)(20); or

2. Physical abuse, battery, drugs, or alcohol within the five (5) year period prior to application;

(b) Criminal conviction relating to child abuse or neglect;

(c) ~~[(Civil judicial determination related to child abuse or neglect);~~

~~[(d)]~~ Result of a child abuse or neglect check in which the applicant, relative or fictive kin caregiver, adolescent member of the household, or adult member of the household, has been found to have:

1. Committed sexual abuse or sexual exploitation of a child;

2. Been responsible for a child fatality or near fatality related to abuse or neglect; or

3. Had parental rights terminated involuntarily pursuant to KRS 625.050 through 625.120 or another state's laws; or

~~[(d)]~~~~[(e)]~~ Result of an address check in the Sex Offender Registry and supporting documentation that a sex offender resides at the applicant's or individual's home address.

(8) An applicant or individual meeting the requirement of subsection (1) of this section may submit an open records request in accordance with 922 KAR 1:510.

Section 5. Request for a Child Abuse or Neglect Check from Another State.

(1) The cabinet shall conduct a child abuse or neglect check as required by 42 U.S.C. 671(a)(20) if a:

(a) Completed DPP-157 or DPP-159, Background Check Request for Relative and Fictive Kin Caregivers, or Adolescent and Adult Household Members, is submitted to the cabinet; or

(2) numeric identifiers.

(2) The cabinet shall:

(a) Protect the confidentiality of the information transmitted by the cabinet to a child welfare agency; and

(b) Waive the fee specified in 922 KAR 1:470.

Section 6. Background Checks Required for a Relative or Fictive Kin Caregiver.

(1) A relative or fictive kin caregiver, and each adult member of the household, shall complete a DPP-159 and submit to:

(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:

1. Kentucky Justice and Public Safety Cabinet; or

2. Administrative Office of the Courts;

(b) A child abuse or neglect check conducted by the cabinet; and

(c) An address check of the Sex Offender Registry conducted by the cabinet;

(2) A relative or fictive kin caregiver, and each adult member of the household, who has lived outside the state of Kentucky during the past five (5) years shall complete a~~and]~~

~~[(d)]~~ [A] fingerprint-based background check conducted through the NBCP, pursuant to Section 4 of this administrative regulation, beginning July 1, 2021, if the relative or fictive kin caregiver, or adult household member, has lived outside the state of Kentucky during the past five (5) years].

~~[(2)]~~ (3) An adolescent member of a relative or fictive kin caregiver's household shall complete a DPP-159 and submit to a child abuse or neglect check conducted by the cabinet.

~~[(3)]~~ (4) A child abuse or neglect check conducted by the cabinet shall identify the name of each applicant and adolescent and adult member of the household and include any finding consistent with Section 4(7) of this administrative regulation.

~~[(4)]~~ (5) A relative or fictive kin caregiver shall not be approved if a criminal records check, a child abuse and neglect check, or an address check of the Sex Offender Registry reveals a finding consistent with Section 4(7) of this administrative regulation.

~~[(5)]~~ (6) An individual meeting the requirement of subsection (1) of this section may submit an open records request in accordance with 922 KAR 1:510.

Section 7. Background Check Requirements for an Independent Relative or Non-Relative Adoption.

(1) An individual applying for an independent non-relative adoption pursuant to 922 KAR 1:010 or an independent relative adoption petitioner who is exempt as defined in KRS 199.470(4), and each adult member of the household, shall submit to a background check, which shall include:

(a) An in-state criminal records check, conducted pursuant to KRS 199.462(1), by the:

1. Kentucky Justice and Public Safety Cabinet; or

2. Administrative Office of the Courts;

(b) A child abuse or neglect check conducted by the cabinet for each state of residence during the past five (5) years; and

(c) An address check of the Sex Offender Registry conducted by the cabinet.

(2) An applicant, and each adult member of the household, who has lived outside the state of Kentucky during the past five (5) years shall complete a criminal records check conducted by means of a fingerprint check of the Criminal History Record Information administered by the Federal Bureau of Investigation.

(3) Prior to approval of an individual, each adolescent member of the household shall complete a DPP-157 and submit to a child abuse or neglect check conducted by the cabinet.

Section 8.~~Section 7.~~ Approval.

(1) Except for the provisions of Section 4(7) or ~~6(5)~~~~6(4)]~~ of this administrative regulation, approval of an applicant, including an applicant for an independent adoption, fictive kin, or relative caregiver who has been convicted of a nonviolent felony or misdemeanor, has been found by the cabinet or another child welfare agency to have abused or neglected a child, or whose parental rights have been terminated voluntarily, shall be handled on a case-by-case basis with consideration given to the:

(a) Nature of the offense;

(b) Length of time that has elapsed since the event; and

(c) Applicant's life experiences during the ensuing period of time.

(2) Except for the provisions of Section 4(7) or ~~6(5)~~~~6(4)]~~ of this administrative regulation, an applicant, fictive kin, or relative caregiver may be approved on a case-by-case basis in accordance with the criteria described by subsection (1)(a) through (c) of this section if:

(a) An adolescent member of the household has:

1. Been found by the cabinet to have abused or neglected a child; or

2. Had parental rights terminated voluntarily in accordance with KRS 625.040 through 625.046 or another state's laws; or

(b) An adult member of the household has:

1. Been convicted of a nonviolent felony or misdemeanor; or

2. Been found to have abused or neglected a child; or

3. Had parental rights terminated voluntarily in accordance with KRS 625.040 through 625.046 or another state's laws.

Section 9.~~Section 8.~~ Reevaluation.

(1) Once enrolled in KARES, an approved foster or adoptive parent and each adult member of the household shall maintain enrollment in KARES.

(2)

(a) An approved foster or adoptive parent and each adult member of the household enrolled in KARES shall annually, prior to or during the anniversary month of initial KARES determination, undergo:

1. A child abuse or neglect check conducted by the cabinet; and

2. An address check of the Sex Offender Registry conducted by the cabinet.

(b) An active foster or adoptive home shall be closed if an individual undergoing an annual check pursuant to this subsection has a disqualifying background check result established in Section 4(7) of this administrative regulation.

(3) [An approved foster or adoptive parent and each adult member of the household not already enrolled in KARES, with the exception of individuals specified in Sections 3 and 7] of this administrative regulation, shall submit to a fingerprint-based background check required by Section 4 of this administrative regulation prior to or during the anniversary month of initial approval.]

~~[(4)]~~ [(3)] An applicant specified in Section 3 of this administrative regulation and not enrolled in KARES shall submit annually, prior to or during the anniversary month of initial approval, to:

- (a) A criminal records check as described in Section 2(1)(a) of this administrative regulation;
 - (b) A child abuse or neglect check conducted by the cabinet;
- and
- (c) An address check of the Sex Offender Registry.

~~(4)~~ [(5)] [(4)]

(a) If an adult becomes a new member of an approved foster or adoptive parent's household, the new adult member of the household shall submit to background checks within thirty (30) calendar days of residence within the household in accordance with Section 4 of this administrative regulation.

(b) If an adult becomes a new member of a relative or fictive kin caregiver's household, the new adult member of the household shall submit to background checks within thirty (30) calendar days of residence within the household in accordance with Section 6 of this administrative regulation.

~~[(6)]~~ [(5)] If an adolescent becomes a new member of an approved foster or adoptive parent or a relative or fictive kin caregiver's household, the new adolescent member of the household shall submit to a child abuse and neglect check conducted by the cabinet within thirty (30) calendar days of residence within the household in accordance with Section 2(2) or 6(2) of this administrative regulation, respectively.

Section 10.~~[Section 9.]~~ Maintenance of Records.

(1) A child-placing agency shall maintain the approval status of each foster and adoptive applicant who has submitted to a fingerprint-based criminal background check by reporting the status in the NBCP web-based system.

(2) A completed copy of each DPP-157 submitted pursuant to Section 2(2), 3(2), or 5 of this administrative regulation shall be maintained by the child-placing agency.

(3) A completed copy of each DPP-159 submitted and criminal records check conducted pursuant to Section 5 or 6 of this administrative regulation shall be maintained.

Section 11.~~[Section 10.]~~ Communications. This administrative regulation shall not limit the cabinet's ability to discuss the qualifications or fitness of an applicant or an existing foster or adoptive parent with a child-placing agency in accordance with:

- (1) KRS 620.050(5); or
- (2) The terms and conditions of:
 - (a) A release of information signed by the applicant or foster or adoptive parent; or
 - (b) The agreement between the cabinet and the child-placing agency.

Section 12.~~[Section 11.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "DPP-157, Background Check Request for Foster or Adoptive Applicants and Adolescent or Adult Household Members", ~~10/24~~~~[07/21]~~;

(b) "DPP-159, Background Check Request for Relative and Fictive Kin Caregivers, or Adolescent and Adult Household Members", ~~10/24~~~~[06/21]~~;

(c) "DPP-162, Applicant Waiver Agreement and Statement", 07/21; and

(d) "DPP-163, Disclosures to be Provided to and Signed by the Applicant and Adult Household Members", 06/21~~[-and]~~

~~[(e)]~~ [~~"DPP-164, Applicant Live Scan Fingerprinting Form", 06/21~~].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Cabinet for Health and Family Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed on the department's Web site at <https://chfs.ky.gov/agencies/dcbs/Pages/default.aspx>.

FILED WITH LRC: February 13, 2025

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A,

Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:510. Fees for veterinarians.

RELATES TO: KRS 321.190, 321.193, 321.201, 321.211, 321.221, 321.235, 321.320
STATUTORY AUTHORITY: KRS 321.193(2), 321.201(1), 321.211(1)–(3), (5), 321.221(1), 321.235(1)(c), 321.320
NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(c) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including to establish authorized fees. KRS 321.211(1) requires veterinarians to pay a renewal fee to the board as a condition of licensure. KRS 321.201 authorizes the board to issue a special permit for the practice of veterinary medicine, and KRS 321.235(1)(c) requires the board to set fees for such special permits. This administrative regulation establishes application, examination, renewal, late, reinstatement, inactive status, and retirement fees for veterinarians, as well as fees for special permits. This administrative regulation also establishes reduced and waived fees for military servicemembers.

Section 1. Payment and Submission of Fees.

(1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

~~[(3)] [In the event the board carry forward balance at the end of a fiscal year falls below \$200,000, the board's fees shall automatically increase 20% for the duration of the fiscal biennium.]~~

Section 2. Examination Fees for Veterinarians.

(1) The fee for the North American Veterinary Licensing Examination (NAVLE) shall be paid directly to the International Council for Veterinary Assessment (ICVA), its designee, or current test administrator.

(2) The fee for the Kentucky Board of Veterinary Examiners state jurisprudence exam shall be \$100 paid directly to the board.

~~[(3)] [The fee for an applicant to obtain board approval to retake the NAVLE shall be fifty (50) dollars paid directly to the board and attached to the Application for Retake of the NAVLE form as found in 201 KAR 16:530 or online equivalent form. In 2024, or at the time when the ICVA takes over the NAVLE eligibility review process, whichever is later, the KBVE shall no longer accept retake applications or collect retake fees.]~~

Section 3. Fees for Special Permits.

(1) The fee for a special permit issued by the board pursuant to KRS 321.201 shall be \$200.

(2) The fee shall be attached to either the Application for Licensure as a Veterinarian form incorporated by reference[as found] in 201 KAR 16:540 or the Application for a Special Permit[Retake of the NAVLE] form incorporated by reference[as found] in 201 KAR 16:530, or online equivalent forms.

(3) A special permit application shall be accepted by the board only if a current Application for Licensure as a Veterinarian is on file with the board or included with the application for special permit.

(4) A special permit shall not be renewed. Following expiration of a special permit, an individual shall reapply for a new special permit pursuant to the limitations established in KRS 321.201.

Section 4. Application Fees for Veterinarians.

(1) The application fee for a veterinarian license shall be \$350.

(2) The fee shall be attached to the completed Application for Licensure as a Veterinarian form incorporated by reference[as found] in 201 KAR 16:540 or online equivalent form, including all required attachments.

Section 5. Renewal Fees for Veterinarian Licenses.[=]

(1) The renewal deadline shall be September 30 of each year ending in an even number. The renewal biennium shall be the time period beginning the day after the renewal deadline to the next renewal deadline.

(2) Except as established in subsections (5) and (6) of this section, the biennial renewal fee for licensure as a veterinarian in active status shall:

(a) Until June ~~30[29]~~, 2026, be \$275;

(b) Between July 1[June 30], 2026, and June 30, 2028, be ~~\$495[350];[- and]~~

(c) Between July 1, 2028, and June 30, 2030[After June 30, 2028], be ~~\$550[400]; and~~

(d) Between July 1, 2030, and June 30, 2032, be \$550.

(3) The Renewal Application for Veterinarians form incorporated by reference[as found] in 201 KAR 16:570 or online equivalent form shall be complete, and include all required attachments, continuing education credits, and fee payment.

(4) No later than September 30 of the second year of the renewal biennium, the complete package shall be submitted to the board for review and approval.

(5) For veterinarians who are initially licensed in the second year of the biennium between 365 days and 182 days prior to the end of the renewal biennium, the licensure renewal fee shall be reduced by half during a licensee's first licensure cycle. The late fee for renewal, if applicable, shall not be reduced or waived without board authorization.

(6) For veterinarians who are initially licensed in the second year of the biennium between 181 days and the last day of the renewal biennium, the licensure renewal fee shall be waived during a licensee's first licensure cycle.

(7) Utilization of Renewal Grace Period.

(a) During the sixty (60) day grace period established by KRS 321.211(2), a licensed veterinarian who failed to meet the September 30 renewal deadline may continue to function as though licensed until a late renewal application is submitted to and approved by the board.

(b) The late fee for biennial renewal shall be \$300 in addition to the renewal fee established in subsections (2), (5), and (6) of this section.

(c) The veterinarian shall submit the complete Renewal Application for Veterinarians form incorporated by reference[as found] in 201 KAR 16:570 or online equivalent form, including all required attachments, continuing education hours, and fee payment, to the board between October 1 and November 30 of a year ending in an even number.

(8) A veterinarian's license shall expire if a renewal application package and all attachments, and late fee if applicable, is not submitted to the board by November 30 each year ending in an even number.

Section 6. Reinstatement Fees for Veterinarians.

(1)

(a) Except as established in subsection 2 of this section[], and Section 7 of this administrative regulation, if not more than five (5) years have elapsed since the last date of license expiration pursuant to KRS 321.211(6), a veterinarian shall pay a reinstatement fee as established in subparagraphs 1. through 3. of this paragraph to reinstate their license to active status.

1. Until June ~~30[29]~~, 2026, the licensure reinstatement fee shall be \$675.

2. Between July 1[June 30], 2026, and June 30, 2028, the licensure reinstatement fee shall be \$775.

3. After June 30, 2028, the licensure reinstatement fee shall be \$850.

VOLUME 51, NUMBER 9– March 1, 2025

(b) The applicant shall submit a complete Reinstatement Application for Veterinarians form **incorporated by reference[as found]** in 201 KAR 16:540 or online equivalent form, including all required attachments, to the board for reinstatement of their license.

(c) A veterinarian shall not apply for a new license during this five (5) year window; a reinstatement application shall be required.

(2) If more than five (5) years have elapsed since the last date of license expiration, a veterinarian shall apply as a new applicant to obtain a license in the Commonwealth of Kentucky.

Section 7. Inactive Status of License.

(1)

(a) A veterinarian shall request inactive licensure status in accordance with 201 KAR 16:580.

(b) If more than ninety (90) days prior to the renewal deadline or more than 150 days prior to the grace period deadline, the Request for Licensure Status Change form **incorporated by reference in 201 KAR 16:580, or online equivalent form**, shall be required, and there shall not be a fee.

(c) If less than ninety (90) days prior to the renewal deadline or less than 150 days prior to the grace period deadline, the Renewal Application for Veterinarians form **incorporated by reference in 201 KAR 16:570, or online equivalent form**, shall be required, and the required fee shall be paid as established in subsection (2) of this section.

(2) Renewal of an inactive veterinary license.

(a) The biennial renewal fee for inactive veterinarian licensure status shall be \$100 per renewal biennium.

(b) The late fee for biennial renewal of an inactive veterinarian license shall be \$200 in addition to the renewal fee established in paragraph(a) of this subsection, and shall apply to a veterinarian license in an inactive status that was not renewed by September 30 of the second year of the renewal biennium.

(c) A veterinarian license in an inactive status that is not renewed by November 30 shall be moved to an expired status.

(3) Reinstatement of inactive veterinarian license status to active status.

(a) A veterinarian licensee in inactive status may reinstate their license to active status in accordance with 201 KAR 16:580.

(b) There shall be a reinstatement fee due at the time of application, as established in subparagraphs 1. and 2. of this paragraph.

1. For an inactive veterinarian license that has been in inactive status less than twenty-four (24) months:

a. Until June ~~30~~~~29~~, 2026, the licensure reinstatement fee shall be \$500;

b. Between ~~July 1~~~~June 30~~, 2026, and June 30, 2028, the licensure reinstatement fee shall be ~~\$550~~~~\$650~~~~\$550~~; and

c. After June 30, 2028, the licensure reinstatement fee shall be ~~\$600~~~~\$750~~~~\$600~~.

2. For an inactive veterinarian license that has been in inactive status greater than twenty-four (24) months, the licensure reinstatement fee shall be \$400.

Section 8. Retirement of a Veterinary License.

(1)

(a) A veterinarian may request to retire their license at any time.

(b) The one-time fee for this service shall be twenty-five (25) dollars, which shall be attached to a Request for Licensure Status Change form **incorporated by reference[as found]** in 201 KAR 16:580 or the Renewal Application for Veterinarians form **incorporated by reference[as found]** in 201 KAR 16:570 or online equivalent forms.

(2) Once a license is retired it shall not be reactivated. If a veterinarian holds a retired license and wishes to practice again, they shall apply to the board for a new license to practice veterinary medicine in the Commonwealth of Kentucky.

Section 9. Fee Reduction for Military Personnel.

(1) If a veterinarian applicant submits a copy of their current military orders or DD-214 (or other documentation acceptable to the board) with their application or renewal paperwork, the board shall waive or reduce fees as established in this section.

(a) For active duty military, active reserves, and National Guard service persons, an individual's initial application fees, the Kentucky State Exam fee, and the biennial renewal fees shall be waived.

(b) For retired military personnel with twenty (20) or more years of service, an individual's initial application fees shall be waived, and the biennial renewal fees shall be reduced by half, rounded to the nearest whole dollar.

(c) For any other military veteran, the initial application fees shall be waived.

(d) All other requirements of licensure, including renewal deadlines and continuing education requirements established in 201 KAR 16:590, shall be met.

(2) In conformity with federal Pub.L. No 117-333, for a veterinarian applicant who is an active duty servicemember, or whose spouse is an active duty servicemember, all application fees to the board shall be waived if:

(a) The servicemember, or the service member's spouse, has their residency relocated to Kentucky for the duration of current military orders;

(b) The veterinarian holds at least one (1) license equivalent in scope in another United States jurisdiction;

(c) Within ninety (90) days of relocating, the veterinarian registers with the board on the Application for Licensure as a Veterinarian form **incorporated by reference[as found]** in 201 KAR 16:540 or online equivalent form, in conformity with **this subsection**~~[201 KAR 16:540, Section 1(4)]~~;

(d) The servicemember submits a copy of their current military orders to the board;

(e) All veterinarian licenses held in any jurisdiction by the veterinarian remain in good standing;

(f) In order to demonstrate compliance with the requirement of paragraph (e) of this subsection, the servicemember or their spouse submits an AAVSB VAULT report to the board; and

(g) The veterinarian licensee submits to the authority of the board for the purposes of standards of practice, discipline, and fulfillment of any continuing education requirements.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fees for persons seeking a veterinarian license from the board to gain the ability to practice veterinary medicine in Kentucky, and fees to maintain a veterinarian license and the ability to practice in the commonwealth.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the fees that the Kentucky Board of Veterinary Examiners (KBVE) approves for veterinarian licensure, as required in KRS 321.190, 321.193, 321.201(1), 321.211, and 321.235.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235 mandates that the board implement and enforce KRS Chapter 321. KRS 321.190 and 321.211 specifically require the board to charge application, examination, renewal, late, reinstatement, inactive status, and retirement fees.

(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 expressing what fees have been approved by the board in order to keep all mandated board programs operational and responsive to constituent needs.

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

VOLUME 51, NUMBER 9– March 1, 2025

(a) How the amendment will change this existing administrative regulation: Updating fees to ensure that the board remains operational, efficient, and responsive to both the public and licensee needs. In 2023, the KBVE attempted to phase in fees per the request of constituents and the Kentucky Veterinary Medical Association. However, the phased in approach has rapidly depleted the board's reserves. This coupled with unanticipated increases in operational and IT costs show projections placing the agency in a budget deficit by F.Y. 2028 if no changes are made. This fee increase is necessary to ensure that the board remains solvent and operational without need of any general funds.

(b) The necessity of the amendment to this administrative regulation: Changes are necessary to conform with the new Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. The Kentucky Board of Veterinary Examiners has determined this amendment is necessary keep all mandated board programs operational and ensure adequate staffing levels to keep the board responsive to the needs of the public and credential holders. Costs for the board have increased, and it is necessary to raise fees to continue uninterrupted operations.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.235 mandates that the board administer and enforce KRS Chapter 321. KRS 321.190 and 321.211 specifically require the board to charge application, examination, renewal, late, reinstatement, inactive status, and retirement fees.

(d) How the amendment will assist in the effective administration of the statutes: This amendment shall ensure transparency about the fees associated with applications for licensure as a veterinarian.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: 2,638 veterinarians, approximately 5 special permit holders, 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 have paid the fee prior to licensure or permitting, renewal, or reinstatement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with licensure.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. Fees for the KBVE come from license, certificate, permit, and registration fees and fees for services provided by the board, as established in this filing and the other fee filings. Operational costs for the board have increased, and it is necessary to raise fees to continue operations.

(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 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: Fees are established directly.

(9) TIERING: Is tiering applied? Tiering of fees is applied to applications from U.S. military servicemembers. Pursuant to public

law Public Law No 117-333, the board provides reduced or waived fees for active-duty military. Discharged and retired military servicemembers are also provided reduced or waived fees associated with licensure as a veterinary technician.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.193(2), 321.201(1), 321.211(1)–(3), (5), 321.221(1), 321.235(1)(c), 321.320

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinarian licensure program, database management, infrastructure, overhead, and contractors, including legal counsel, and investigators.

Revenues: This filing will generate approximately \$1.4 million on a biennial basis. Because veterinarians renew their license only every other year, the annual amount varies significantly. In F.Y.s ending in odd numbers, the regulation will generate only \$190,000; in F.Y.s ending in even numbers, the regulation will generate an additional \$1.2 million. The fees established in this administrative regulation pay approximately 82% of the board's expenses during a biennium. Cost Savings: This is not a new program. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Staff time and database management will be required for record keeping. Costs will also be outlaid for investigative and legal services to enforce the Kentucky Veterinary Medicine Practice Act.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A.

Revenues: N/A.

Cost Savings: N/A.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A.

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: Running an administrative program mandated by the General Assembly costs money. There are costs involved to apply for a new veterinarian license, renew or reinstate, pay late fees, maintain an inactive license, or retire veterinarian license, all used to pay programmatic costs and are shared across board operations. KBVE fees have only minimally changed in the past 30 years; the increase in fees is to ensure that the board can pay its bills and remain operational, efficient, and responsive to both the public and licensee needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Expenses include overhead, staffing and benefits, database usage and maintenance, IT for basic operations, maintenance of a website, essential contractors, legal counsel, investigators, etc. These fees shall ensure that the board and its staff remain operational, efficient, and responsive to both the public and constituent needs, while also

implementing new programs as mandated by the new Practice Act. Costs for the board have increased, and it is necessary to raise fees to continue operations. Once established and recurring, these fees are anticipated to generate revenue of approx. \$1,400,000 every two years, critical revenue for the functionality of all board services. The fees established in this administrative regulation pay approximately 82% of the board's expenses during a biennium.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: "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)] In most cases, fees from this administrative regulation will be less than \$600 per application or renewal. Reinstatement fees will be slightly higher due to the extra staffing costs related to auditing of continuing education and verification of application materials.

**BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)**

201 KAR 16:513. Fees for Allied Animal Health Professional (AAHP) Permits.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.235

STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(a)-(c) ~~requires and (2)(b)2 require~~ the Kentucky Board of Veterinary Examiners to promulgate administrative regulations as it may deem necessary and proper to effectively carry out and enforce the provisions of KRS Chapter 321, including regulations to establish authorized fees. KRS 321.235(2)(b)2. authorizes the board to promulgate administrative regulations regarding allied animal health professional (AAHP) permits. This administrative regulation establishes fees for ~~[allied animal health professional (AAHP)]~~ permits.

Section 1. Payment and Submission of Fees.

(1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

~~[(3) [In the event the board carry forward balance at the end of a fiscal year falls below \$200,000, the board's fees shall automatically increase 20% for the duration of the fiscal biennium.]~~

Section 2. Application Fees for Allied Animal Health Professional Permits

(1) The application fee for an AAHP permit shall be \$250.

(2) The fee shall be attached to the completed Application for Allied Animal Health Professional Provider Permit form incorporated by reference[as found] in 201 KAR 16:732 or online equivalent form, including all required attachments.

Section 3. Examination Fees for Allied Animal Health Professionals. The fee for the Kentucky Board of Veterinary Examiners State Jurisprudence Examination for AAHP applicants shall be \$100 paid directly to the board.

Section 4. Renewal Fees for Allied Animal Health Professional Permits. The following fees shall be paid to renew an AAHP permit.

(1) Except as established in subsection (2)[paragraph 2](c) of this section, the annual renewal fee for an AAHP permit in active status shall:

(a) Until June 30, 2026, be \$150;

(b) Between July 1, 2026 and June 30, 2028, be \$175; and

(c) After June 30, 2028, be \$200.

(2) On-time renewal.

(a) The fee shall be attached to the complete Renewal Application for AAHP Permits form incorporated by reference[as found] in 201 KAR 16:735 or online equivalent form, including all required attachments, continuing education credits, and other documents required by the board, ~~and~~

(b) The complete package shall be submitted to the board for review and approval not later than September 30 of each year.

(c) For an ~~AAHP~~AAHP permittee who is initially permitted 120 days prior to the end of the renewal period, the permit renewal fee and any continuing education (CE) shall be waived during the first permit cycle.

(3)

(a) A renewal grace period shall be provided for sixty (60) days following the renewal deadline. During the grace period, an AAHP permittee who failed to meet the September 30 renewal deadline may continue to function as though permitted by the board until a late renewal application is submitted to the board.

(b) The late fee for renewal shall be \$300 in addition to the renewal fee as described in subsection [Section 4](1) of this section[administrative regulation].

(c) The fee shall be attached to the complete Renewal Application for AAHP Permits form incorporated by reference[as found] in 201 KAR 16:735 or online equivalent form, including all required attachments, an accounting of earned continuing education hours, and other documents required by the board, to the board between October 1 and November 30. If audited by the board, the AAHP permittee shall provide proof of CE credits earned in accordance with 201 KAR 16:735.

(4) An AAHP's permit shall expire if no renewal application package and all attachments, and late fee if applicable, is paid to the board by November 30 of each year.

Section 5. Reinstatement Fees for Allied Animal Health Professional Permits.

(1) The reinstatement period is limited to five (5) years past the date of permit expiration.

(a) Except as provided by Section 6(3)(b)3. of this administrative regulation, if not more than five (5) years have elapsed since the last date of permit expiration, an AAHP may pay a reinstatement fee of \$675 and submit a complete Reinstatement Application for AAHP Permits form incorporated by reference[as found] in 201 KAR ~~[16:775]~~16:732 or online equivalent form, including all required attachments, to the board for reinstatement of the permit.

(b) An AAHP permittee shall not apply for a new permit during this five (5) year window; a reinstatement application shall be required.

(c) If more than five (5) years have elapsed since the last date of permit expiration, an AAHP shall apply as a new applicant to obtain a new permit from the Kentucky Board of Veterinary Examiners.

Section 6. Inactive Status of Permits.

(1)

(a) An AAHP permittee shall request inactive permit[licensure] status in accordance with 201 KAR 16:580.

(b) If more than ninety (90) days prior to the renewal deadline or more than 150 days prior to the grace period deadline, the Request for Licensure[Credential] Status Change form incorporated in 201 KAR 16:580, or online equivalent form shall be required, and there shall not be a fee.

(c) If less than ninety (90) days prior to the renewal deadline or less than 150 days prior to the grace period deadline, the Renewal Application for AAHP Permits incorporated by reference[incorporate] in 201 KAR 16:735, or online equivalent

VOLUME 51, NUMBER 9– March 1, 2025

form shall be required, and the required fee shall be paid as established in subsection (2) of this section.

(2) Renewal of an inactive AAHP permit.

(a) The annual renewal fee for inactive AAHP permits status shall be \$50 per renewal.

(b) The late fee for annual renewal of an inactive AAHP permit shall be \$150 in addition to the renewal fee as described in paragraph (a) of this subsection, and shall apply to a AAHP permit in an inactive status that was not renewed by September 30 of the renewal period.

(c) An AAHP permit in an inactive status that is not renewed by November 30 shall be moved to an expired status.

(3) Reinstatement of inactive AAHP permit status to active status.

(a) A AAHP permittee in inactive status may reinstate their permit to active status in accordance with 201 KAR 16:580.

(b) There shall be a reinstatement fee due at the time of application, as provided for in subparagraphs 1.-2. of this paragraph.

1. For an inactive AAHP permit that has been in inactive status less than twenty-four (24) months, the permit/licensure reinstatement fee shall be \$600.

2. For an inactive AAHP permit that has been in inactive status greater than twenty-four (24) months to seven (7) years, the permit reinstatement fee shall be \$400.[-]

3. After seven (7) years, the permit shall expire and the permit holder shall be required to apply for a new AAHP permit.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This new administrative regulation establishes the fees for persons seeking an allied animal health professional (AAHP) permit from the board to gain the ability to provide services as an AAHP provider on animals, and fees to renew and reinstate an AAHP permit.

(b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish the fees that the Kentucky Board of Veterinary Examiners (KBVE) approves for AAHP provider permitting, as mandated in KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235 requires the board to administer and enforce KRS Chapter 321. KRS 321.203 and 321.236 specifically require the board to collect fees for new, inactive, late, renewal, and reinstatement applications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing what fees have been approved by the board in order to keep all mandated programs operational and responsive to constituent needs.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

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

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

(d) How the amendment will assist in the effective administration of the statutes: N/A. 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: Approximately 20 persons in Kentucky

offering AAHP services are estimated to 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: Applicants will be required to have paid the fee prior to permitting, renewal, or reinstatement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with permitting.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. Fees for the board come from license, certificate, permit, and registration fees established in this filing and the other fee filings.

(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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications. The new fees for AAHP permittees establish revenue required for this new program.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Fees are established directly.

(9) TIERING: Is tiering applied? Tiering is not applied; all AAHP permit applicants pay the same fees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the AAHP permit program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: This filing will generate approximately \$5,000 the first year.

Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The General Assembly empowered the board to set fees based on costs. AAHP permittees shall renew every year with approx. annual revenue of \$3,000. Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

VOLUME 51, NUMBER 9– March 1, 2025

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: Running an administrative program mandated by the General Assembly costs money. AAHP permit application, renewal, and reinstatement fees shall be used to pay programmatic costs and are shared across board operations to keep fees as low as possible. Expenses include overhead, staffing and benefits, database usage and maintenance, IT for basic operations, maintenance of a website, essential contractors, legal counsel, investigators, etc. These fees shall ensure that the board and its staff remain operational, efficient, and responsive to both the public and constituent needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Once established and recurring, these fees are anticipated to generate revenue of approx. \$3,000 every year, critical revenue for the functionality of all board services.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board fees and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). The fees are minimal and are used for board operations to run the permit program.

(b) The methodology and resources used to reach this conclusion: "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] In most cases, fees from this administrative regulation will be less than \$300 per application or renewal. Reinstatement fees will be slightly higher due to the extra staffing costs related to auditing of CE and verification of application materials.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:515. Fees for veterinary facility registrations.

RELATES TO: KRS 321.203, 321.235, 321.320

STATUTORY AUTHORITY: KRS 321.203, 321.205, 321.235(1)(c), 321.236, 321.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(c) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to establish the fee amounts for all fees required by KRS Chapter 321 and the fees for services provided by the board. KRS 321.236(1)(a) and (4) ~~authorize~~**allow** the board to establish application fees for veterinary facilities and mobile units. This administrative regulation establishes fees for veterinary facility registrants and their associated mobile units, including the cost for application, renewal, and reinstatement.

Section 1. Payment and Submission of Fees.

(1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and

money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

~~[(3)] [In the event the board carry forward balance at the end of a fiscal year falls below \$200,000, the board's fees shall automatically increase 20% for the duration of the fiscal biennium.]~~

Section 2. Application Fees for Veterinary Facility Registration.

(1)

(a) In accordance with KRS 321.236(2), the initial registration fee for a veterinary facility that is registered with the board by June 30, 2025, shall be \$200 and reduced by half to \$100 for facilities registered by the mandated deadline.

(b) After June 30, 2025, the initial application fee for a veterinary facility with up to two (2) mobile units shall:

1. Until June 30, 2026, be \$500;

2. Between July 1, 2026, and June 30, 2028, be \$550; and

3. After June 30, 2028, be \$625.

(2) In addition to the initial application fee for a registered veterinary facility, an additional fee shall be paid to the board, calculated based on the number of mobile units associated with the facility, as follows:

(a) For a registered veterinary facility with two (2) or fewer mobile units identified on the application, no additional fees shall be collected; **and**

(b) For a registered veterinary facility with three (3) or more mobile units identified on the application, an additional fee **of twenty-five (25) dollars** per mobile unit shall be due to the board with the initial application for each additional mobile unit beyond two (2) mobile units per veterinary facility[;]

~~[1.] [Until June 30, 2025, \$25 per unit;]~~

~~[2.] [Between July 1, 2025, and June 30, 2027, \$50 per unit;]~~

~~[3.] [Between July 1, 2027, and June 30, 2029, \$75 per unit; and]~~

~~[4.] [After June 30, 2029, be \$100 per unit].~~

(3) The fees shall be attached to the completed Application for ~~Registration as a~~ Veterinary Facility **Registration** form **incorporated by reference[as found]** in 201 KAR 16:762 or online equivalent form, including all required attachments.

Section 3. Renewal Fees for Veterinary Facility Registration.
The following fees shall be paid biennially for the renewal of a veterinary facility registration:

(1)

(a) Except as provided for in subsection (3) of this section, the base renewal fee for a veterinary facility registration in active status shall **be \$200[;]**

~~[1.] [Until September 30, 2027, be \$450;]~~

~~[2.] [Between October 1, 2027, and September 30, 2029, be \$550; and]~~

~~[3.] [After September 30, 2029, be \$650].~~

(b) The fees shall be attached to the Renewal Application for **Registered Veterinary Facilities[Facility Registrations]** form **incorporated by reference[as found]** in 201 KAR 16:765 or online equivalent form.

1. To qualify for renewal, the form shall be complete, including all required attachments, continuing education credits if required, and fee payment; and

2. The complete package is submitted to the board for review and approval not later than September 30 of each odd-numbered year.

(2) In addition to the renewal base fee for a registered veterinary facility, an additional fee shall be paid to the board, calculated based on the number of mobile units associated with the facility, as follows:

(a) For a registered veterinary facility with two (2) or fewer mobile units identified on the registration, no additional fees shall be collected; **and**

(b) For a registered veterinary facility with three (3) or more mobile units identified on the registration, an additional fee **of twenty-five (25) dollars** per mobile unit shall be due to the board with the biennial renewal application for each additional mobile unit beyond two (2) mobile units per veterinary facility registration[;]

~~[1.] [Until September 30, 2027, \$50 per unit;]~~

[2.] [Between October 1, 2027, and September 30, 2029, \$75 per unit; and]

[3.] [After September 30, 2029, be \$100 per unit].

(3) For a veterinary facility initially registered less than 120 days prior to the end of the renewal period, the registration renewal fees shall be waived during the first registration cycle.

(4) There shall be no renewal grace period provided for veterinary facility registrations. Veterinary facilities that fail to renew their registration by September 30 of each odd-numbered year shall expire. If a veterinary facility intends to continue operations following a missed renewal, the registered responsible party or veterinary manager shall apply for reinstatement for the veterinary facility and obtain board approval before continuing operations at the registered facility.

Section 4. Reinstatement Fees for Veterinary Facility Registration.

(1) To reinstate a veterinary facility registration following expiration, the registered responsible party or veterinary manager shall submit a complete Reinstatement Application for **Registered Veterinary Facilities form incorporated by reference[as found]** in 201 KAR 16:765 or online equivalent form, including all required attachments and fees, to the board for reinstatement of the veterinary facility registration.

(a) If less than six (6) months has elapsed since the expiration date of the facility registration, the veterinary facility shall pay a reinstatement fee of \$675.

(b) If more than six (6) months and not more than five (5) years have elapsed since the expiration date of the facility registration, the veterinary facility reinstatement fee shall:

1. Until June 30, 2027, be \$725;
2. Between July 1, 2027, and June 30, 2029, be \$900; and
3. After June 30, 2029, ~~[2028,]~~ be \$1,050.

(2) A veterinary facility shall not apply for a new registration during this five (5) year window; a reinstatement application shall be required.

(3) If more than five (5) years have elapsed since the last date of registration expiration, a veterinary facility shall apply as a new applicant to obtain a new veterinary facility registration in the Commonwealth of Kentucky.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This new administrative regulation establishes the fees for persons and businesses seeking a veterinary facility registration from the board to gain the ability to operate a veterinary facility in Kentucky.

(b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish the fees that the Kentucky Board of Veterinary Examiners (KBVE) approves for veterinary facility registration, as required in KRS 321.203, 321.205, 321.235(1)(c), 321.236, and 321.320.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235 requires that the board administer and enforce KRS Chapter 321. KRS 321.203, 321.235(1)(c), and 321.236 specifically require the board to collect fees for new, renewal, and reinstatement applications on registered facilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing what fees have been approved by the board in order to keep all mandated programs operational and responsive to

constituent needs.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

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

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

(d) How the amendment will assist in the effective administration of the statutes: N/A. 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: Approximately 500 businesses in Kentucky offering veterinary services are estimated to 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: Applicants will be required to have paid the fee prior to registration, renewal, or reinstatement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. Fees for the board come from license, certificate, permit, and registration fees established in this filing and the other fee filings.

(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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an inspection program to ensure compliance. The new fees for veterinary facility registration establish revenue required for this new program.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Fees are established directly.

(9) TIERING: Is tiering applied? Yes, tiering is applied to the fees based on the number of mobile units associated with the veterinary facility. If a veterinary facility has more than two (2) mobile units, there is a small fee for each additional mobile unit to account for additional staff time processing applications and database management.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.203, 321.205, 321.235(1)(c), 321.236, and 321.320.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes

the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: This filing will generate approximately \$50,000 the first year.

Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The General Assembly provided a low initial registration fee of \$100 and empowered the board to set fees based on costs in subsequent years. The board is phasing in fees so businesses have time to prepare. Further, veterinary facility registrations shall renew only every other year. Consequently, the annual amount varies significantly. In F.Y.s ending in even numbers, the regulation will generate approx. \$250,000; in F.Y.s ending in odd numbers, there is anticipated to be virtually no revenue (i.e., only new facilities, projected to be less than \$2,000). Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Counties that run animal shelters which offer veterinary services to the public will need to register the animal shelter as a veterinary facility.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: This filing will generate approximately \$50,000 the first year.

Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The General Assembly empowered the board to set fees based on costs in subsequent years. The board is phasing in fees so businesses have time to prepare. Further, veterinary facility registrations shall renew only every other year. Consequently, the annual amount varies significantly. In F.Y.s ending in even numbers, the regulation will generate approx. \$100,000; in F.Y.s ending in odd numbers, there is anticipated to be virtually no revenue (i.e., only new facilities, likely less than \$2,000).

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: Running an administrative program mandated by the General Assembly costs money. Fees for veterinary facility registration, renewal, and reinstatement shall be used to pay programmatic costs and are shared across board operations to keep fees as low as possible. Expenses include overhead, staffing and benefits, database usage and maintenance, IT for basic operations, maintenance of a website, essential contractors, legal counsel, investigators, etc. These fees shall ensure that the board and its staff remain operational, efficient, and responsive to both the public and constituent needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Once established and recurring, these fees are anticipated to generate revenue of approx. \$100,000 every two years, critical revenue for the functionality of all board services.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were

calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). The fees are minimal and are used for board operations to run the registration program.

(b) The methodology and resources used to reach this conclusion: "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. In most cases, fees from this administrative regulation will be less than \$300 per application or renewal. Reinstatement fees will be slightly higher due to the extra staffing costs related to auditing of CE and verification of application materials.

**BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)**

201 KAR 16:517. Fees for AAHP facility registrations.

RELATES TO: KRS 321.203, 321.205, 321.235, 321.320

STATUTORY AUTHORITY: KRS 321.203, 321.205, 321.235(1)(c), 321.236, 321.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(c) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to establish the fee amounts for all fees required by KRS Chapter 321 and the fees for services provided by the board. KRS 321.236(1)(a) and (4) authorize[allow] the board to establish application fees for allied animal health professional (AAHP) facilities and mobile units. This administrative regulation establishes fees for AAHP facility registrants and their associated mobile units, including the cost for application, renewal, and reinstatement.

Section 1. Payment and Submission of Fees.

(1) Fees to the board shall be paid by check or money order, or, if available, online payment by debit or credit card. Checks and money orders shall be made payable to the Kentucky State Treasurer.

(2) All fees shall be nonrefundable.

~~[(3)] [In the event the board carry forward balance at the end of a fiscal year falls below \$200,000, the board's fees shall automatically increase 20% for the duration of the fiscal biennium.]~~

Section 2. Application Fees for Allied Animal Health Professional (AAHP) Facility Registration.

(1)

(a) In accordance with KRS 321.236(2), the initial registration fee for an AAHP facility shall be \$200 and if the facility is registered with the board by June 30, 2025, the fee shall be reduced by half to \$100.

(b) After June 30, 2025, the initial application fee for an AAHP facility registration with up to two (2) mobile units shall:

1. Until June 30, 2026, be \$500;
2. Between July 1, 2026 and June 30, 2028, be \$550; and
3. After June 30, 2028, be \$625.

(2) In addition to the initial application fee for a registered AAHP facility, an additional fee shall be paid to the board, calculated based on the number of mobile units associated with the facility, as follows:

(a) For a registered AAHP facility with two (2) or fewer mobile units identified on the application, no additional fees shall be collected; and

(b) For a registered AAHP facility with three (3) or more mobile units identified on the application, an additional fee of twenty-five (25) dollars per mobile unit shall be due to the board with the initial application for each additional mobile unit beyond two (2) mobile units per AAHP facility[=]

VOLUME 51, NUMBER 9– March 1, 2025

- [1.] [Until June 30, 2025, \$25 per unit;]
 - [2.] [Between July 1, 2025, and June 30, 2027, \$50 per unit;]
 - [3.] [Between July 1, 2027, and June 30, 2029, \$75 per unit;]
- and]

- [4.] [After June 30, 2029, be \$100 per unit].

(3) The fees shall be attached to the completed Application for ~~Registration as an~~ AAHP Facility Registration form incorporated by reference[as found] in 201 KAR 16:772 or online equivalent form, including all required attachments.

Section 3. Renewal Fees for AAHP Facility Registration. The following fees shall be paid biennially for the renewal of an AAHP facility registration:

(1)

(a) Except as provided for in subsection (3) of this section, the renewal base fee for a AAHP facility registration in active status shall ~~be \$200;~~

- [1.] [Until September 30, 2027, be \$375;]

[2.] [Between October 1, 2027, and September 30, 2028, be \$425; and]

- [3.] [After September 30, 2028, be \$450].

(b) The fees shall be attached to the completed Renewal Application for Registered AAHP Facilities[Facility Registration] form incorporated by reference[as found] in 201 KAR 16:775 or online equivalent form.

1. To qualify for renewal, the form shall be complete, including all required attachments, and continuing education credits, if required, and fee payment; and

2. The complete package is submitted to the board for review and approval not later than September 30 of each odd-numbered year.

(2) In addition to the renewal base fee for a registered AAHP facility, an additional fee shall be paid to the board, calculated based on the number of mobile units associated with the facility, as follows:

(a) For a registered AAHP facility with two (2) or fewer mobile units identified on the registration, no additional fees shall be collected; and

(b) For a registered AAHP facility with three (3) or more mobile units identified on the registration, an additional fee of twenty-five (25) dollars shall be due to the board with the biennial renewal application for each additional mobile unit beyond two (2) mobile units per AAHP facility registration.

- [1.] [Until September 30, 2027, \$50 per unit;]

[2.] [Between October 1, 2027, and September 30, 2029, \$75 per unit; and]

- [3.] [After September 30, 2029, be \$100 per unit.]

(3) For an AAHP facility initially registered less than 120 days prior to the end of the renewal period, the registration renewal fee shall be waived during the first registration cycle.

(4) There shall be no grace period afforded to registered AAHP facilities. AAHP facilities that fail to renew their registration by September 30 of each odd-numbered year shall expire. If an AAHP facility intends to continue operations following a missed renewal, the registered responsible party or AAHP manager shall apply for reinstatement for the AAHP facility and obtain board approval before continuing operations at the registered facility.

Section 4. Reinstatement Fees for AAHP Facility Registration.

(1) To reinstate an AAHP facility registration following expiration, the registered responsible party or AAHP manager shall submit a complete Reinstatement Application for Registered AAHP Facilities form incorporated by reference[as found] in 201 KAR 16:775 or online equivalent form, including all required attachments and fees, to the board for reinstatement of the AAHP facility registration.

(a) If less than six (6) ~~months~~[~~month~~] has elapsed since the expiration date of the facility registration, the AAHP facility shall pay a reinstatement fee of \$675.

(b) If more than six (6) months and not more than five (5) years have elapsed since the expiration date of the facility registration, the AAHP facility reinstatement fee shall:

1. Until June 30, 2027, be \$725;
2. Between July 1, 2027, and June 30, 2029, be \$900; and
3. After June 30, 2029, be \$1,050.

(2) An AAHP facility shall not apply for a new registration during this five (5) year window; a reinstatement application shall be required.

(3) If more than five (5) years have elapsed since the last date of license expiration, an AAHP facility shall apply as a new applicant to obtain a new AAHP facility registration in the Commonwealth of Kentucky.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This new administrative regulation establishes the fees for persons and businesses seeking an allied animal health professional (AAHP) facility registration from the board to gain the ability to operate an AAHP facility in Kentucky.

(b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish the fees that the Kentucky Board of Veterinary Examiners (KBVE) approves for AAHP facility registration, as mandated in KRS 321.203, 321.205, 321.235(1)(c), 321.236, and 321.320.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235 mandates that the board administer and enforce KRS Chapter 321. KRS 321.203, 321.235(1)(c), and 321.236 specifically require the board to collect fees for new, renewal, and reinstatement applications on registered facilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing what fees have been approved by the board in order to keep all mandated programs operational and responsive to constituent needs.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

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

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

(d) How the amendment will assist in the effective administration of the statutes: N/A. 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: Approximately ten (10) businesses in Kentucky offering AAHP services are estimated to 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: Applicants will be required to have paid the fee prior to registration, renewal, or reinstatement.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. Fees for the board come from license, certificate, permit, and registration fees established in this filing and the other fee filings.

(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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an inspection program to ensure compliance. The new fees for AAHP facility registration establish revenue required for this new program.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Fees are established directly.

(9) TIERING: Is tiering applied? Yes, tiering is applied to the fees based on the number of mobile units associated with the AAHP facility. If an AAHP facility has more than two (2) mobile units, there is a small fee for each additional mobile unit to account for additional staff time processing applications and database management.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.203, 321.205, 321.235(1)(c), 321.236, and 321.320.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the AAHP facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: This filing will generate approximately \$500-\$1,000 the first year.

Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The General Assembly provided a low initial registration fee of \$100 and empowered the board to set fees based on costs in subsequent years. The board is phasing in fees so businesses have time to prepare. Further, AAHP facility registrations shall renew only every other year. Consequently, the annual amount varies significantly. In F.Y.s ending in even numbers, the regulation will generate approx. \$3,700-\$5,800; in F.Y.s ending in odd numbers, there is anticipated to be virtually no revenue (i.e., only new facilities, projected to be less than \$2,000). Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: Running an administrative program mandated by the General Assembly costs money. Fees for AAHP facility registration, renewal, and reinstatement shall be used to pay programmatic costs and are shared across board operations to keep fees as low as possible. Expenses include overhead, staffing and benefits, database usage and maintenance, IT for basic operations, maintenance of a website, essential contractors, legal counsel, investigators, etc. These fees shall ensure that the board and its staff remain operational, efficient, and responsive to both the public and constituent needs, while also implementing new programs as mandated by the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321. Once established and recurring, these fees are anticipated to generate revenue of approx. \$2,200 every two years, critical revenue for the functionality of all board services.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). The fees are minimal and are used for board operations to run the registration program.

(b) The methodology and resources used to reach this conclusion: "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] In most cases, fees from this administrative regulation will be less than \$300 per application or renewal. Reinstatement fees will be slightly higher due to the extra staffing costs related to auditing of CE and verification of application materials.

BOARDS AND COMMISSIONS

**Board of Veterinary Examiners
(Amended After Comments)**

201 KAR 16:730. Approved allied animal health professional (AAHP) programs; education requirements.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.235
STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires[authorizes] the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS 321.235(2)(b)2. authorizes[provides] the board [authority] to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to have received training from an approved allied animal health professional program in order to qualify for a permit from the board. This administrative regulation establishes an allied animal health professional's allowable scope of work on animals and [establishes] the allied animal health professional educational programs approved by the board.

Section 1. Definitions.

(1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

(2) "Approved allied animal health professional program" is defined by KRS 321.181(9).

VOLUME 51, NUMBER 9– March 1, 2025

Section 2. Education Requirements. To be considered for approval by the board, an applicant for an AAHP permit shall meet and show proof of: ~~the following requirements to be considered for approval by the board.~~

(1) For an AAHP animal chiropractic provider (ACP) permit, holding~~shall hold~~ current licensure in good standing from the Kentucky Board of Chiropractic Examiners; and~~[-]~~

(2) Maintaining~~Maintain~~ a current certificate in good standing with an approved allied animal health professional program designated in Section 3 of this administrative regulation.

Section 3. Approved allied animal health professional programs. The board approves the ~~following~~ allied animal health professional programs for animal chiropractic practice on animals from the:

- (1) American Veterinary Chiropractic Association (AVCA); ~~or~~
- (2) International Veterinary Chiropractic Association (IVCA); or
- (3) An approved~~accredited~~ program of the AVCA or IVCA.

Section 4. Continuing education required. As one part of the requirements for an allied animal health professional permit to be granted and renewed, the AAHP provider~~allied professional~~ shall provide proof that the degree or certificate obtained from the approved allied animal health professional program is in an active~~active~~ or current~~current~~ status with:

(1) (a) The professional licensing board as required in Section 2(1) of this administrative regulation, if applicable to the credential holder and required by the board, ~~the professional licensing board as required in Section 2(1) of this administrative regulation~~; and

(b)~~(2)~~ The approved allied animal health professional program certifying entity identified in Section 3 of this administrative regulation.

(2) At the time of application, the AAHP permittee shall show proof satisfactory to the board that all continuing education requirements for these credentials have been met and are current in accordance with 201 KAR 16:735, Section 2.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair
APPROVED BY AGENCY: January 30, 2025
FILED WITH LRC: February 14, 2025 at 7:51 a.m.
CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes an allied animal health professional's allowable scope of work on animals and establishes the allied animal health professional (AAHP) educational programs approved by the board
 - (b) The necessity of this administrative regulation: This regulation is necessary to establish the scope of work and required AAHP educational programs approved by the board and provide clarity to constituents regarding the requirements for permitting.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.175(2)(c) and (5) establish that the intent of the Kentucky Veterinary Medicine Practice Act is to regulate the professions of veterinary medicine, including the work of allied animal health professionals. KRS 321.181(1)-(4) define the AAHP person and the requirement for a board approved permit to practice. KRS 321.235(1)(a)-(c) and (2)(b)2 require the board to ensure the competence of credential holders and to administer credentialing programs to ensure competency to practice and to protect the public. This new administrative regulation will assist in effective administration by clearly expressing what requirements have been established by the board.
 - (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 defining which AAHP educational programs have been approved by the KBVE.

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

- (a) How the amendment will change this existing administrative regulation: N/A - This is a new administrative regulation.
- (b) The necessity of the amendment to this administrative regulation: N/A - This is a new administrative regulation.
- (c) How the amendment conforms to the content of the authorizing statutes: N/A - This is a new administrative regulation.
- (d) How the amendment will assist in the effective administration of the statutes: N/A - 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: Future applicants to the board for an AAHP permit. The board anticipates receiving approximately 20 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants will be required to complete a board approved AAHP educational program within the approved scope for the AAHP work to qualify for permitting as an AAHP in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be any additional costs to the applicant. This administrative regulation simply clarifies the basic education requirements needed to obtain an AAHP permit and provide public protection related to competency to perform services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Applicants who complete the required AAHP education shall have met one of the requirements of the board for permitting as an AAHP.

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

(a) Initially: The KBVE currently runs licensing and certificate programs for other credentials to ensure competency to practice for public protections. This program will be added to the current operations. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(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: 201 KAR 16:513 and 16:517 have been filed concurrently with this regulation to establish fees to help support the funding requirements for administrative services to run the new AAHP permitting and AAHP facility registration programs.

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

(9) TIERING: Is tiering applied? Tiering is not applied. With the exception of a small window for legacy candidate applications, educational requirements are the same for all AAHP permit applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative

regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: This is a new program, but will not generate much revenue. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates for permitting as an allied animal health professional (AAHP).

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

**BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)**

201 KAR 16:731. Examination requirements for AAHP providers.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.235
STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) ~~requires[and (2)(b) authorize]~~ the board to promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of the Kentucky Veterinary Medicine Practice Act. KRS 321.235(2)(b)2. ~~authorizes[requires]~~ the Kentucky Board of Veterinary Examiners

to establish examination requirements and passing scores for allied animal health professionals. This administrative regulation establishes examination requirements as one **(1)** part of the requirements to qualify for an allied animal health professional (AAHP) permit from the board.

Section 1. State Exam Qualifications for Allied Animal Health Professional providers.

(1) The board shall require a passing score on the Kentucky Board of Veterinary Examiners Jurisprudence Examination for AAHPs as one **(1)** requirement for permitting by the board as an allied animal health professional.

(2) Candidates seeking an AAHP permit shall pay a state examination fee pursuant to 201 KAR 16:513.

(3) Candidates shall successfully complete the Kentucky Board of Veterinary Examiners Jurisprudence Examination for AAHPs, which shall cover the specific requirements of KRS Chapter 321 and 201 KAR Chapter 16, in either paper or electronic format.

(4) To successfully complete the Kentucky Board of Veterinary Examiners Jurisprudence Examination for AAHPs, applicants[Applicants] for an AAHP permit shall be required to achieve a score of eighty (80) percent or higher.

Section 2. National Exam Qualifications for Allied Animal Health Professionals.

(1) The examination required for permitting by the board as an allied animal health professional shall be the successful completion of a certification exam required by an approved allied animal health professional program, pursuant to 201 KAR 16:730.

(a) A candidate shall be limited to five (5) examination attempts.

(b) An official score report, verified certificate of completion, or other official documentation from the certifying body shall be provided directly from the certifying body to the board to provide proof of successful completion of the board approved exam.

(2) For AAHP animal ~~chiropractic[chiropractor]~~ providers, the board approved examinations and passing scores are as established in paragraphs (a) and (b) of this subsection[this paragraph].

(a) ~~The~~ American Veterinary Chiropractic Association (ACVA) passing score shall be the passing score set by ACVA.

(b) ~~The~~ International Veterinary Chiropractic Association (ICVA) passing score shall be the passing score set by ICVA.

(3) Applicants for an AAHP permit to the board shall pay any required national exam or score transfer fees directly to the approved allied animal health professional program, their designee, or official records custodian.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes examination requirements as one part of the requirements to qualify for an allied animal health professional (AAHP) permit from the board.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the required examinations needed for applicants to qualify for an AAHP permit from the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) and (2)(b) authorize the board to promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of the Kentucky Veterinary Medicine Practice Act. KRS 321.235(2)(b)2. requires the Kentucky Board of Veterinary Examiners to establish examination requirements and passing

scores for allied animal health professionals.

(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 defining the testing requirements for AAHP permittees as approved by the KBVE.

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

(a) How the amendment will change this existing administrative regulation: N/A - This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: N/A - This is a new administrative regulation.

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

(d) How the amendment will assist in the effective administration of the statutes: N/A - 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: Future applicants to the board for an AAHP permit. The board anticipates receiving approximately 20 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants will be required to complete a board approved AAHP exam within the approved scope for the AAHP work to qualify for permitting as an AAHP in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be any additional costs to the applicant. This administrative regulation simply clarifies the testing requirements needed to obtain an AAHP permit and provide public protection related to competency to perform services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Applicants who complete the required AAHP exams shall have met one of the requirements of the board for permitting as an AAHP.

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

(a) Initially: The KBVE currently runs licensing and certificate programs for other credentials to ensure competency to practice for public protections. This program will be added to the current operations. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all entities holding an AAHP permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:
Expenditures: This is a new program, but will not generate much revenue. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
Revenues: There is no revenue generated by this filing.
Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:
Expenditures: N/A
Revenues: N/A
Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:
Expenditures: N/A
Revenues: N/A
Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates for permitting as an allied animal health professional (AAHP).
(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.
(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Kentucky Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:732. Application requirements for AAHP permits -- reinstatement.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.189, 321.200, 321.235
STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires[authorizes] the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS 321.235(2)(b)2. authorizes[provides] the board [authority] to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved

VOLUME 51, NUMBER 9– March 1, 2025

application to qualify for a permit from the board. This administrative regulation establishes application requirements for individuals applying for an AAHP permit from the board in the Commonwealth of Kentucky.

Section 1. Definitions.

- (1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).
- (2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).
- (3) "Allied animal health professional manager" or "AAHP manager" is defined by KRS 321.181(3).
- (4) "Allied animal health professional permit" or "AAHP permit" is defined by KRS 321.181(4).
- (5) "Fixed facility" is defined by KRS 321.181(38).
- (6) "Legacy candidate" means a candidate for permitting that did not complete the board approved allied animal health professional program or board approved qualifying exam for an AAHP permit, but holds significant experience as defined in Section 3 of this administrative regulation which shall qualify the person for consideration of an AAHP permit from the board.
- (7) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).
- (8) "Registered responsible party" is defined by KRS 321.181(57).
- (9) "Veterinarian" is defined by KRS 321.181(67).

Section 2. Allied animal health professional provider practice falls under the scope and meaning of the practice of veterinary medicine.

- (1) A veterinarian shall not be subject to the scope of practice limitations established for~~proscribed to~~ an allied animal health professional permittee~~regarding the scope of practice~~.
- (2) Pursuant to KRS 321.200(1)(o), after receiving a permit from the board, an AAHP~~AAHP~~ provider shall be limited to providing services for animal patients within the scope designated within 201 KAR 16:737.
- (3) Practice on animals without a board credential shall be prohibited. Except as provided for in KRS 321.200, ~~no~~ person shall not~~may~~ provide veterinary or allied animal health professional services to any animal without holding a valid credential in active status issued by the board.

Section 3. Legacy Candidate Pathway for the AAHP Animal Chiropractic Provider (ACP) Permit~~Candidates~~.

- (1) In lieu of proof of completion of a board approved allied animal health professional program and board approved qualifying exam for an AAHP permit, legacy candidates may submit application materials in accordance with the provisions of this section.
- (2) For AAHP ACP~~animal chiropractor provider (ACP)~~ applicants, legacy candidates shall be eligible until June 30, 2026. ACP legacy candidates shall submit:
 - (a) Proof of employment or 1099 showing self-employment as an ACP for a minimum of ten (10) years prior to the date of application;
 - (b) Identification of school where trained and hours of training;
 - (c) Letters of recommendation from at least two (2) licensed veterinarians;
 - (d) Letters of recommendation from at least two (2) licensed chiropractors;
 - (e) Details regarding the duration of experience and times during which practice occurred, including:
 1. Length of time of practice; and
 2. Average number of hours practicing per year;
 - (f) Letter of Good Standing from any other jurisdictions in which they are credentialed; and
 - (g) Information about CE earned each year (number of hours, etc.).
- (3) The board shall conduct a mandatory interview of each legacy candidate to confirm their eligibility and experience.
- (4) Legacy candidates awarded an AAHP permit~~certificate~~ by the board shall be required to comply with all provisions~~terms~~ of an AAHP permit~~permitting~~, including earning continuing

education requirements as established in 201 KAR 16:730, Section 4~~by the board in administrative regulation~~.

Section 4. Approval of an Allied Animal Health Professional Provider Permit Application~~provider permit application~~. The board shall issue a permit as an AAHP provider in a specific area of practice, as defined in KRS 321.181, to an applicant who meets the following requirements:

- (1) Has completed an Application for Allied Animal Health Professional Provider Permit form or online equivalent form, including all required attachments;
- (2) Has paid the appropriate fees as established in 201 KAR 16:513;
- (3) Is a person of good moral character. As one (1) element of good moral character, the board shall require each applicant for licensure to submit a full set of the applicant's fingerprints for the purpose of obtaining criminal records checks, pursuant to applicable law and KRS 321.189. All good moral character information, including the information obtained through the criminal background checks, shall be relevant to permit eligibility determinations to the extent permitted by law;
- (4) Has graduated and received a degree or certificate from an approved allied animal health professional program, as approved by the board in 201 KAR 16:730, or qualifies as a legacy candidate according to the provisions established in Section 3 of this administrative regulation during the legacy application window;
- (5) Has achieved passing examination scores, on examinations required by the board, as established in 201 KAR 16:731, or qualifies as a legacy candidate during the legacy application window;
- (6) Holds licensure in the AAHP practice area as established in 201 KAR 16:730, Section 2, or qualifies as a legacy candidate;[-]
- (7) Has been approved for permitting by the board; and
- (8) Has complied with any other requirement of the board.

Section 5. New Application for an Allied Animal Health Professional Permit.

- (1) A new application to the board for an allied animal health professional permit shall include the following components:
 - (a) A completed application on an Application for Allied Animal Health Professional (AAHP) Provider Permit form or online equivalent form, including all required attachments;
 - (b) Designation of one (1) or more qualified AAHP scopes as listed in the application, and designated as available scope of practice in KRS 321.181 and 201 KAR 16:730;
 - (c) A current color photograph of the applicant not smaller than 2 in. x 2 in., or a color copy of the applicant's current valid driver's license or passport with photo;
 - (d) An official licensure verification letter from the professional licensing board in Kentucky in the human AAHP discipline, if required by the application;
 - (e) An official copy of the certificate of completion or diploma showing graduation from an approved allied animal health professional program established in 201 KAR 16:730;
 - (f) A copy of any court documents, final orders, settlement agreements, or other documents required by the board in support of the application;
 - (g) The completed Kentucky Board of Veterinary Examiners Jurisprudence Examination for AAHPs~~Allied Animal Health Professionals~~ Exam Answer Sheet; and
 - (h) Payment for the application fee required by 201 KAR 16:513.
- (2) In addition to the requirements listed in subsection (1) of this section, requirements for AAHP permit endorsement applications shall include: Verifications of good standing from all jurisdictions in which an applicant once held or currently holds a permit or equivalent credential by the jurisdictional entities which regulate the applicant's profession in both human and animal practice.

Section 6. Permit Renewal Required. An AAHP permit holder of the board shall renew their permit pursuant to 201 KAR 16:735.

Section 7. Inactive Status for an AAHP Permit. An AAHP permit holder may place their permit into an inactive status in accordance with 201 KAR 16:580.

Section 8. An allied animal health professional may apply for reinstatement of an expired permit if not more than five (5) years have elapsed since the last date of permit expiration.

(1) A reinstatement application shall be required during this period; an application for a new permit shall not be accepted until five (5) years after the last date of expiration. Legacy candidates five (5) years after the last date of expiration shall be required to meet the current requirements of the Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16 and shall no longer qualify for the legacy candidate pathway.

(2) Reinstatement applications to the board for a permit as an allied animal health professional shall include the following components:

(a) A completed application on a Reinstatement Application for AAHP Permits form or online equivalent form, including all required attachments;

(b) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;

(c) Proof of current certification in the allied animal health profession, including any required continuing education by the board-approved allied animal health professional program;

(d) Payment for the reinstatement application fee pursuant to 201 KAR 16:513; ~~and~~

(e) If the permit is in expired status for more than one (1) year since the date of expiration, an official licensure verification letter from the professional licensing board in Kentucky in the human AAHP discipline, if required by the application; ~~and~~

(f) If the permit is in expired status for more than two (2) years since the date of expiration; ~~and~~

~~1. (g) A background check pursuant to Section 9 of this administrative regulation; and~~

~~2. (h) Verifications of good standing from all jurisdictions in which an applicant once held or currently holds a permit or equivalent credential by the jurisdictional entities which regulate the profession; and~~

Section 9. Background checks. Pursuant to KRS 321.189, the board may:

(1) Conduct a national or jurisdictional level background check on each applicant for licensure. 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;

(2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and

(3) Impose additional requirements as a condition of licensure or deny licensure following the board's review of findings from a background check.

Section 10. Denial. If any of the requirements of this regulation are not met by the applicant, the board shall deny the permit application.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for Allied Animal Health Professional (AAHP) Provider Permit", ~~2/2025~~~~10/2024~~; and

(b) "Reinstatement Application for AAHP Permits", ~~2/2025~~~~10/2024~~.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes application requirements for allied animal health professionals (AAHPs) applying for an AAHP permit from the board in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the application requirements for individuals to apply for an AAHP permit from the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) authorizes the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved application to qualify for a permit from the board.

(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 defining the application requirements for AAHP permittees as approved by the KBVE.

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

(a) How the amendment will change this existing administrative regulation: N/A - This is a new administrative regulation.

(b) The necessity of the amendment to this administrative regulation: N/A - This is a new administrative regulation.

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

(d) How the amendment will assist in the effective administration of the statutes: N/A - 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: Future applicants to the board for an AAHP permit. The board anticipates receiving approximately 20 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Applicants will be required to complete a board approved application to apply for an AAHP permit in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will not be any additional costs to the applicant. This administrative regulation simply clarifies the application requirements needed to obtain an AAHP permit and provide public protection related to competency to preform services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Applicants who complete the required AAHP application shall have met one of the requirements of the board for permitting as an AAHP.

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

(a) Initially: The KBVE currently runs licensing and certificate programs for other credentials to ensure competency to practice for public protections. This program will be added to the current operations. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

- (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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.
- (9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all entities holding an AAHP permit.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2.
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
- (a) Estimate the following for the first year:
Expenditures: This is a new program, but will not generate much revenue. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
Revenues: There is no revenue generated by this filing.
Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.
- (a) Estimate the following for the first year:
Expenditures: N/A
Revenues: N/A
Cost Savings: N/A
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A
- (4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.
- (a) Estimate the following for the first year:
Expenditures: N/A
Revenues: N/A
Cost Savings: N/A
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A
- (5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates for permitting as an allied animal health professional (AAHP).
(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.
- (6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.
(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

**201 KAR 16:735. Renewal requirements for AAHP permits -
- renewal notice -- expiration.**

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.235
STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)1.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) ~~requires~~**[authorizes]** the board to promulgate administrative regulations to implement ~~and enforce~~ KRS Chapter 321. KRS 321.235(1)(a)-(c) ~~requires~~**[provides]** the board ~~[authority]~~to promulgate administrative regulations to evaluate the qualifications of applicants ~~[for applicants]~~for an allied animal health professional (AAHP) permit. KRS 321.235(2)(b)1. authorizes the board to require an AAHP permittee to obtain appropriate continuing education to ensure continued competency. This administrative regulation establishes renewal requirements,~~and~~ renewal notification procedures for AAHP permittees of the board, ~~and~~**[as well as]** required continuing education for AAHP permittees.

Section 1. Renewal Notices and Timeliness of Renewal Applications.

- (1) The board shall, not later than ~~August 31~~**[July 1]** of each year, email or mail to each permitted allied animal health professional a renewal notice.
- (2) The ~~Renewal Application for AAHP Permits~~**[renewal application]** shall be completed by the permittee and returned to the board, including all required attachments, ~~fees~~, and, if required by the board, proof of course completion for the required continuing education.
- (3) Timely receipt of renewal application.
(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 or earlier shall be considered received on time.
(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, between October 1 and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:513.
- (4) The renewal fee shall be attached to the completed ~~Renewal Application for AAHP Permits~~**[renewal]** form when it is returned to the board or paid online.

Section 2. Continuing Education Required.

- (1) ~~Each~~**[Every]** AAHP permittee shall list their continuing education hours received on the Renewal Application for AAHP Permits form or online equivalent form, including all required attachments, and if required, proof of attendance or completion of training to the board.
~~(a) For AAHP animal chiropractic providers (ACPs), permittees shall show proof of CE for a minimum of six (6) clinical hours annually from an approved program of the American Veterinary Chiropractic Association (AVCA) or International Veterinary Chiropractic Association (IVCA).~~
~~(b) For legacy pathway AAHP-ACPs, permittees shall show proof of CE for a minimum of six (6) clinical hours annually from an approved program of the AVCA, IVCA, or a board-approved CE program.~~
- (2) Continuing education hours applied toward a reinstatement application shall not be eligible for credit on the renewal application.
- (3) Continuing education hours earned during the grace period of a renewal cycle shall not be eligible for credit on the subsequent renewal application.
- (4) The board shall not renew the permit of any person who fails to appropriately document the required hours of continuing education.

Section 3. The board shall not be held responsible or liable for lost renewal notices, or renewal notices not received, or not received on time.

VOLUME 51, NUMBER 9– March 1, 2025

(1) Regardless of cause, the board shall not be required to refund money to a permit holder who fails to renew in a timely manner pursuant to Section 1(4) of this administrative regulation.

(2) Failure to renew by the grace period deadline and in compliance with all requirements of the board shall cause the permit to move to expired status. The permit holder shall no longer be eligible to practice as an allied animal health professional in Kentucky.

(3) The former permit holder may apply for reinstatement of the permit within five (5) years from the date of expiration in accordance with 201 KAR 16:732. A reinstatement application shall be required during this period; an application for a new license shall not be accepted until five (5) years after the last date of expiration.

Section 4. Duty to Report. Each AAHP[Every AHHP] permit holder shall:

- (1) File their legal name with the board;
- (2) File their legal residential address with the board;
- (3) File their legitimate mailing address with the board. The mailing address shall be subject to public disclosure;
- (4) File their current employer with the board;
- (5) File a current email address and phone number with the board; and
- (6) Within thirty (30) days, notify the board of any changes to their name or addresses or email address by submitting a completed Request for Name or Address Change form, incorporated by reference[-as found] in 201 KAR 16:570 or online equivalent form.

Section 5. Incorporation by Reference.

(1) "Renewal Application for AAHP Permits", 2/2025[10/2024], 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, 4047 Iron Works Parkway, Suite 104, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes renewal requirements and renewal notification procedures for allied animal health professional (AAHP) permittees, as well as required continuing education for AAHP permittees.
 - (b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish the requirements approved by the board for the application for an AAHP permit and the continuing education requirements.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) authorizes the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(1)(a)-(c) provides the board authority to promulgate administrative regulations to evaluate the qualifications of applicants for applicants for an AAHP permit. KRS 321.235(2)(b)1. authorizes the board to require an AAHP permittee to obtain appropriate continuing education to ensure continued competency.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing the application requirements approved by the board for AAHP permittees.
- (2) If this is an amendment to an existing administrative regulation,

provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.
- (b) The necessity of the amendment to this administrative regulation: N/A. This is a new administrative regulation.
- (c) How the amendment conforms to the content of the authorizing statutes: N/A. This is a new administrative regulation.
- (d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated twenty (20) persons in Kentucky offering AAHP services are estimated to 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: Applicants will be required to complete the appropriate application to apply to the board for AAHP permit.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for AAHP permit applications.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.
 - (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
 - (b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.
 - (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.
 - (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 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: This regulation does not establish or increase any fees, directly or indirectly.
 - (9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all persons providing AAHP services, except those entities excluded under KRS 321.200.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)1.
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
 - (a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the AAHP permit program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.
 - (b) How will expenditures, revenues, or cost savings differ in

subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts applicants for an AAHP permit in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:737. Responsibilities for AAHP providers; limitations on practice.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.187, 321.200, 321.203, 321.205, 321.235

STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) ~~and~~ (2)(b)2., 321.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. KRS 321.235(2)(b)2. authorizes~~provides~~ the board ~~authority~~ to promulgate administrative regulations to establish conditions for permitting and limitations on practice upon allied animal health professional (AAHP) permittees. This administrative regulation establishes the responsibilities for AAHP providers permitted by the board and limitations on their practice on animal patients.

Section 1. Prohibitions on Practicing Veterinary Medicine.

(1) Except as provided for in KRS 321.200 and this administrative regulation, an allied animal health professional permittee shall not practice~~be prohibited from practicing~~ veterinary medicine.

(2) An AAHP provider shall be held to the same standard of care as a veterinarian if when the permittee provides services within the scope of practice as established~~provider performs the procedure allowed by the scope of work described~~ in this administrative regulation.

Section 2. Communications with Veterinarians.

(1) To ensure patient safety, an~~An~~ allied animal health professional permit holder may~~shall~~ communicate with an animal patient's veterinarian regarding services to be rendered by the AAHP provider~~prior to any clinical encounters, as defined by 201 KAR 16:701, Section 1(1),~~ on an animal to ensure:

(a) Appropriate services~~treatments~~ are provided~~;~~ and

(b) No concerns exist related to an animal patient's condition, current treatment regime, and medicines.

(2) If the AAHP provider does not communicate with the animal patient's veterinarian prior to initiation of services, then in the event of an adverse outcome the liability lies solely with the AAHP provider~~Should a veterinarian be non-responsive to communication from an AAHP permittee within three (3) business days, the permittee shall not be prevented from proceeding with appropriate treatment with the informed consent of the client~~.

(3) ~~After each clinical encounter,~~ AAHP permittees shall communicate findings, services provided~~treatments~~, or relevant information to the client and the client's veterinarian within an appropriate timeframe according to the condition, but no more than three (3) business days after services are rendered~~identification~~.

(4) Communication between an AAHP permittee and a veterinarian shall be recorded in the medical record.

5) An AAHP permittee providing services to a patient that results in harm shall be cause for the AAHP permittee to be liable for that harm. The patient's veterinarian shall not be liable for harm as a result of services provided by an AAHP permittee.

Section 3. Limitations on Practice.

(1) An AAHP permittee shall be limited in their practice on animal patients, as established in this section, or the practice shall be considered the practice of veterinary medicine and subject to penalty for practicing without a veterinarian license from the board.

(2) An AAHP permittee's practice shall not be construed to allow any of the following on animals:

(a) Performance of radiographs or other medical imaging;

(b) Performance of surgery;

(c) Performance of shockwave, laser, ultrasound, electrotherapy, or similar therapies;

(d) Rehabilitation activities;

(e) Prescription, dispensation, or administration of medications, supplements, or nutraceuticals, or diet~~nutraceuticals~~; or

(f) Practice of veterinary medicine outside the scope of the allied animal health professional's permitted practice area.

(3) For AAHP permittees specializing in animal chiropractic, the applicant shall:

(a) Conform with applicable requirements of the Horseracing Integrity and Safety Authority (HISA) and the Kentucky Horse Racing and Gaming Corporation; and

(b) Comply with other state and federal laws.

Section 4. Record Keeping. An AAHP permittee shall keep medical records on all animal patients on which they practice their profession pursuant to KRS 321.187 and this section~~of this administrative regulation~~.

(1) The AAHP permittee's animal patient medical records shall contain sufficient information to justify and describe the course of care on the patient. The records shall contain, at a minimum:

(a) Name, address, and telephone number of the client, as defined in KRS 321.181(21);

(b) Identity of the animal patient, including name, age, sex, and breed;

(c) Name, address, and telephone number of the animal patient's veterinarian;

(d) Dates of consultations, examinations, or services provided~~treatments~~;

(e) Brief history of the condition of each animal~~treated~~;

(f) AAHP provider findings and observations~~Working allied animal health professional diagnosis~~;

(g) Plan for services~~Treatment plan~~ including expected duration and frequency;

(h) Notations related to provided services[Daily treatments, including areas adjusted or otherwise treated];

(i) Progress and disposition of the case;

(j) Name of the practitioner or practitioners[practitioner(s)] providing service to the patient;

(k) Name and contact information of any person consulted for medical advice regarding[on the treatment of] the patient; and

(l) Communication attempts of the AAHP permittee to the veterinarian of record.

(2) Patient medical records shall be complete and accurate.

(3) Patient medical records shall be maintained in the AAHP permittee's office for at least five (5) years past the date of the last patient visit. Cessation from practice, either temporarily or permanently, does not relieve the practitioner from compliance with this section.

(4) An AAHP permittee shall not violate the confidential relationship between the permittee and the client, pursuant to KRS 321.187(6). Consultation by the permittee with another AAHP permittee or veterinarian for the benefit of the patient shall not constitute a violation of confidentiality.

(a) An AAHP permittee shall not release information concerning a client or care of a client's animal, except as authorized by KRS 321.187(6)[2].

(b) An AAHP permittee shall, if requested by the client, communicate their findings, service[treatment] plan, or records with the client's designated veterinarian.

Section 5. Duty to Report. AAHP permittees shall report to the board:

(1) Any change of name, address, phone, or email within thirty (30) days;

(2) Provide a written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610; and

(3) Disciplinary action or conviction in any jurisdiction.

Section 6. Compliance and Disciplinary Action.

(1) AAHP permittees shall be subject to disciplinary action for violation of:

(a) KRS Chapter 321 and 201 KAR Chapter 16; and

(b) Other applicable federal, state, and local laws.

(2) The board shall report any grievance or disciplinary action received against an AAHP permittee to the professional licensing board in the human area of specialty and may consult with that board as experts in their professional field.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the responsibilities for AAHP permittees and limitations on their practice on animal patients.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to communicate clear requirements regarding limitations on practice and duties of AAHP permittees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to establish conditions for permitting and limitations upon allied animal health professional (AAHP) permittees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new

administrative regulation will assist in effective administration by clearly expressing limitations on practice and duties of AAHP permittees approved by the board.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

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

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

(d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated twenty (20) persons in Kentucky offering AAHP services are estimated to 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: AAHP permittees must practice on animals within the scope and limitations established within this administrative regulation, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this administrative regulation simply establishes the duties and limitations on AAHP permittees as approved by the board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the limited scope of practice and responsibilities for AAHP permittees.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.

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

(9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all entities holding an AAHP permit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes

VOLUME 51, NUMBER 9– March 1, 2025

the administration of the AAHP facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts AAHP facility registrants in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:762. Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties.

RELATES TO: KRS 258.043, 321.175, 321.181, 321.189, 321.203, 321.236

STATUTORY AUTHORITY: KRS 321.203, 321.235(1)(b), (2)(b)1.c., [(2)(b)]3.b., (2)(e), 321.236(1)(a)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) authorizes[allows] the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. This administrative regulation

establishes application requirements for veterinary facilities.

Section 1. Definitions.

(1) "Fixed facility" is defined by[has the same meaning as] KRS 321.181(38).

(2) "Mobile facility" or "mobile unit" is defined by[has the same meaning as] KRS 321.181(46). [~~A veterinary facility mobile unit shall be primarily used for the practice of veterinary medicine or the practice of veterinary technology.~~]

(3) "Practice of veterinary medicine" is defined by KRS 321.181(50).

(4) "Practice of veterinary technology" is defined by KRS 321.181(51).

(5) "Premises" is defined by KRS 321.181(52).

(6) "Registered responsible party" is defined by KRS 321.181(57).

(7) "Veterinarian manager" is defined by KRS 321.181(68).

(8) "Veterinary facility" is defined by KRS 321.181(71).

Section 2. General Requirements. Each veterinary facility that is located in Kentucky where the practice of veterinary medicine or practice of veterinary technology occurs shall possess a veterinary facility registration issued by the Kentucky Board of Veterinary Examiners. Pursuant to KRS 321.236(2), all existing veterinary facilities in Kentucky shall be registered by June 30, 2025.

(1) A veterinary facility registration shall not be issued without a physical facility, either a fixed facility or mobile unit.

(2) A veterinary facility shall be a dedicated space equipped for, staffed, and primarily devoted to the practice of veterinary medicine or the practice of veterinary technology.

(3) A mobile facility shall be registered as an affiliate unit on a fixed facility registration, or independently under a unique veterinary facility registration with a designated physical location for parking and storage.

(4) A registered facility shall have no more than two (2) mobile units under its registration without incurring additional registration and renewal fees as established in 201 KAR 16:515.

(5) A registered veterinary facility shall prominently display the current registration certificate in a public area of the registered facility. The registration certificate shall:

(a) Be legible[Legible]; and

(b) Show the current dates of registration.

Section 3. Exemptions from Requirements for Veterinary Facility Registration.

(1) The following premises shall be exempt from the requirements of this administrative regulation:

(a)[(4)] Premises identified in KRS 321.181(71)(b);[.]

(b)[(2)] An expert who provides consulting services only to other veterinarians, who does not engage in the practice of veterinary medicine on a patient directly, and who does not have a physical facility, either fixed or mobile, where the consultant practices on animal patients;[.]

(c)[(3)] Public rabies vaccine-only[vaccines] clinics held in accordance with KRS 258.043; and[.]

(d) Government sponsored vaccine clinics for animals solely to prevent infectious disease and that do not include diagnostics, surgery, or the dispensation of prescription medications.

(2) The exception to register a premises as a veterinary facility as identified in subsection (1)(c) and (d) of this section does not alleviate a veterinarian from creating and maintaining medical records in accordance with 201 KAR 16:701.

(a) [The local health department or veterinarian providing services under KRS 258.043 shall register the rabies clinic with the board at least thirty (30) days in advance of the event by submitting a completed application on an Registration for Mass Rabies Immunization Clinic form or online equivalent form, including all required attachments.]

(b) [If other services are rendered, including the administration of other vaccines or veterinary products are sold, then the veterinarian must practice at a registered veterinary facility, either fixed or mobile, and a medical exam shall be provided to each patient and a complete medical

VOLUME 51, NUMBER 9– March 1, 2025

~~record shall be established in accordance with 201 KAR 16:704.]~~

Section 4. Registered Responsible Party.

(1) Each application for a veterinary facility registration shall name the facility and identify each registered responsible party.

(2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including the timely designation of a veterinarian manager for the veterinary facility in accordance with the provisions of 201 KAR 16:767.

(3) ~~If~~**[When]** it is determined that a registered responsible party has violated any provisions of the Kentucky Veterinary Medicine Practice Act or 201 KAR Chapter 16, the board may take disciplinary action equal to that for a licensed veterinarian as provided by the Kentucky Veterinary Medicine Practice Act.

Section 5. Veterinarian Manager.

(1) Each application for a veterinary facility registration shall designate a veterinarian manager. The application shall include the veterinarian manager's original signature, or, if completed online, an equivalent digital signature.

(2) A veterinarian manager shall be responsible for meeting the requirements of KRS Chapter 321 and 201 KAR Chapter 16, including ensuring the requirements for minimum standards are met and maintained.

Section 6. New Application Requirements. A new application to the board for registration as a veterinary facility shall include the following components:

(1) A completed application on an Application for Veterinary Facility Registration form or online equivalent form, including all required attachments and fees **pursuant to 201 KAR 16:515**;

(2) A complete list of persons or entities who shall be the registered responsible party;

(3) Identification of the veterinarian manager;

(4) Identification of the name, phone, address, and email address of the registered facility;

(5) A copy of the **Secretary of State** business registration~~[-from the Kentucky Secretary of State]~~;

(6) Identification of the species served from one **(1)** or more in a list provided by the board;

(7) Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;

(8) A complete list of veterinarians working at the facility, excluding veterinarians providing locum services less than fourteen (14) days in a calendar year to the facility;

(9) A complete list of licensed veterinary technicians working at the facility;

(10) A complete list of allied animal health professional (AAHP) permittees working at the facility;

(11) A complete list of mobile units affiliated with the veterinary facility;

(12) Disclosure of after-hours care arrangements;

(13) For fixed facilities, county of facility location and counties served;

(14) If the facility offers a haul-in installation **for livestock**;

(15) For mobile units, a list of the counties served by the mobile unit;

(16) Hours of operation;

(17) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application; and

(18) Any other information requested by the board in support of the application.

Section 7. Background Checks. Pursuant to KRS 321.189, the board may:

(1) Conduct a national or jurisdictional level background check on each veterinarian manager applicant for registration. 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;

(2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old~~.[.]~~

(3) Impose additional requirements as a condition of registration or deny registration following the board's review of findings from a background check; and

(4) Waive the background check requirement for a veterinarian manager who is already licensed in Kentucky and ~~if~~**[when]** a background check was previously conducted as a condition of licensure.

Section 8. Renewal and Reinstatement of Veterinary Facility Registrations. Pursuant to 201 KAR 16:765, a registered responsible party or veterinarian manager shall:

(1) Ensure the timely renewal of the veterinary facility registration; and

(2) If applicable, ensure an appropriate reinstatement application is made to the board.

Section 9. The veterinary facility registration certificate shall be posted in a publicly viewable area on the facility premises or on **the** mobile unit.

Section 10. Incorporation by Reference.

(1) ~~[The following material is incorporated by reference:]~~
~~[(a)] "Application for Veterinary Facility Registration", 2/2025, is incorporated by reference~~10/2024~~; and~~
~~[(b)] ["Registration for Mass Rabies Immunization Clinic", 10/2024].~~

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes application requirements for registered veterinary facilities.

(b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish requirements approved by the board for veterinary facility registration applications.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for veterinary facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing the application requirements approved by the board for veterinary facility registration applicants.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

- (b) The necessity of the amendment to this administrative regulation: N/A. This is a new administrative regulation.
- (c) How the amendment conforms to the content of the authorizing statutes: N/A. This is a new administrative regulation.
- (d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated 500 businesses in Kentucky offering veterinary services are estimated to 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: Applicants will be required to complete the appropriate application to request approval from the board for registration, renewal, or reinstatement of a veterinary facility registration.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the application requirements associated with registration.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
- (b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.
- (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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.
- (9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.203, 321.235(1)(b), (2)(b)1.c., 3.b., (2)(e), 321.236(1)(a).
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
- (a) Estimate the following for the first year:
- Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.
- Revenues: There is no revenue generated by this filing.
- Cost Savings:
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be

- required for record keeping. Costs will be minimal.
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite.
- (a) Estimate the following for the first year:
- Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.
- Revenues: There is no revenue generated by this filing.
- Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A
- (4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.
- (a) Estimate the following for the first year:
- Expenditures: N/A
- Revenues: N/A
- Cost Savings: N/A
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A
- (5) Provide a narrative to explain the:
- (a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts applicants for a veterinary facility registration in Kentucky.
- (b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.
- (6) Explain:
- (a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.
- (b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:765. Veterinary facilities -- Renewal notice -- Requirements for renewal and reinstatement.

RELATES TO: KRS ~~321.189~~, 321.203, 321.205, 321.235
 STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.203~~[(1), (2), (5), 321.203]~~, 321.205, 321.235(1)(b), (2)(e), ~~[(2)](f)~~
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively ~~implement~~~~carry out~~ and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. This administrative regulation establishes requirements for the renewal and reinstatement of veterinary facility registrations.

Section 1. Renewal Notices and Timeliness of Renewal Applications.

- (1) The board shall, not later than ~~August 31~~~~July 4~~ of each odd-numbered year, email or mail to each registered ~~veterinary~~~~allied animal health professional~~ facility a biennial renewal notice.

VOLUME 51, NUMBER 9– March 1, 2025

(2) The renewal application shall be completed by the permittee and returned to the board, including all required attachments and, if required by the board, proof of course completion for the required continuing education.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of not later than September 30 of every odd numbered year beginning in 2027 and each odd numbered year thereafter~~[or earlier]~~ shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, on or after October 1 of every odd year shall be considered late and shall cause the registration status to be changed to expired. There shall be no grace period for registered facility renewal~~[between October 1 and November 30 shall be considered late and therefore incur a late fee pursuant to 201 KAR 16:513].~~

(4) Renewal fee.

(a) The renewal fee shall be paid pursuant to 201 KAR 16:515; and

(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form~~[The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online].~~

Section 2. Renewal application.

(1) The renewal application for a veterinary facility shall be completed by the registered responsible party or veterinarian manager and returned to the board, including all required attachments.

(2) A renewal application to the board for a veterinary facility registration shall include the following components:

(a) A completed application on a Renewal Application for Registered Veterinary Facilities form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:515;

(b) Identification of any changes to the registered responsible party;

(c) Identification of the veterinarian manager;

(d) Identification of the name, phone, or email address of the registered facility;

(e) A current copy of the business registration from the Kentucky Secretary of State;

(f) Identification of the species served from one (1) or more in a list provided by the board;

(g) Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;

(h) A complete list of veterinarians working at the facility, excluding veterinarians providing locum services on a temporary basis to the facility;

(i) A complete list of licensed veterinary technicians working at the facility;

(j) A complete list of allied animal health professional (AAHP) permittees working at the facility;

(k) A complete list of mobile units affiliated with the veterinary facility;

(l) Disclosure of afterhours care arrangements;

(m) For fixed facilities, county of facility location and counties served;

(n) If the facility offers a haul-in installation for livestock~~[instillation];~~

(o) For mobile units, a list of the counties served by the mobile unit;

(p) Hours of operation;

(q) A copy of any court documents, final orders, settlement agreements, or other information~~[documents]~~ requested by the board in support of the application; and

(r) Any other information requested by the board in support of the application.

(3) A change in fifty (50) percent~~[50%]~~ or more of ownership or of the registered responsible parties shall be cause for the board to deny the renewal for a veterinary facility registration and require a new veterinary facility registration application.

Section 3. Failure to Renew~~[Timely receipt of renewal application.]~~

~~(1) [Renewals bearing a postmark, or, if an online renewal, a timestamp, of September 30 of every odd numbered year beginning in 2027 and each odd numbered year thereafter shall be considered received on time.]~~

~~[(2)] [Renewals bearing a postmark or, if an online renewal, a timestamp, after September 30 of the renewal period shall be considered late and shall cause the facility registration status to be changed to expired. There shall be no grace period for registered facility renewal.]~~

~~[(3)] [Renewal fee.]~~

~~[(a)] [The renewal fee shall be paid in accordance with 201 KAR 16:515; and]~~

~~[(b)] [The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form.]~~

~~[(4)] Applicants for renewal that miss the veterinary facility registration renewal deadline shall immediately~~[:]~~~~

~~[(a)] [Immediately] cease operations offering veterinary services~~[; and]~~~~

~~[(b)] If the registered responsible party desires to continue offering veterinary services on the fixed premises or from a mobile unit~~[operations], they shall~~ submit a complete [a] reinstatement application in accordance with Section 4 of this administrative regulation.~~

Section 4. Reinstatement. A registered responsible party or veterinarian manager shall apply for reinstatement of an expired veterinary facility registration if not more than five (5) years have elapsed since the last date of registration expiration pursuant to KRS 321.203.

(1) A reinstatement application to the board for a veterinary facility registration shall include the following components:

(a) A completed application on a Reinstatement Application for Registered Veterinary Facilities form or online equivalent form, including the following components, all required attachments, and fees pursuant to 201 KAR 16:515;

(b) Identification of any changes to the registered responsible party;

(c) Identification of the veterinarian manager;

(d) Identification of the name, phone, and email address of the registered facility;

(e) A copy of the business registration from the Kentucky Secretary of State;

(f) Identification of the species served from one (1) or more in a list provided by the board;

(g) Identification of the patient services offered at the veterinary facility from one (1) or more in a list provided by the board;

(h) A complete list of veterinarians working at the facility, excluding veterinarians providing locum services on a temporary basis to the facility;

(i) A complete list of licensed veterinary technicians working at the facility;

(j) A complete list of AAHP permittees working at the facility;

(k) A complete list of all mobile units affiliated with the veterinary facility;

(l) Disclosure of afterhours care arrangements;

(m) For fixed facilities, county of location and counties served;

(n) If the facility offers a haul-in installation for livestock~~[instillation];~~

(o) For mobile units, a list of the counties served by the mobile unit;

(p) Hours of operation;

(q) A copy of any court documents, final orders, settlement agreements, or other information~~[documents]~~ requested by the board in support of the application; and

(r) Any other information requested by the board in support of the application.

(2) Reinstatement fee.

(a) The reinstatement fee shall be paid in accordance with 201 KAR 16:515; and

VOLUME 51, NUMBER 9– March 1, 2025

(b) The reinstatement fee shall be attached to the completed reinstatement form when it is returned to the board or paid online with the completion of the online reinstatement form, if available.

Section 5. Background checks. Pursuant to KRS 321.189, the board may:

- (1) Conduct a national or jurisdictional level background check on each veterinarian manager applicant for veterinary facility registration. 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;
- (2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and
- (3) Impose additional requirements as a condition of registration or deny registration following the board's review of findings from a background check.

Section 6. Incorporation by reference.

(1) The following material is incorporated by reference:

- (a) "Renewal Application for Registered Veterinary Facilities", 2/2025~~[10/2024]~~; and
- (b) "Reinstatement Application for Registered Veterinary Facilities", 2/2025~~[10/2024]~~.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes requirements approved by the board for the renewal and reinstatement of veterinary facility registrations.
 - (b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish requirements for renewal and reinstatement of veterinary facility registration applications.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing the application requirements approved by the board for veterinary facility registration applicants.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.
 - (b) The necessity of the amendment to this administrative regulation: N/A. This is a new administrative regulation.
 - (c) How the amendment conforms to the content of the authorizing statutes: N/A. This is a new administrative regulation.
 - (d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated 500 businesses in Kentucky offering veterinary services are estimated to 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: Applicants will be required to complete the appropriate application to petition the board for registration, renewal, or reinstatement of an veterinary facility registration.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.
 - (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
 - (b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.
 - (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.
 - (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 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: This regulation does not establish or increase any fees, directly or indirectly.
 - (9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.203(1), (2), (5), 321.203, 321.205, 321.235(1)(b), (2)(e), and (2)(f).
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
 - (a) Estimate the following for the first year:
Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.
Revenues: There is no revenue generated by this filing.
Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.
 - (b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite.
 - (a) Estimate the following for the first year:
Expenditures: N/A
Revenues: There is no revenue generated by this filing.
Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily

accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts applicants for a veterinary facility registration in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Kentucky Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:767. Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers.

RELATES TO: KRS 321.181, 321.203, 321.205, 321.235, 321.236
STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.236(1)(b)
NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility. This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers.

Section 1. Definitions.

(1) "Fixed facility" is defined by KRS 321.181(38).

(2) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46).

(3) "Practice of veterinary medicine" is defined by KRS 321.181(50).

(4) "Practice of veterinary technology" is defined by KRS 321.181(51).

(5) "Registered responsible party" is defined by KRS 321.181(57).

(6) "Veterinarian manager" is defined by KRS 321.181(68)

(7) "Veterinary facility" is defined by KRS 321.181(71).

Section 2. Duties of Registered Responsible Parties. A registered responsible party shall

(1) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR Chapter 16[administrative regulation]**;

(2) Designate a veterinarian manager for the registered veterinary facility;

(3) Comply with the requirements of and ensure employees and volunteers at the veterinary facility comply with the provisions of KRS Chapter 321 and 201 KAR Chapter 16, ~~are met~~ in addition to all local, state, and federal laws governing operations at the veterinary facility; and

(4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation, including the timely designation of a veterinarian manager for the facility.

Section 3. Duties of Veterinarian Managers.

(1) A veterinarian manager shall:

(a) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR Chapter 16[administrative regulation]**;

(b) Maintain a Kentucky Board of Veterinary Examiners veterinarian license;

(c) Comply with all provisions of the Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16, in addition to all local, state, and federal laws governing operations at the veterinary facility; and

(d) Ensure the current board approved veterinary facility registration is posted in the registered facility and viewable by the public.

(2) The veterinarian manager shall be:

(a) The individual who oversees veterinary services at a veterinary facility;

(b) Knowledgeable about the veterinary facility and its:

1. Daily operations;^[r]

2. Standard protocols;^[r]

3. Drugs and supplies;^[r]

4. Patient areas;^[r]

5. Storage structures;^[r]

6. Other organizational spaces;^[r] and

7. Parts and spaces, both indoors and outdoors;

(c) Present at the veterinary facility with enough frequency to have knowledge of and control over the facility's methods for complying with minimum standards and the degree to which the minimum standards are being met; and

(d) Available and responsive to the board, its staff, inspectors, or other board designees, ~~if in the event of~~ a facility inspection or any inquiry or investigation by the board **occurs**.

Section 4. Duty to Report. Either the registered responsible parties or veterinarian managers shall report to the board:

(1) Within thirty (30) days, any change of name, address, phone, or email to the registered facility by completing and submitting to the board the Request for Facility Information Change form or online equivalent form provided by the board, including all required attachments;

(2) Within ten (10) days, a change in the veterinarian manager for the registered veterinary facility on the Request for a New Veterinarian Manager form or online equivalent form, including all required attachments; and

(3) A written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Request for Facility Information Change", **2/2025[10/2024]**; and

(b) "Request for a New Veterinarian Manager", **2/2025[10/2024]**.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

VOLUME 51, NUMBER 9— March 1, 2025

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the responsibilities for registered responsible parties and veterinarian managers at registered veterinary facilities as approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to ensure clear requirements regarding expectations and duties of registered responsible parties and veterinarian managers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively implement and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all veterinary facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered veterinary facility to identify both a veterinarian manager and each registered responsible party who shall be responsible for the operation and management of the veterinary facility.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing the responsibilities for registered responsible parties and veterinarian managers approved by the board.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

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

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

(d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated 500 businesses in Kentucky offering veterinary services are estimated to 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: Veterinary facility registered responsible parties and veterinarian managers will be required to provide timely and current contact information to the board, provide oversight in specific areas at the registered facility identified by the board, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this administrative regulation simply establishes the duties of veterinary facility registered responsible parties and veterinarian managers, as approved by the board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(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 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: This regulation does not establish or increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all premises at which the practice of veterinary medicine occurs, except those entities excluded under KRS 321.200.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.235(1)(b), 321.236(1)(b)

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Kentucky counties may be impacted if the county animal control agency or animal shelter offers veterinary services to the public or conducts surgeries onsite.

(a) Estimate the following for the first year:

Expenditures: There will not be additional expenditures as a result of this filing. The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this new administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts veterinary facility registrants in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

- (a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.
- (b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:772. Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.189, 321.203, 321.205, 321.235
 STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement **and enforce** KRS Chapter 321. KRS 321.235(2)(b)2. **authorizes** ~~provides~~ the board ~~authority~~ to promulgate administrative regulations to establish conditions for applications and permitting of allied animal health professional (AAHP) facilities. This administrative regulation establishes application requirements for AAHP facilities, registered responsible parties at AAHP facilities, and AAHP managers.

Section 1. Definitions.

- (1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).
- (2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).
- (3) "Fixed facility" is defined by KRS 321.181(38).
- (4) "Mobile facility" or "mobile unit" is defined by KRS 321.181(46). ~~[- An AAHP mobile unit shall be primarily used for the practice of an AAHP permittee.]~~
- (5) "Registered responsible party" is defined by KRS 321.181(57).

Section 2. General Requirements. Each AAHP facility located in Kentucky at which an AAHP permittee practices on animal patients shall possess an AAHP facility registration issued by the Kentucky Board of Veterinary Examiners, unless the AAHP permittee is practicing at a registered veterinary facility.

- (1) An AAHP facility registration shall not be issued without a physical facility, either a fixed facility or mobile facility.
- (2) An AAHP facility shall contain a dedicated space equipped for staffed, and primarily devoted to the practice of the allied animal health profession on animal patients.
- (3) A mobile facility shall be registered as an affiliate unit on a fixed facility registration, or independently under a unique AAHP facility registration with a designated physical location for parking and storage.
- (4) A registered facility shall have no more than two (2) mobile units under its registration without incurring additional registration and renewal fees as established in 201 KAR ~~16:517~~ **16:515**.
- (5) A registered AAHP facility shall prominently display the current registration certificate in a public area of the registered facility. The registration certificate shall:
- (a) Be legible; and
- (b) Show the current dates of registration.

Section 3. Exemptions from Requirements for AAHP Facility Registration. The following premises shall be exempt from the requirements of this administrative regulation:

- (1) Premises identified in KRS 321.181(2)(c) ~~1~~ **1**;
- (2) An expert who provides consulting services only to other veterinarians or AAHP permittees, who does not engage in practice

on a patient directly, and who does not have a regular physical facility where the consultant practices on animal patients; **and** ~~1~~ **1**.

(3) An AAHP Permittee who utilizes their personal vehicle for transport provided the equipment for AAHP services being transported is limited to an aide for height. Transportation of any other equipment for services or pharmaceuticals shall trigger the requirement for registration of the vehicle as an AAHP facility or mobile unit.

Section 4. Registered Responsible Party.

- (1) Each application for an AAHP facility registration shall name the facility and identify each registered responsible party.
- (2) Pursuant to KRS 321.236(5), each registered responsible party shall be accountable for ensuring the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met, including the timely designation of an allied animal health professional manager for the facility, in accordance with 201 KAR 16:737.
- (3) ~~If~~ **When** it is determined that a registered responsible party has violated any provisions of the Kentucky Veterinary Medicine Practice Act or 201 KAR Chapter 16, the board may take disciplinary action equal to that for a licensed veterinarian as provided by the Kentucky Veterinary Medicine Practice Act.

Section 5. AAHP Manager.

- (1) Each application for an AAHP facility registration shall name the facility and designate an AAHP manager. The application shall include the AAHP manager's original signature, or, if completed online, an equivalent digital signature.
- (2) An AAHP manager shall be primarily responsible for meeting the requirements of KRS Chapter 321 and 201 KAR Chapter 16, including ensuring that minimum standards are met and maintained.

Section 6. New Application Requirements. A new application to the board for registration as a AAHP facility shall include the following components:

- (1) A completed application on an Application for AAHP Facility Registration form or online equivalent form, including all required attachments and fees **pursuant to 201 KAR 16:517**;
- (2) A complete list of persons or entities who shall be the registered responsible party;
- (3) Identification of the AAHP manager;
- (4) A copy of the business registration from the Kentucky Secretary of State;
- (5) Identification of the type of AAHP facility from one **(1)** or more in a list provided by the board;
- (6) Identification of the species served from one **(1)** or more in a list provided by the board;
- (7) Identification of the patient services offered at the AAHP facility from one (1) or more in a list provided by the board;
- (8) A complete list of AAHP permittees working at the facility;
- (9) A complete list of all mobile units affiliated with the AAHP facility;
- (10) Disclosure of afterhours care arrangements;
- (11) For fixed facilities, county of location and counties served;
- (12) For mobile units, a list of the counties served by the mobile unit;
- (13) Hours of facility operation; and
- (14) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application.

Section 7. Background Checks. Pursuant to KRS 321.189, the board may:

- (1) Conduct a national or jurisdictional level background check on each AAHP permit applicant. 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;
- (2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old;
- (3) Impose additional requirements as a condition of registration or deny the application following the board's review of findings from a background check; and
- (4) Waive the background check requirement for an AAHP manager who is already permitted in Kentucky and **if** ~~when~~ **1** a

VOLUME 51, NUMBER 9– March 1, 2025

background check was previously conducted as a condition of permitting.

Section 8. Renewal and Reinstatement of AAHP Facility Registrations. Pursuant to 201 KAR 16:775, a registered responsible party or AAHP manager shall:

- (1) Ensure the timely renewal of the AAHP facility registration;
- and
- (2) If applicable, ensure an appropriate reinstatement application is made to the board.

Section 9. Incorporation by Reference.

- (1) "Application for AAHP Facility Registration", 2/2025[10/2024], 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, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes application requirements for registered AAHP facilities.
 - (b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish requirements approved by the board for AAHP facility registration applications.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, the registration and regulation of veterinary facilities and mobile facilities where and from which the practice of veterinary medicine occurs. KRS 321.236(1)(a) allows the Kentucky Board of Veterinary Examiners to promulgate administrative regulations defining the application requirements and fees for AAHP facilities. KRS 321.235(1)(b) requires the agency to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing the application requirements approved by the board for AAHP facility registration applicants.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.
 - (b) The necessity of the amendment to this administrative regulation: N/A. This is a new administrative regulation.
 - (c) How the amendment conforms to the content of the authorizing statutes: N/A. This is a new administrative regulation.
 - (d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated ten (10) businesses in Kentucky offering AAHP services are estimated to 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: Applicants will be required to complete the appropriate application to request approval from the board for registration, renewal, or reinstatement of an AAHP facility registration.

- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for application, renewal, and reinstatement.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the application requirements associated with registration.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
 - (b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.
- (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 to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.
- (9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all premises at which the practice of AAHP services occur, except those entities excluded under KRS 321.181(71).

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., 321.236
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
 - (a) Estimate the following for the first year:
Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the veterinary facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.
Revenues: There is no revenue generated by this filing.
Cost Savings: There will be no cost savings; this amendment simply codifies the requirements, making them easily accessible for regulated entities.
 - (b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.
 - (a) Estimate the following for the first year:
Expenditures: N/A
Revenues: N/A
Cost Savings: N/A
 - (b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A
- (4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will

be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts candidates seeking a facility registration for an allied animal health provider in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:775. AAHP facilities -- Renewal notice -- Requirements for renewal and reinstatement.

RELATES TO: KRS 321.175, 321.181(1)-(4), ~~321.189~~, 321.203, 321.205, 321.235

STATUTORY AUTHORITY: KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c), (2)(b)2., 321.236

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS 321.235(2)(b)2. ~~authorizes~~provides the board ~~[authority]~~to promulgate administrative regulations to establish conditions for applications and permitting of allied animal health professional (AAHP) facilities. This administrative regulation establishes requirements for AAHP facility registration renewal and reinstatement applications.

Section 1. Renewal Notices and Timeliness of Renewal Applications.

(1) The board shall, not later than ~~August 31~~July 1 of each odd-numbered year, email or mail to each registered AAHP facility a biennial renewal notice.

(2) The renewal application shall be completed by the AAHP manager or registered responsible party and returned to the board, including all required attachments and, if required by the board, proof of course completion for the required continuing education.

(3) Timely receipt of renewal application.

(a) Renewals bearing a postmark, or, if an online renewal, a timestamp, of not later than September 30 of every odd-~~numbered~~ year beginning in 2027 and each odd-numbered year thereafter~~[or earlier]~~ shall be considered received on time.

(b) Renewals bearing a postmark, or, if an online renewal, a timestamp, on or after October 1 of every odd-~~numbered~~ year shall be considered late and shall cause the registration status to be changed to expired. There shall be no grace period for registered facility renewal.

(4) Renewal fee.

(a) The renewal fee shall be paid pursuant to 201 KAR 16:517; and

(b) The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with

~~the completion of the online renewal form.~~[Applicants for renewal that miss the deadline will be required to complete a reinstatement application in accordance with Section 4 of this administrative regulation.]

Section 2. Renewal Application.

(1) The renewal application shall be completed by the registered responsible party or AAHP manager and returned to the board, including all required attachments.

(2) A renewal application to the board for an AAHP facility registration shall include the following components:

(a) A completed application on the Renewal Application for Registered AAHP Facilities form or online equivalent form, including all required attachments and fees pursuant to 201 KAR 16:517;

(b) Identification of any changes to the registered responsible party;

(c) Identification of the AAHP manager;

(d) A copy of the business registration from the Kentucky Secretary of State;

(e) Identification of the type of AAHP facility from one (1)or more in a list provided by the board;

(f) Identification of the species served by the facility from one (1)or more in a list provided by the board;

(g) Identification of the patient services offered at the ~~AAHP~~veterinary facility from one (1) or more in a list provided by the board;

(h) A complete list of AAHP permittees working at the facility;

(i) A complete list of all mobile units affiliated with the AAHP facility;

(j) Disclosure of afterhours care arrangements;

(k) For fixed facilities, county of location and counties served;

(l) For mobile units, a list of the counties served by the mobile unit;

(m) Hours of facility operation; and

(n) A copy of any court documents, final orders, settlement agreements, or other ~~information~~documents requested by the board in support of the application.

(3) A change in fifty (50) percent or more of ownership or of the registered responsible parties shall be cause for the board to deny an AAHP facility renewal and require a new AAHP facility application.

Section 3. Failure to Renew.

(1) Applicants for renewal that miss the AAHP facility registration renewal deadline shall immediately cease operations offering AAHP services.

(2) If the registered responsible party desires to continue offering AAHP services on the premises or from a mobile unit, they shall submit a complete reinstatement application in accordance with Section 4 of this administrative regulation.~~[Renewal fee.]~~

~~[(1)] [The renewal fee shall be paid in accordance with 201 KAR 16:517; and]~~

~~[(2)] [The renewal fee shall be attached to the completed renewal form when it is returned to the board or paid online with the completion of the online renewal form.]~~

Section 4. Reinstatement. A registered responsible party or AAHP manager may apply for reinstatement of an expired AAHP facility registration if not more than five (5) years have elapsed since the last date of registration expiration pursuant to KRS 321.203. Applications to the board for reinstatement of a AAHP facility registration shall include the following components:

(1) A completed application on a Reinstatement Application for Registered AAHP Facilities form or online equivalent form, including the following components and all required attachments and fees pursuant to 201 KAR 16:517;

(2) Identification of any changes to the registered responsible party;

(3) Identification of the AAHP manager;

(4) A copy of the business registration from the Kentucky Secretary of State;

(5) Identification of the type of AAHP facility from one (1)or more in a list provided by the board;

- (6) Identification of the type of AAHP facility from one (1) or more in a list provided by the board;
- (7) Identification of the species served by the facility from one (1) or more in a list provided by the board;
- (8) Identification of the patient services offered at the **AAHP[veterinary]** facility from one (1) or more in a list provided by the board;
- (9) A complete list of AAHP permittees working at the facility;
- (10) A complete list of all mobile units affiliated with the AAHP facility;
- (11) Disclosure of afterhours care arrangements;
- (12) For fixed facilities, county of location and counties served;
- (13) For mobile units, a list of the counties served by the mobile unit;
- (14) Hours of facility operation; and
- (15) A copy of any court documents, final orders, settlement agreements, or other **information[documents]** requested by the board in support of the application.

Section 5. Background Checks. Pursuant to KRS 321.189, the board may:

- (1) Conduct a national or jurisdictional level background check on each AAHP manager applicant for AAHP facility registration. 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;
- (2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and
- (3) Impose additional requirements as a condition of registration or deny the AAHP facility application or the designated **AAHP[veterinarian]** manager following the board's review of findings from a background check.

Section 6. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Renewal Application for Registered AAHP Facilities", **2/2025[10/2024]**; and
 - (b) "Reinstatement Application for Registered AAHP Facilities", **2/2025[10/2024]**.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025
FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes requirements for allied animal health professional (AAHP) facility registration renewal and reinstatement applications.
 - (b) The necessity of this administrative regulation: This new administrative regulation is necessary to establish clear requirements for renewal and reinstatement applications for AAHP facility registrations.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to establish conditions for applications and permitting of AAHP facilities.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new

administrative regulation will assist in effective administration by clearly expressing the application requirements approved by the board for the renewal and reinstatement of AAHP facility registrations.

- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.
 - (b) The necessity of the amendment to this administrative regulation: N/A. This is a new administrative regulation.
 - (c) How the amendment conforms to the content of the authorizing statutes: N/A. This is a new administrative regulation.
 - (d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated ten (10) businesses in Kentucky offering AAHP services are estimated to 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: Applicants will be required to complete the appropriate application to apply to the board for renewal or reinstatement of an AAHP facility registration.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this is a prerequisite for renewal and reinstatement applications.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the fees associated with registration.
 - (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.
 - (b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.
 - (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.
 - (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 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: This regulation does not establish or increase any fees, directly or indirectly.
 - (9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all entities seeking to renew or reinstate an AAHP facility registration.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.175(2)(c), (5), 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c) and (2)(b)2., and 321.236.
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.
 - (a) Estimate the following for the first year: Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the AAHP facility registration program, database management, infrastructure, overhead, and contractors,

including legal counsel and investigators.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts applicants for an AAHP facility registration in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:777. Registered AAHP facilities – Duties of registered responsible parties and AAHP managers.

RELATES TO: KRS 321.181, 321.203, 321.205, 321.235, 321.236
 STATUTORY AUTHORITY: KRS 321.235(1)(b), 321.236(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all allied animal health professional (AAHP) facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered AAHP facility to identify both an AAHP manager and each registered responsible party who shall be responsible for the operation and management of the AAHP facility. This administrative regulation establishes the responsibilities for registered responsible parties and AAHP managers.

Section 1. Definitions.

(1) "Allied animal health professional" or "AAHP" **is defined by [has the same meaning as]** KRS 321.181(1).

(2) "Allied animal health professional facility" or "AAHP facility" **is defined by [has the same meaning as]** KRS 321.181(2).

(3) "Fixed facility" **is defined by [has the same meaning as]** KRS 321.181(38).

(4) "Mobile facility" or "mobile unit" **is defined by [has the same meaning as]** KRS 321.181(46).

(5) "Registered responsible party" **is defined by [has the same meaning as]** KRS 321.181(57).

Section 2. Duties of Registered Responsible Parties. A registered responsible party shall:

(1) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR Chapter 16 [administrative regulation]**;

(2) Designate an AAHP manager for the registered AAHP facility;

(3) Ensure the requirements of KRS Chapter 321 and 201 KAR Chapter 16 are met in addition to all local, state, and federal laws governing operations at the veterinary facility; **and**

(4) Comply with all duties to report, in accordance with Section 4 of this administrative regulation, including the timely designation of an AAHP manager for the facility. **[; and]**

Section 3. Duties of AAHP Managers.

(1) An AAHP manager shall:

(a) Be responsible for maintaining minimum standards as promulgated by the board in **201 KAR Chapter 16 [administrative regulation]**;

(b) Maintain a Kentucky Board of Veterinary Examiners AAHP permit in good standing;

(c) Comply with all provisions of the Kentucky Veterinary Medicine Practice Act and 201 KAR Chapter 16, in addition to all local, state, and federal laws governing operations at the AAHP facility; and

(d) Ensure the current board approved AAHP facility registration is posted in the registered facility and viewable by the public.

(2) The AAHP manager shall be:

(a) The individual who oversees AAHP services at the AAHP facility;

(b) Knowledgeable about the AAHP facility, its:

1. Daily operations;
2. Standard protocols;
3. Drug supplies;
4. Patient areas;
5. Storage structures;
6. Other organizational spaces; and
7. Parts and spaces, both indoors and outdoors;

(c) Present at the AAHP facility with enough frequency to have knowledge of and control over the facility's methods for complying with minimum standards and the degree to which the minimum standards are being met; and

(d) Available and responsive to the board, its staff, inspectors, or other board designees, **if [in the event of]** a facility inspection or any inquiry or investigation by the board **occurs**.

Section 4. Duty to Report. Either the registered responsible party or AAHP managers shall report to the board:

(1) Within thirty (30) days, any change of name, address, phone, or email to the registered AAHP facility by completing and submitting to the board the Request for Facility Information Change form **incorporated by reference [as found]** in 201 KAR 16:767, or online equivalent form, including all required attachments, provided by the board;

(2) Within ten (10) days, a change in the AAHP manager for the registered facility by completing and submitting to the board a Request for a New AAHP Manager form or online equivalent form, including all required attachments, provided by the board; and

(3) A written response to a grievance or inquiry from the board pursuant to 201 KAR 16:610.

Section 5. Registration and Inspection of Allied Animal Health Professional Facilities.

(1) Each AAHP permittee and AAHP facility or mobile facility shall be subject to KRS Chapter 321 and 201 KAR Chapter 16.

(2) During a facility inspection or investigation, the board or its designee shall be provided unrestricted access to animal use areas.

(3) Inspections of an AAHP facility shall be limited to the animal treatment areas unless the board or its designee is accompanied by at least one (1) representative from the professional licensing board or certifying body in the human area of specialty.

Section 6. Separate Human and Animal Treatment Areas Required. An AAHP permittee who treats both animal and human patients in the same registered facility shall:

(1) Post a conspicuous sign in the reception area of that facility informing customers that nonhuman patients are treated on the premises;

(2) Maintain a separate, non-carpeted room for the purpose of practicing on animal patients;

(3) Utilize separate furniture and equipment for use with animal patients which shall not be used for human patients;

(4) Apply appropriate biosecurity measures to prevent contamination and the spread of zoonotic disease; and

(5) ~~If [In the event of]~~ an animal bite occurs, report to the local health department within twelve (12) hours and comply with state law regarding required actions and, if necessary, quarantine the animal.

Section 7. Incorporation by Reference.

(1) "Request for a New AAHP Manager", 2/2025[10/2024], 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, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

MICHELLE M. SHANE, Executive Director

For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: January 30, 2025

FILED WITH LRC: February 14, 2025 at 7:51 a.m.

CONTACT PERSON: Michelle M. Shane, Executive Director, Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, phone 502-564-5433, fax 502-753-1458, email Michelle.Shane@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle M. Shane

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the responsibilities for registered responsible parties and AAHP managers at registered facilities as approved by the board.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to communicate clear requirements regarding expectations and duties of registered responsible parties and AAHP managers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) requires the Kentucky Board of Veterinary Examiners to promulgate administrative regulations to effectively carry out and enforce the provisions of KRS Chapter 321. KRS 321.236 requires all allied animal health professional (AAHP) facilities to register with the Kentucky Board of Veterinary Examiners. KRS 321.236(5) requires each registered AAHP facility to identify both an AAHP manager and each registered responsible party who shall be responsible for the operation and management of the AAHP facility.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This new administrative regulation will assist in effective administration by clearly expressing the responsibilities for registered responsible parties and AAHP managers approved by the board.

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

(a) How the amendment will change this existing administrative regulation: N/A. This is a new administrative regulation.

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

(c) How the amendment conforms to the content of the authorizing

statutes: N/A. This is a new administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: N/A. 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: An estimated ten (10) businesses in Kentucky offering AAHP services are estimated to 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: AAHP facility registered responsible parties and veterinarian managers will be required to provide timely and current contact information to the board, provide oversight in specific areas at the registered facility identified by the board, and ensure compliance with KRS Chapter 321 and 201 KAR Chapter 16.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are associated with compliance, as this administrative regulation simply establishes the duties of AAHP facility registered responsible parties and AAHP managers, as approved by the board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Administrative ease of clear communications of the responsibilities for registered responsible parties and AAHP managers at AAHP facilities.

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

(a) Initially: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term.

(b) On a continuing basis: The KBVE expects costs for all board operations to be approximately \$900,000 annually in future bienniums as new programming is brought online, per the mandates in the modernized Kentucky Veterinary Medicine Practice Act, KRS Chapter 321.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KBVE does not receive any general funds. All funds for the agency come from licensing fees, service fees, and administrative fines.

(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 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: This regulation does not establish or increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied? Tiering is not applied because this new administrative regulation applies to all entities holding an AAHP facility registration.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 321.235(1)(b), 321.236(1)(b)

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

(a) Estimate the following for the first year:

Expenditures: The KBVE expects costs for all board operations to be approximately \$759,700 annually in the near term. This includes the administration of the AAHP facility registration program, database management, infrastructure, overhead, and contractors, including legal counsel and investigators.

Revenues: There is no revenue generated by this filing.

Cost Savings: There will be no cost savings; this administrative regulation simply codifies the requirements, making them easily accessible for regulated entities.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Staff time and database management will be required for record keeping. Costs will be minimal.

VOLUME 51, NUMBER 9– March 1, 2025

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(4) Identify additional regulated entities not listed in questions (2) or (3): KBVE does not anticipate that any other regulated entities will be impacted.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not set fees and will not bring in revenue. Local entities will not be impacted by this regulation. This filing only impacts AAHP facility registrants in Kentucky.

(b) Methodology and resources used to determine the fiscal impact: A large spreadsheet was used to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This new administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint.

(b) The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(3)

(a) Upon receipt of the written response of the individual named in the complaint, a copy of his or her response shall be sent to the complainant.

(b) The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 2. Initial Review.

(1) After the receipt of a complaint and the expiration of the period for the individual's response or reply, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available, and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

(a) Authorize an investigation into the matter; and

(b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 3. Results of Formal Investigation; Board Decision on Hearing.

(1) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint. The committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 335.500 to 335.599 or the administrative regulations promulgated thereunder and a complaint should be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, it shall:

(a) Dismiss the complaint or take action pursuant to KRS 335.540(3); and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint, which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chair and served upon the individual as required by KRS Chapter 13B.

(4) If the board determines that a person may be in violation, it shall:

(a) Order the individual to cease and desist from further violations of KRS 335.505;

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 335.505 with a request that appropriate action be taken under KRS 335.599; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 335.505.

Section 4. Settlement by Informal Proceedings.

(1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chair.

(3) The board may employ mediation as a method of resolving the matter informally.

BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Amended After Comments)

201 KAR 36:050. Complaint management process.

RELATES TO: KRS 335.540, 335.545

STATUTORY AUTHORITY: KRS 335.515(3), (7), 45 C.F.R. 164.512(a), (d), (e)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.515(3) requires the board to promulgate administrative regulations necessary to carry out and enforce the provisions of KRS 335.500 to 335.599. This administrative regulation establishes the procedures for filing, investigating, and addressing a complaint filed against a professional counselor.

Section 1. Receipt of Complaints.

(1) A complaint:

(a) May be submitted by an:

- 1. Individual;
- 2. Organization; or
- 3. Entity;

(b) Shall be:

1. In writing and provided on the Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records, DPL-LPC-11, DPL-LPC-12; and

2. Signed by the person submitting the complaint; and

(c) May be filed by the board based upon information in its possession without receipt of a third-party complaint if the board has reasonable cause to believe there may be a violation by a licensee.

(2)

VOLUME 51, NUMBER 9– March 1, 2025

Section 5.

(1) If the complaint screening committee determines that a violation has occurred but is not serious, the complaint screening committee may recommend the issuance of a private written ~~admonishment[reprimand]~~ to the board. If the board accepts the recommendation, the board shall issue a private written ~~admonishment[reprimand]~~ to the credential holder.

(2) A copy of the private written ~~admonishment[reprimand]~~ shall be placed in the permanent file of the credential holder.

(3) A private written ~~admonishment[reprimand]~~ shall not:

(a) Be subject to disclosure to the public under KRS 61.878(1)(I); or

(b) Constitute disciplinary action.

(4) A private written ~~admonishment[reprimand]~~ may be used by the board for statistical purposes or in any subsequent disciplinary action against the credential holder or applicant.

Section 6. If the board determines that there is reasonable cause to believe that a license holder or applicant for a license is physically or mentally incapable of practicing professional counseling with reasonable skill and safety to clients, the board may order the license holder or applicant to submit to an examination by a mental health professional or a physician designated by the board to determine the license holder's or applicant's mental health or physical status to practice professional counseling.

Section 7. Notice and Service Process. A notice required by KRS 335.500 to 335.599 or this administrative regulation shall be issued pursuant to KRS Chapter 13B and 201 KAR 36:090.

Section 8. Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 335.540 with the exception of a written admonishment issued pursuant to KRS 335.540(3); and

(2) An action to restrain or enjoin a violation of KRS 335.505. 201 KAR 36:050.

Section 9. If ~~the~~ your complaint relates to services provided ~~to you~~ by a licensee, the board or its ~~its~~ authorized representative may contact ~~the complainant~~ you and request that ~~he or she~~ you sign an Authorization for Release of Medical and Client Records, **DPL-LPC-012**. This involves health oversight activities and administrative proceedings of the board and disclosure is permitted ~~by/under~~ 45 C.F.R. Section 164.512 ~~(a), (d), and (e)~~, the federal regulations implementing the Health Insurance Portability Accountability Act (HIPAA).

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Complaint Form with Information Sheet and Authorization for Release of Medical and Client Records", DPL-LPC-11, February 2025[August 2024]; and [DPL-LPC-12, July 2023, is incorporated by reference.]

(b) "Authorization for Release of Medical and Client Records", DPL-LPC-12, February 2025[August 2024].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, Frankfort, Kentucky 40601, from 8:00 a.m. to 4:00 p.m., Monday through Friday. This material is also available on the board's Web site at lpc.ky.gov.

ANDREA BROOKS, Chair

APPROVED BY AGENCY: February 12, 2025

FILED WITH LRC: February 12, 2025 at 11:10 a.m.

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, office phone (502) 782-2709, fax (502) 564-4818, email Sara.Janes@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative

regulation establishes the complaint and administrative hearing process to address alleged violations brought before the board.

(b) The necessity of this administrative regulation: The necessity of this regulation is to establish a complaint and administrative hearing process to address alleged violations brought before the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the requirements for the administrative hearing process to address alleged violations brought before the board.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in establishing the complaint, investigation, and administrative hearing process of alleged violations brought before the board.

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

(a) How the amendment will change this existing administrative regulation: The amendment will amend language Section 5 relating to use of the term "private reprimand" for non-serious statutory or regulatory offenses to usage of the term "private admonishment" which is consistent with KRS 335.540(3). KRS 335.545 provides that a hearing is required before imposing a written reprimand. Therefore, this amendment will bring the regulation into compliance with the authorizing statutes. Additionally, this amendment will include instructions with the Complaint Form and include the authorization for the release of medical and client records, when applicable, and correct the form number in the material incorporated by reference. Finally, a new section advising complainants a release of medical records may be necessary under HIPAA and a new medical release form is included in the material incorporated by reference; and, a new form for agency use when the complainant fails to file the of medical records with the complaint or when the Respondent's complaint relates to a client who is not the complainant.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to bring the regulation into compliance with the KRS 335.540 and 335.545. Additionally, this amendment will provide complainants with instructions about the complaint management process to alleviate questions about the process expressed by complainants and make the process more efficient, correct the form number listed in the MIR, and include information and a form for a HIPAA release of medical records.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations regarding the requirements discipline and investigation by the board

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in effective administration by clarifying the disciplinary options available for board sanctions; and will help complainants understand the complexities of filing a complaint and what to expect, including the potential need for a HIPAA release.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4564 active and 61 inactive licensees in some capacity, and will also affect new applicants for licensure.

(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: A licensee will have to take no additional action to comply with the amendments if a disciplinary action ensues against the licensee.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment will clarify the disciplinary options and allow the board to issue a private admonishment that will not be considered disciplinary in nature.

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

(a) Initially: It will not cost the administrative body any additional funds

VOLUME 51, NUMBER 9– March 1, 2025

to implement this administrative regulation.

(b) On a continuing basis: It will not cost the administrative body any additional funds 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: The board's operations are funded by fees paid by credential holders and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation change.

(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? This regulation does not distinguish between similarly situated individuals on the basis of any factor.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.515(3), KRS 211.332, KRS 211.334, KRS 211.335, and KRS 211.336.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Licensed Professional Counselors.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: Unknown.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.

(a) Estimate the following for the first year:

Expenditures: None.

Revenues: None.

Cost Savings: None.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There will be no difference in expenditures, revenues or cost savings to local entities in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): There are no other regulated entities not otherwise listed.

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: There is no anticipated fiscal impact to this administrative regulation.

(b) Methodology and resources used to determine the fiscal impact: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: Methodology and resources was a review of the existing budget by the board's fiscal administrator as well as consideration of the amendment and whether staff time and costs will be increased.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 45 C.F.R. Section 164.512(a), (d), and (e), the regulations implementing the Health Insurance Portability Accountability Act (HIPAA).

(2) State compliance standards. The state complies with HIPAA

standards.

(3) Minimum or uniform standards contained in the federal mandate. The board may be required to request medical records for an investigation which are health oversight activities and administrative proceedings of the board and disclosure is permitted under 45 C.F.R. Section 164.512(a), (d), and (e), the regulations implementing the Health Insurance Portability Accountability Act (HIPAA).

(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. There is no stricter standard being imposed, nor additional or different responsibilities or requirements.

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 ATTORNEY GENERAL
Opioid Abatement Advisory Commission
(Amendment)**

40 KAR 9:010. General application procedure.

RELATES TO: KRS 15.291, 15.293
 STATUTORY AUTHORITY: KRS 15.291(6), 15.293
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.291(6) requires the Kentucky Opioid Abatement Advisory Commission (the "commission" or "KYOAAC") to promulgate administrative regulations to administer funds received by the commission. This administrative regulation establishes the application procedure for funding requests under KRS 15.291 and 15.293, the duties required of the commission, the duties required of those that receive commission funds, and other related issues.

Section 1. Definitions.

- (1) "Entity" is defined by KRS 14A.1-070(7).
- (2) "Governmental agency" is defined by KRS 65.940(5).
- (3) "Member" means a commission member as established in KRS 15.291(2), whether voting or non-voting.

Section 2. Eligible Applicants. An entity or governmental agency shall be eligible for opioid abatement funding if the entity or governmental agency:

- (1) Submits an application through the online KYOAAC Grant Portal, which shall be available at or linked to from—at] <https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission-.aspx>;
- (2) Complies with the requirements established in this administrative regulation;
- (3) Meets the criteria in KRS 15.291(5); and
- (4) Is not debarred or suspended from contracting with the Commonwealth.

Section 3. Application.

- (1) To submit an application using the KYOAAC Grant Portal, an applicant shall be required to become an approved state vendor.
- (2) Non-conforming or incomplete applications shall not be considered.

Section 4. Review of Applications.

- (1) The commission shall review applications and distribute funds at least once per year[~~on a continuous basis~~].
- (2) If the commission requests supplementation of an application, or otherwise inquires about an application, the point of contact shall acknowledge receipt within seven (7) calendar days and subsequently respond to the commission in a timely manner. Failure to do so shall result in the application being deemed withdrawn.
- (3) Contingent upon available funding, the commission shall fund a successful[~~an~~] application in whole or in part, if the funding does not exceed the sum requested in the application.
- (4) In awarding funds, the commission shall consider:
 - (a) Compliance with applicable law;
 - (b) The entity or governmental agency's record and responsibility in utilizing effectively any funds received previously from the commission or from the counties, consolidated local governments, urban county governments, and cities of the Commonwealth, as established in KRS 15.293(4);
 - (c) The geographic reach of the application;
 - (d) Amounts received by an entity or governmental agency from the commission or from the counties, consolidated local governments, urban county governments, and cities of the Commonwealth, as established in KRS 15.293(4);

- (e) The utility and effectiveness of any part of the application;
- (f) The extent to which Kentucky residents are served by the application;
- (g) The extent to which prior allocations from the commission have served similar purposes;
- (h) The extent to which the application proposes to serve a portion of the population that otherwise would not receive similar services;
- (i) The extent to which the application proposes to incorporate relevant partnerships that are likely to increase the efficiency and effectiveness of programming;
- (j) The extent to which the application aligns with the funding priorities set annually and published by the commission[~~proposes, among other things, to educate the public about opioid misuse and opioid use disorder, reduce the occurrence of opioid misuse and opioid use disorder, promote resistance to opioid misuse and opioid use disorder, promote the effective treatment of opioid use disorder, or combat the effects of opioid misuse, including co-occurring mental health issues~~];
- (k) The extent to which the application activities align with accepted evidence-based practices; or
- (l) The sufficiency of records to validate the requested amounts.

Section 5. Recipients' Duties.

- [~~(1)~~] Entities and governmental agencies that receive funding shall submit regular financial reports through the KYOAAC grant portal as required by contract[~~notarized quarterly certifications to the commission due by:~~
 - [~~(a)~~] [March 31;]
 - [~~(b)~~] [June 30;]
 - [~~(c)~~] [September 30; and]
 - [~~(d)~~] [December 31.]
- [~~(2)~~] [Entities and governmental agencies shall submit certifications using the KYOACC Certification Form.]
- [~~(3)~~] [Certifications shall be required until the recipient exhausts all funds received from the commission and until the recipient has submitted a certification stating that all funds have been exhausted.]
- [~~(4)~~] [Separate certifications shall be required for each funding award.]

Section 6. Noncompliance.

- (1) Noncompliance shall include:
 - (a) Materially falsified information in any certifications filed pursuant to or required by KRS 15.291, KRS 15.293, or 40 KAR Chapter 9;
 - (b) Failure to meet grant reporting[~~certification submission~~] deadlines; and
 - (c) Failure to expend funds in conformity with the enumerated purposes established in KRS 15.291, pursuant to KRS 15.293(5).
- (2) The commission shall require entities or governmental agencies to reimburse the commission for any funds expended in a noncompliant manner.
- (3) The commission shall require noncompliant entities or governmental agencies to forfeit any remaining funds received from the commission.
- (4) The commission shall bar noncompliant entities or governmental agencies from receiving funds from the commission.
- (5) The commission shall report noncompliance to the Department of Law for appropriation determination as to if further action is necessary to ensure compliance with opioid-related agreements.

Section 7. Commission Appointments. The term of a member appointed pursuant to KRS 15.291(3)(b) shall begin upon the commission's first meeting after the member's appointment.

VOLUME 51, NUMBER 9— March 1, 2025

Section 8. Incorporation by Reference.

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

[(a)] "KYOAAC Grant Portal," available at or linked to from [https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission-.aspx_is_incorporated_by_reference\[-and\]](https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission-.aspx_is_incorporated_by_reference[-and])

[(b)] [KYOAAC Certification Form, December 2022].

(2) This material shall be inspected, copied, or obtained, subject to copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RUSSELL COLEMAN, Attorney General
CHRISTOPHER EVANS, Executive Director

APPROVED BY AGENCY: February 13, 2025

FILED WITH LRC: February 14, 2025 at 8:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 28, 2025 at 10:00 a.m. Eastern time, at the 1024 Capital Center 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 this hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2025. 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 Bowman, Executive Advisor, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 696-5362, fax (502) 564-2894, email jbowman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jessie L. Halladay

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes and updates procedures for administering opioid abatement funding in Kentucky through the Kentucky Opioid Abatement Advisory Commission (KYOAAC).

(b) The necessity of this administrative regulation: KRS 15.291(6) requires the commission to "promulgate administrative regulations to administer funds received by the commission."

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.291(6) requires that the commission "establish the application procedure for funding requests, the duties required of the commission, the duties required of those that receive commission funds, and other related issues."

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes standards concerning applicant eligibility, application submission, review of applications, and grant recipient duties. This regulation also establishes standard for commission appointments.

(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 amended regulation should improve upon the efficiency of the current application process and the current compliance requirements for awardees.

(b) The necessity of the amendment to this administrative regulation: This amendment is needed to improve efficiency by reducing administrative burden, eliminating redundancies, improving resource allocation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15.291(6) and KRS 15.293 "the Kentucky Opioid Abatement Advisory Commission (the "commission" or "KYOAAC") to promulgate administrative regulations to administer funds received by the commission. This administrative regulation establishes the application procedure for funding requests under KRS 15.291 and 15.293, the duties required of the commission, the

duties required of those that receive commission funds, and other related issues."

(d) How the amendment will assist in the effective administration of the statutes: The amendment should simplify application, reporting, and compliance requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The total number is unknown, but all those entities applying for and those awarded grant funding from the commission 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 responsibilities of the entities: applicants must comply with eligibility requirements in KRS 15.291(5) and comply with criteria and standards when applying for funding. Those entities awarded funding must maintain compliance and submit regular financial reports. Currently grantees submit a form that will no longer be needed due to these changes, so will reduce some burden upon grantees and create efficiencies.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The entities should not see additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities should collectively see increased efficiencies with respect to application, compliance and reporting.

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

(a) Initially: The office may bear administrative costs in implementing this regulation, which are expected to be minimal and easily absorbed by the office. The system used for grant applications and reporting, Intelligrants, will be covered by Commission Trust Fund dollars approved by a vote of the Commission in January 2025.

(b) On a continuing basis: Commission dollars will cover the cost of maintaining the grant system.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Commission funds have been approved for the ongoing system costs.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None are believed to be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established.

(9) TIERING: Is tiering applied? Tiering was not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15.291(6), 15.29.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Opioid Abatement Advisory Commission is the promulgating agency and is an affected agency.

(a) Estimate the following for the first year:

Expenditures: Commission funds have been approved for the initial system costs.

Revenues: The regulation should not result in any net revenues.

Cost Savings: There should be cost savings in the form of human resource efficiency which are difficult to estimate.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Commission funds have been approved for the ongoing system costs.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None

(a) Estimate the following for the first year:

Expenditures: This administrative regulation should not cause expenditures by local entities for the first year.

Revenues: Local entities should receive no revenues from this administrative regulation for the first year.

Cost Savings: Local entities should receive no cost savings from this administrative regulation for the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This administrative regulation should not generate any expenditures, revenues, or cost savings for local entities in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): There should be no additional regulated entities affected by this administrative regulation.

(a) Estimate the following for the first year:

Expenditures: This administrative regulation should not cause any additional regulated entities to have any expenditures for the first year.

Revenues: No additional regulated entities should receive any revenues from this administrative regulation for the first year.

Cost Savings: No additional regulated entities should receive any cost savings from this administrative regulation for the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This administrative regulation should not cause any additional entities to have expenditures, revenues, or cost savings in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This regulation should reduce overall costs for applicants and the commission because it: 1.) provides more cost-effective methods of application, application review by the commission, and reporting by entities awarded funding via modern technological means; 2.) provides improved guidance for applicants and awardees; 3.) eases undue reporting; and 4.) leaves compliance monitoring with the agency. For these reasons, the administrative regulation is not expected to have any significant fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: The office used a quantitative methodology analysis and consulted with staff resources in determining the fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation is not expected to have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The office used a quantitative methodology analysis and consulted with staff resources in determining that the administrative regulation would have no overall negative or adverse major economic impact.

**OFFICE OF ATTORNEY GENERAL
Opioid Abatement Advisory Commission
(Amendment)**

40 KAR 9:020. Local government application procedure.

RELATES TO: KRS 15.291, 15.293

STATUTORY AUTHORITY: KRS 15.291(6), 15.293

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.291(6) requires the Kentucky Opioid Abatement Advisory Commission (the "commission" or "KYOACC") to promulgate administrative regulations to administer funds received by the commission and to oversee the use of funds received under KRS 15.293(4). KRS 15.293 requires each recipient of funds under KRS 15.293(4) to submit certifications that the use of opioid abatement funds is consistent with the criteria in KRS 15.291(5), a description of the use of the funds, and other information as the commission requests through the promulgation of administrative regulations. This administrative regulation establishes the procedure for a county, consolidated local government, urban-county government, or city of the Commonwealth that receives funds under KRS 15.293(4) to certify use consistent with KRS 15.293.

Section 1. Covered Governmental Bodies. Any county, consolidated local government, urban-county government, or city in

the Commonwealth that received or will receive opioid funds under KRS 15.293(4) shall be a covered governmental body.

Section 2. Duties of Covered Governmental Bodies.

(1) Consistent with KRS 15.293(4)(c)2., a covered governmental body shall submit an annual certification report provided digitally on the KYOACC website, ~~[notarized quarterly KYOACC Certification forms, incorporated by reference in 40 KAR 9:010,]~~ to the Commission on or before August 31. ~~[due by:]~~

[a.] ~~[March 31;]~~

[b.] ~~[June 30;]~~

[c.] ~~[September 30; and]~~

[d.] ~~[December 31.]~~

(2) Annual certification reports ~~[Certifications]~~ shall be required until the recipient exhausts all funds received pursuant to KRS 15.291 or 15.293 and until the recipient has submitted a certification stating that all funds have been exhausted.

Section 3. Noncompliance.

(1) Noncompliance shall include:

(a) Materially falsified information in any certifications filed pursuant to or required by KRS 15.291, KRS 15.293, or related regulations;

(b) Failure to meet certification submission deadlines; or

(c) Failure to expend funds in conformity with the enumerated purposes set forth in KRS 15.291, pursuant to KRS 15.293(5).

(2) The commission shall require covered governmental bodies to reimburse the commission for any funds expended in a noncompliant manner.

(3) The commission shall report noncompliance to the Department of Law for determination as to if further action is necessary to ensure compliance with opioid-related agreements.

Section 4. Incorporation by Reference.

(1) "KYOACC Certification Report" (online submission), is incorporated by reference.

(2) This material shall be inspected, copied, or obtained, subject to copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RUSSELL COLEMAN, Attorney General

CHRISTOPHER EVANS, Executive Director

APPROVED BY AGENCY: February 13, 2025

FILED WITH LRC: February 14, 2025 at 8:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 28, 2025 at 10:00 a.m. Eastern time, at the 1024 Capital Center 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 this hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 30, 2025. 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 Bowman, Executive Advisor, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 696-5362, fax (502) 564-2894, email jbowman@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jessie L. Halladay

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedure for a county, consolidated local government, urban-county government, or city of the Commonwealth that receives funds under KRS 15.293(4) to certify use consistent with KRS 15.293.

(b) The necessity of this administrative regulation: KRS 15.291(3)

requires the office to promulgate “administrative regulations to administer funds received by the commission and to oversee the use of funds received under KRS 15.293(4).”

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.293 requires that “each recipient of funds under KRS 15.293(4) to submit certifications that the use of opioid abatement funds is consistent with the criteria in KRS 15.291(5), a description of the use of funds, and other information as the commission request through the promulgation of administrative regulations.”

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes standards concerning the certification procedures for covered governmental bodies that received or will receive opioid funds.

(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 amended regulation should improve upon the efficiency of the current certification procedure for covered governmental bodies receiving opioid funds. The amendment: clarifies the annual certification reporting structure;

(b) The necessity of the amendment to this administrative regulation: This amendment is needed to improve efficiency by reducing administrative burden, eliminating redundancies, improving resource allocation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15.293 requires that “each recipient of funds under KRS 15.293(4) to submit certifications that the use of opioid abatement funds is consistent with the criteria in KRS 15.291(5), a description of the use of funds, and other information as the commission request through the promulgation of administrative regulations.”

(d) How the amendment will assist in the effective administration of the statutes: The amendment should simplify the reporting structure for governmental bodies receiving opioid funds;

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any county, consolidated local government, urban-county government, or city in the Commonwealth that received or will receive opioid funds under KRS 15.293(4) 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: Those governmental bodies that have received or will receive opioid fund will need to maintain compliance and submit regular reports. Currently entities submit a form that will no longer be needed due to these changes, so this will reduce some burden upon the governmental bodies and create efficiencies.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The entities should see no additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities should collectively see increased efficiencies with respect to compliance and reporting.

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

(a) Initially: The office may bear administrative costs in implementing this regulation, which are expected to be minimal and easily absorbed by the office. The system used for certification reporting will be covered by Commission Trust Fund dollars approved by a vote of the Commission in January 2025.

(b) On a continuing basis: Commission dollars will cover the cost of maintaining the certification report system.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Commission funds have been approved for the ongoing system costs.

(7) Provide an assessment of whether an increase in fees or funding

will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None are believed to be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established.

(9) TIERING: Is tiering applied? Tiering was not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15.291 (6), 15.293.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Opioid Abatement Advisory Commission (KYOAAC) is the promulgating agency and is an affected agency.

(a) Estimate the following for the first year:

Expenditures: Commission funds have been approved for the initial system costs.

Revenues: The regulation should not result in any net revenues.

Cost Savings: There should be cost savings in the form of human resource efficiency which are difficult to estimate.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Commission funds have been approved for the ongoing system costs.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None

(a) Estimate the following for the first year:

Expenditures: This administrative regulation should not cause expenditures by local entities for the first year.

Revenues: Local entities should receive no revenues from this administrative regulation for the first year.

Cost Savings: Local entities should receive no cost savings from this administrative regulation for the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This administrative regulation should not generate any expenditures, revenues, or cost savings for local entities in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): There should be no additional regulated entities affected by this administrative regulation.

(a) Estimate the following for the first year:

Expenditures: This administrative regulation should not cause any additional regulated entities to have any expenditures for the first year.

Revenues: No additional regulated entities should receive any revenues from this administrative regulation for the first year.

Cost Savings: No additional regulated entities should receive any cost savings from this administrative regulation for the first year.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? This administrative regulation should not cause any additional entities to have expenditures, revenues, or cost savings in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This regulation should reduce overall costs for governmental bodies and the commission because it: 1.) provides more cost-effective methods by entities awarded funding via modern technological means; 2.) eases undue reporting; and 4.) leaves compliance monitoring with the agency. For these reasons, the administrative regulation is not expected to have any significant fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: The office used a quantitative methodology analysis and consulted with staff resources in determining the fiscal impact.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation is not expected to have a major economic impact.

(b) The methodology and resources used to reach this conclusion: The office used a quantitative methodology analysis and consulted

VOLUME 51, NUMBER 9– March 1, 2025

with staff resources in determining that the administrative regulation would have no overall negative or adverse major economic impact.

**GENERAL GOVERNMENT CABINET
Personnel Board
(Amendment)**

101 KAR 1:325. Probationary periods.

RELATES TO: KRS 18A.005, 18A.0751(1)(e), (4)(e), 18A.111
 STATUTORY AUTHORITY: KRS 18A.005, 18A.075(1), 18A.0751(1)(e), (4)(e)
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 18A.075(1) requires the Personnel Board to promulgate comprehensive administrative regulations consistent with the provisions of KRS 18A.005 to 18A.200. KRS 18A.0751(1)(e) requires the Personnel Board to promulgate comprehensive administrative regulations for the classified service governing probation. KRS 18A.0751(4)(e) authorizes the Personnel Board to promulgate administrative regulations to establish an initial probationary period in excess of six (6) months for specific job classifications. This administrative regulation establishes the requirements relating to probationary periods.

Section 1. Initial Probationary Period.

(1) The initial probationary period shall be computed from the effective date of appointment to the corresponding date in the sixth or final month, depending upon the length of initial probationary period, except as established in KRS 18A.111.

(2) The following job classifications shall require an initial probationary period in excess of six (6) months:

Title Code	Job Classification	Length of Initial Probationary Period
20000538	Golf Course Assistant Superintendent	9 months
20000539	Golf Course Superintendent	9 months
20000558	Parks Golf Professional	9 months
20000677	State Park Ranger I	9 months
20000562	Resort Park Assistant Manager	12 months
20000563	Resort Park Manager I	12 months
20000564	Resort Park Manager II	12 months
20000568	Parks Program Services Supervisor	9 months
20000569	Parks Camping/Boat Dock Manager	9 months
20000570	Park Business Manager	12 months
20000573	Park Manager I	12 months
20000574	Park Manager II	12 months
20000609	Game Warden [Conservation Officer] Recruit	12 months
[20000616]	[Veterans Benefits Field Rep I]	[9 months]
[20000618]	[Veterans Benefits Regional Administrator]	[9 months]
20000687	Public Safety Telecommunicator I	12 months
20000688	Public Safety Telecommunicator II	12 months

20000690	Public Safety Telecommunication Supervisor	12 months
20000692	CVE Inspector I	12 months
20000694	CJIS (Criminal Justice Information System) Compliance Specialist I	12 months
20000695	CJIS Compliance Specialist II	12 months
20000696	CJIS Compliance Specialist III	12 months
20000697	CJIS Compliance Supervisor	12 months
20000698	Transportation Operations Center Specialist I	12 months
20000703	Polygraph Examiner II	12 months
20000704	Polygraph Examiner I	12 months
20000713	Driver's Test Administrator	12 months
[20000719]	[Law Enforcement Training Instructor I]	[12 months]
20000799	Building Code Plans Reviewer I	12 months
20000813	Boiler Inspector I	12 months
20000817	HVAC Inspector I	12 months
20000821	OSH Industrial Hygiene Compliance Offr I	12 months
20000834	OSH Safety Compliance Officer I	12 months
20000852	OSH Safety Consultant I	12 months
20000856	OSH Industrial Hygiene Consultant I	12 months
[20000888]	[Insurance Fraud Investigator I]	[12 months]
[20000889]	[Insurance Fraud Investigator II]	[12 months]
[20000890]	[Insurance Fraud Investigator Supervisor]	[12 months]
20000938	Forensic Firearms and Toolmark Examiner I	12 months
20000940	Forensic Chemist I	12 months
20000941	Forensic Chemist II	12 months
20000943	Forensic Biologist I	12 months
20000944	Forensic Biologist II	12 months
20000953	Forensic Computer Examiner I	12 months
20000954	Forensic Computer Examiner II	12 months
20000955	Forensic Computer Examiner III	12 months
20000963	Therapy Program Assistant	9 months
20000974	Audiologist I	12 months
20001001	Patient Aide I	9 months
20001021	Nursing Investigator	12 months
20001038	Medical Investigator	12 months
20001122	Disability Adjudicator I	12 months
20001125	Social Service Worker I	9 months
20001132	Field Services Supervisor	12 months

VOLUME 51, NUMBER 9– March 1, 2025

[20001136]	[Juvenile Facility Manager II]	[12 months]
20001137	Facilities Regional Administrator	12 months
[20001138]	[Youth Services Program Supervisor]	[12 months]
[20001139]	[Juvenile Facility Manager I]	[12 months]
20001140	Family Services Office Supervisor	12 months
20001142	Human Rights Specialist	12 months
20001157	Administrative Hearing Officer I	12 months
[20001159]	[Human Rights Enforcement Branch Manager]	[12 months]
20001162	Human Rights Research/Information Compliance Supervisor	12 months
[20001163]	[Human Rights Housing Compliance Supervisor]	[12 months]
20001164	Human Rights Employment/Public Accommodations Compliance Supervisor	12 months
20001165	Human Rights Compliance Enforcement Officer II	12 months
20001166	Probation and Parole Officer I	12 months
[20001171]	[Youth Worker I]	[12 months]
[20001174]	[Youth Worker Supervisor]	[12 months]
20001175	Juvenile Services District Supervisor	12 months
20001184	Service Region Administrator	12 months
20001185	Service Region Administrator Associate	12 months
20001186	Service Region Clinical Associate	12 months
20001841	Criminal Intelligence Analyst I	12 months
20001842	Criminal Intelligence Analyst II	12 months
20001876	Law Clerk	12 months
20001895	Environmental Administrative Hearing Officer	12 months
21000078	Building Code Field Inspector I	12 months
21000900	Financial Institutions Examiner I	12 months
21000901	Financial Institutions Examiner II	12 months
21002025	Highway Technician Assistant I	12 months
21002026	Highway Technician Assistant II	12 months
21002027	Highway Technician I	12 months
21002028	Highway Technician II	12 months
21002029	Highway Technician III	12 months
21002030	Highway Technician IV	12 months
21002031	Highway Technician Superintendent I	12 months

21002032	Highway Technician Superintendent II	12 months
21002326	Apprentice I	12 months
21002327	Apprentice II	12 months
21002476	Boards and Commissions Support Specialist	12 months
21002825	Advanced Practice Registered Nurse Investigator	12 months
21003600	Public Safety Telecommunication Manager	12 months
21003601	Public Safety Telecommunicator III	12 months

(3) If the length of the initial probationary period for a job classification is changed, an employee serving an initial probationary period on the effective date of the change shall serve the shorter of the initial probationary periods. If an employee is appointed, the employee's appointing authority shall advise the employee of the period of his initial probation.

Section 2. Promotional Probationary Period.

(1) An employee who satisfactorily completes the promotional probationary period shall be granted status in the position to which he has been promoted. Unless an employee receives notice prior to the end of his promotional probationary period that he has failed to satisfactorily complete the promotional probationary period and that he is being reverted, the employee shall be deemed to have served satisfactorily and shall acquire status in the position to which he has been promoted.

(2) An employee who fails to satisfactorily complete a promotional probationary period shall be reverted to his former position or to a position in the same job classification as his former position. A written notification shall be sent to the employee to advise the employee of the effective date of reversion. A copy of the notice of reversion shall be forwarded to the Secretary of Personnel on the same date notice is delivered to the employee.

(3) Except as established in KRS 18A.111, the promotional probationary period shall be computed from the effective date of promotion to the corresponding date in the appropriate month following promotion as established in KRS 18A.005(27).

(4) The promotional probationary period shall be the same length as the initial probationary period for each job classification.

Section 3. Probationary Period Upon Reinstatement.

(1) An employee who is reinstated to a position in the classified service no later than twelve (12) months after the beginning of a break in the classified service shall be reinstated with status. This shall include an employee ordered reinstated pursuant to KRS 18A.111(3), unless the board rules otherwise.

(2) An employee who is reinstated to the classified service more than twelve (12) months after a break in service, except an employee ordered reinstated pursuant to KRS 18A.111(3), shall serve an initial probationary period.

GORDON A. ROWE, JR., Executive Director

APPROVED BY AGENCY: January 27, 2025

FILED WITH LRC: January 28, 2025 at 4:06 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on April 24, 2025, at 9:30 a.m. Eastern Time at 1025 Capital Center Drive, Suite 105, 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 11:59 p.m. ET, April 30, 2025. 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: Erritt H. Griggs, General Counsel, Personnel Board, 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky 40601, phone (502) 564-7830, fax (502) 695-5799, email ErrittH.Griggs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Erritt H. Griggs

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation defines the mandatory initial probationary periods of specific job classifications from the effective date of appointment. The regulation also provides for amending or re-naming the titles of certain job classifications and abolishing job classifications that are no longer deemed necessary.

(b) The necessity of this administrative regulation: This regulation is necessary to set the requirements of probationary periods and maintain a list of current job classifications.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 18A.075(1)(4)(e) authorizes the Personnel Board to establish initial probationary periods and maintain a current list of job classifications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will continue to provide effective administration of the statutes by its requirements to establish probationary periods and current job classifications.

(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 abolishes two (2) job classifications; Human Rights Enforcement Branch Manager and Human Rights Housing Compliance Supervisor. In addition, this amendment renames one (1) current job classification title. Title Code; 20000609. This amendment modifies eleven (11) job classification probationary periods to six months, which removes them from being listed on the administrative regulation. This amendment added two (2) job classifications whose probationary periods have been increased from six (6) months to twelve (12) months; Building Code Plans Reviewer 1 and Building Code Field Inspector I.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to maintain an updated job classification list.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment abolishes positions that are no longer deemed necessary and renames job classification titles. This conforms with the obligation of the Personnel Board and Personnel Cabinet to effectively maintain and administer the merit system.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides clarity on current job classifications. This amendment abolishes two (2) job classifications; Human Rights Enforcement Branch Manager and Human Rights Housing Compliance Supervisor. In addition, this amendment renames one (1) current job classification title. Title Code; 20000609. This amendment modifies eleven (11) job classification probationary periods to six months, which removes them from being listed on the administrative regulation. This amendment added two (2) job classifications whose probationary periods have been increased from six (6) months to twelve (12) months; Building Code Plans Reviewer 1 and Building Code Field Inspector I.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation affects all state government agencies and the amendment will affect state government agencies employing the identified job classifications.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative

regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The Personnel Cabinet will work with the impacted state agencies to update the state job classification list to remove the abolished positions and update the job classification title changes accordingly. All employees affected by the new job classification titles will be notified.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional cost to the entities to comply with this regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): A valid list of job classifications is maintained within this regulation, as well as the job classification title changes.

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

(a) Initially: There will be no cost to implement this amendment.

(b) On a continuing basis: There will be no ongoing cost to implement this amendment.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no need for a source of funding to implement and enforce this regulation.

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

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation, as amended, is not anticipated to generate any new or additional fees.

(9) TIERING: Is tiering applied? No. This regulation, as amended, treats all impacted employees the same.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 18A.005, KRS 18A.075(1), and KRS 18A.0751(1)(e) and (4)(e).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Personnel Board, Personnel Cabinet, Justice and Public Safety Cabinet, Kentucky Department of Veterans Affairs, and Public Protection Cabinet.

(a) Estimate the following for the first year:

Expenditures: There are no estimated costs to administer the amendment to this regulation.

Revenues: No revenue will be generated.

Cost Savings: No cost savings will be recouped in administering the amendment to this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no estimated costs for subsequent years to administer the amendments to this regulation.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(a) Estimate the following for the first year:

Expenditures: There are no estimated costs to administer the amendment to this regulation.

Revenues: No revenue will be generated.

Cost Savings: No cost savings will be recouped in administering the amendment to this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no estimated costs for subsequent years to administer the amendments to this regulation.

(4) Identify additional regulated entities not listed in questions (2) or (3): None.

(a) Estimate the following for the first year:

Expenditures: There are no estimated costs to administer the amendment to this regulation.

Revenues: No revenue will be generated.

Cost Savings: No cost savings will be recouped in administering the

amendment to this regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no estimated costs for subsequent years to administer the amendments to this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: This administrative regulation does not have a significant fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: The provisions of this administrative regulation were reviewed, and a significant fiscal impact was not identified.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) An overall negative or adverse major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The provisions of the administrative regulation were reviewed, and a significant fiscal impact was not identified.

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

701 KAR 5:055. Removal hearing procedures.

RELATES TO: KRS 156.132

STATUTORY AUTHORITY: KRS 156.070

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.132 authorizes the Kentucky Board of Education to ~~suspend or remove [local board of education members,]superintendents[,] and public school officers upon a finding of misconduct or certain other offenses.~~ This administrative regulation establishes procedures to be followed prior to and during the evidentiary hearing regarding the charges brought for suspension or removal.

Section 1. Definition. "Officer being charged" or "officer charged" means a ~~[district board member,]superintendent of schools[,] or other public school officer who is charged with an offense under KRS 156.132.~~

Section 2. Preliminary Matters. Before the matter is submitted for final decision, the statement of charges may be amended or supplemented. If the amended or supplemented statement of charges presents new charges, the officer being charged shall be afforded a reasonable opportunity, and not less than twenty (20) days, to prepare his defense.

Section 3. Prehearing Procedures.

(1) The testimony of a material witness may be taken by deposition if:

(a) The witness will be unavailable at the time and date of the scheduled hearing or the witness cannot be compelled to attend; and

(b) Written authorization of the hearing officer is provided or there is agreement of the parties.

(2) If there is no agreement between the parties, the party requesting the deposition shall file a written request with the hearing officer stating:

(a) The name and address of the witness whose testimony is desired;

(b) The nature and materiality of the testimony; and

(c) The reasons why the witness will be unable or cannot be compelled to attend the hearing.

(3) Upon a proper showing, the hearing officer may issue an interim order requiring the witness to appear and to testify by deposition.

(4) The request for deposition shall be filed as soon as it becomes known that a witness will be unavailable at the time and date of the scheduled hearing. An objection shall be filed no more than three (3) days after the filing of the written request.

(5) The cost of the deposition shall be paid by the party requesting the deposition.

Section 4. Hearing Procedures.

(1) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B.

(2) At the request of a party or on his own volition, the hearing officer may reschedule a hearing if there is good cause or the parties agree to reschedule the hearing.

(3) The party seeking the continuance shall file with the hearing officer a written request stating the reason for the request or a statement indicating the agreement of the parties. If the request to reschedule is made by a party, the requesting party shall file the request at least ten (10) days prior to the scheduled hearing. An objection to the request shall be filed within three (3) days after the filing of the request.

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).

ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: February 12, 2025

FILED WITH LRC: February 12, 2025 at 12:12 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held April 29, 2025 at 10 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 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 April 30, 2025. 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: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the hearing procedures to be implemented in the event of removal of a superintendent of schools or other public school officer pursuant to KRS 156.132.

(b) The necessity of this administrative regulation: This administrative regulation provides due process procedures for those individuals subject to removal pursuant to KRS 156.132.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the hearing procedures to be implemented in the event of removal of a superintendent of schools or other public school officer pursuant to KRS 156.132.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides due process procedures for those individuals subject to removal pursuant to KRS 156.132.

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

(a) How the amendment will change this existing administrative regulation: The amendment removes reference to "local board of education members" following amendment of KRS 156.132 in 2021.

(b) The necessity of the amendment to this administrative regulation: The amendment removes reference to "local board of education members" following amendment of KRS 156.132 in 2021.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment removes reference to "local board of

education members” following amendment of KRS 156.132 in 2021.

(d) How the amendment will assist in the effective administration of the statutes: The amendment removes reference to “local board of education members” following amendment of KRS 156.132 in 2021.

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

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional action will be required as a result of the amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Superintendents and public school officials subject to removal pursuant to KRS 156.132 and this administrative regulation may incur legal expenses if they choose to hire an attorney to represent them in a removal hearing.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The amendment removes reference to “local board of education members” following amendment of KRS 156.132 in 2021.

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

(a) Initially: Costs to the agency are dependent upon the number of removal hearings that are conducted and the complexity of each hearing. Staff time and expenses are estimated at no less than \$15,000 per removal hearing.

(b) On a continuing basis: Costs to the agency are dependent upon the number of removal hearings that are conducted and the complexity of each hearing. Staff time and expenses are estimated at no less than \$15,000 per removal hearing.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase 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 or increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied. This administrative regulation applies equally to all removal hearings pursuant to KRS 156.132.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 156.132 and 156.070.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education, Department of Education.

(a) Estimate the following for the first year:

Expenditures: Costs to the agency are dependent upon the number of removal hearings that are conducted and the complexity of each hearing. Staff time and expenses are estimated at no less than \$15,000 per removal hearing.

Revenues: No revenue.

Cost Savings: No cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Costs to the agency are dependent upon the number of removal hearings that are conducted and the complexity of each hearing. Staff time and expenses are estimated at no less than \$15,000 per removal hearing. No difference in revenues or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

(a) Estimate the following for the first year:

Expenditures: There are no expenditures associated with this regulation for local school districts.

Revenues: There are no revenues associated with this regulation for local school districts..

Cost Savings: There are no cost savings associated with this regulation for local school districts.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no expenditures, revenues, or cost savings associated with this regulation for local school districts.

(4) Identify additional regulated entities not listed in questions (2) or (3): Superintendents and public school officials.

(a) Estimate the following for the first year:

Expenditures: Superintendents and public school officials subject to removal pursuant to KRS 156.132 and this administrative regulation may incur legal expenses if they choose to hire an attorney to represent them in a removal hearing.

Revenues: There are no revenues associated with this regulation for superintendents and public school officials.

Cost Savings: There are no cost savings associated with this regulation for superintendents and public school officials.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? No difference in subsequent years.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: Costs to the agency are dependent upon the number of removal hearings that are conducted and the complexity of each hearing. Staff time and expenses are estimated at no less than \$15,000 per removal hearing. No difference in revenues or cost savings in subsequent years.

(b) Methodology and resources used to determine the fiscal impact: Estimated minimum amount of staff time to carry out the requirements of KRS 156.132 and this administrative regulation for a removal hearing of minimal complexity.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation is not expected to have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Superintendents and public school officials subject to removal pursuant to KRS 156.132 and this administrative regulation may incur legal expenses if they choose to hire an attorney to represent them in a removal hearing. However, they are not required to do so.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(Amendment)

922 KAR 1:360. Private child care placement, levels of care, and payment.

RELATES TO: KRS 199.011, 199.640-199.680, 199.801, 600.020(25), 42 U.S.C. 622, 672, 675

STATUTORY AUTHORITY: KRS 194A.050(1), 199.641(4), 605.090(1)(d), 605.150(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate programs and fulfill the responsibilities vested in the cabinet. KRS 199.641(4) and 605.090(1)(d) authorize the cabinet to establish by administrative regulation the rate setting methodology and the rate of payment for child-caring facilities and child-placing agencies, consistent with the level and quality of service provided. KRS 605.090(1)(d) authorizes the cabinet to promulgate administrative regulations establishing conditions under which the cabinet may place a child committed to the Department of Juvenile Justice or the cabinet, in a child-caring facility or a child-placing agency operated by a local governmental unit or private organization willing to receive the child, upon the conditions established by the cabinet. KRS 605.150(1) authorizes the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605. This

VOLUME 51, NUMBER 9— March 1, 2025

administrative regulation establishes: (a) levels of care based upon the needs of a child for whom the cabinet has legal responsibility; (b) a payment rate for each level and placement setting; (c) gatekeeper responsibilities; (d) provider requirements; (e) procedures for classification at the appropriate level of care and placement setting; and (f) procedures for determination of components of the model program cost analysis.

Section 1. Definitions.

- (1) "Cabinet" is defined by KRS 199.011(3).
- (2) "Child-caring facility" or "facility" is defined by KRS 199.011(5).
- (3) "Child-placing agency" or "agency" is defined by KRS 199.011(6).
- (4) "Department" is defined by KRS 199.011(7) and 199.641(1)(b).
- (5) "Emergency shelter" is defined by KRS 600.020(25).
- (6) "Gatekeeper" means the department or agent responsible for:
 - (a) Making a clinical determination of the level of care necessary to meet a child's treatment and service needs; and
 - (b) Other administrative duties in the areas of:
 1. Assessment;
 2. Placement;
 3. Performance measurement; and
 4. Consultation regarding children and their needs.
- (7) "Index factor" means a specific number derived from time-study data, used to determine payment for each level of care.
- (8) "Initial level of care" means a level of care:
 - (a) Assigned by the gatekeeper to a child at the point of entry into the level of care system; and
 - (b) That is time-limited and effective for the first six (6) months of a child's placement.
- (9) "Level of care" means the standard representing the treatment and service needs of a child placed by the cabinet in out-of-home care.
- (10) "Level of care packet" means an assessment conducted by designated cabinet staff and a collection of forms required for submission to the gatekeeper for the purpose of determining the appropriate level of care and placement setting in accordance with Section 2(2) of this administrative regulation.
- (11) "Medically complex" means a child who is determined to have a medical condition as defined by 922 KAR 1:495 and further described in 922 KAR 1:350, Section 4.
- (12) "Model program cost analysis" is defined by KRS 199.641(1)(c).
- (13) "Placement coordinator" means an individual whose responsibilities are established in KRS 199.801.
- (14) "Reassigned level of care" means a level of care that is:
 - (a) Determined by the gatekeeper after a child's level of care expires; and
 - (b) Authorized for a specific period of time.
- (15) "Time study" is defined by KRS 199.641(1)(d).
- (16) "Utilization review" means a gatekeeper's examination, during a child's placement in a child-caring facility or child-placing agency, of the child's case record and existing documentation for the purpose of:
 - (a) Identifying the child's current level of functioning, treatment, service, and supervision needs; and
 - (b) Assigning the appropriate level of care.

Section 2. Referral Process for Level of Care System Placement.

- (1) A level of care packet shall be completed by a cabinet staff person and submitted to the gatekeeper for a child at least forty-eight (48) months of age or a child who is medically complex regardless of age at the time:
 - (a) The child is referred for placement with a child-caring facility or child-placing agency;
 - (b) A child currently placed in a child-caring facility or a child-placing agency reaches forty-eight (48) months of age or is found to be medically complex; or

(c) A child's level of care expires and assignment of a new level is necessary.

(2) A level of care packet shall include the following child-specific information:

- (a) Identifying data;
 - (b) Individual strengths and limitations;
 - (c) Daily living skills;
 - (d) Physical health needs including:
 1. Any significant medical history;
 2. Current diagnoses, assessments, and treatment; and
 3. Documentation indicating the child's medically complex status if the child is medically complex;
 - (e) Behavioral health needs including:
 1. Screening tools utilized based upon the child's age; and
 2. Current diagnoses, assessments, and treatment recommendations;
 - (f) Medications;
 - (g) History of substance abuse, high risk, or other significant behavior including:
 1. Sexual acting out; and
 2. Legal history, status, or other court involvement;
 - (h) Out-of-home care placement information including:
 1. Reason for entering out-of-home care;
 2. History of abuse, neglect, or dependency;
 3. Current custody status;
 4. Current and previous placements; and
 5. Permanency goal;
 - (i) Social supports;
 - (j) Educational functioning, grade level, and any special educational need; and
 - (k) Religious background and practices.
- (3)
- (a) If a child needs placement within a child-caring facility or a child-placing agency, a cabinet staff person shall submit a copy of the completed level of care packet, including level assignment, to the placement coordinator.
 - (b) The placement coordinator shall forward the level of care packet to potential child-caring facilities or child-placing agencies.
- (4) If a child-caring facility or child-placing agency accepts a child for out-of-home placement and the cabinet approves the placement in accordance with KRS 199.801 and 922 KAR 1:370, a cabinet staff person shall:
- (a) Complete the DPP-114, Child Caring and Child Placing Level of Care Schedule with the level of care payment rate for placement type:
 1. As assigned by the gatekeeper within the previous six (6) months; or
 2. If there is an emergency placement, within two (2) business days of the placement or receipt of the assigned level of care;
 - (b) Arrange transportation for the child and his or her personal belongings that are small enough to be carried to the placement; and
 - (c) Notify the placement coordinator of the selected placement.
 - (5) If a child-caring facility or child-placing agency accepts an emergency placement requested by the cabinet outside of the gatekeeper's regular working hours, a cabinet staff person shall:
 - (a) Submit a level of care packet to the gatekeeper for a child who does not have a current level of care assignment; and
 - (b) Inform the placement coordinator of the location and date of placement.
 - (6) The placement coordinator shall notify a child-caring facility or child-placing agency that was not chosen for placement upon provision of notification in accordance with subsection (4)(c) of this section.

Section 3. Gatekeeper Responsibilities. The gatekeeper shall:

- (1) Evaluate a child referred by the cabinet or currently placed in a child-caring facility or child-placing agency for the purpose of establishing an initial or reassigned level of care. The child shall be:
 - (a) Four (4) years of age or older; or
 - (b) Determined to be medically complex by designated cabinet staff;
- (2) Within three (3) working days of receipt of the level of care packet:

(a) Determine the appropriate level of care according to an assessment of the child's treatment, supervision, and service needs consistent with one (1) of the three (3) levels of care; and

(b) Return the completed CRP-6, Children's Review Program Notice of Level of Care Payment Authorization Assignment, to the department and the child-caring facility or the child-placing agency;

(3) Assess a child placed in a child-caring facility in accordance with 42 U.S.C. 675a(c) within the first thirty (30) days of placement;

(4) Conduct a utilization review for a child:

(a) Six (6) months from the initial placement or reassignment and placement in a child-caring facility and child-placing agency; and
(b)

1. Every three (3) months thereafter if the child is in a child-caring facility; or

2. Every six (6) months thereafter if the child is in a foster care placement or therapeutic foster care;

(5) Reassign a child's level of care after the previous level has expired;

(6) Monitor each child-caring facility and child-placing agency;

(7) Maintain a confidential information system for each child served that shall include:

(a) Placement history;

(b) Level of care assignments;

(c) Length of treatment; and

(d) Discharge outcomes; and

(8) For a utilization review, return the completed CRP-2, Children's Review Program Notice of Level of Care Payment Authorization, to the child-caring facility or child-placing agency and the cabinet after a level is conducted or reassigned.

Section 4. Levels of Care. A level of care shall be assigned in accordance with this section.

(1) A Level I child shall be a child who requires a routine home environment that:

(a) Provides for the basic needs of the child;

(b) Provides guidance and nurturing;

(c) Provides supervision to meet the needs of the child;

(d) Provides educational support;

(e) Provides access to routine medical care; and

(f) Ensures the emotional and physical well-being of the child.

(2) A Level II child shall be a child who:

(a) Requires a routine home environment that meets the requirements of subsection (1) of this section;

(b) Has identified treatment needs based on available behavioral health screening and assessment information or current treatment recommendations;

(c) Has a history of complex trauma related to maltreatment;

(d) Requires supervision in a structured supportive setting with:

1. Counseling available from professional staff;

2. Educational support; and

3. Services designed to improve physical and behavioral health and wellbeing;

(e) May occasionally require intense levels of intervention to maintain the least restrictive environment; and

(f) Requires a program flexible enough to allow increased:

1. Independence if the child is capable; or

2. Structure during temporary periods of regression.

(3) A Level III child shall be a child who:

(a) Has significant treatment needs as indicated by:

1. Available behavioral health screening and assessment information or current treatment recommendations that require specialized or frequent treatment services;

2. A determination by designated cabinet staff that the child has a high degree of medical complexity that requires specialized medical care;

3. The presence of both significant behavioral health needs requiring treatment and a determination of medical complexity by designated cabinet staff; or

4. A severe impairment or disability that requires a caregiver to attend to all care needs of the child; and

(b) Requires a highly structured supportive setting:

1. With frequent therapy or therapeutic services provided by a qualified mental health professional or other treatment professional

allowed pursuant to 922 KAR 1:300 within a treatment program designed to improve social, emotional, and educational adaptive behavior;

2. That includes twenty-four (24) hour supervision; or

3. That provides safe and effective care for a severe, chronic medical condition, behavioral health issue, or other highly specialized needs.

Section 5. Payment Methodology and Rates.

(1) Payment Methodology.

(a) The cabinet shall base a per diem rate for the care of a child placed by the cabinet in a private child-caring facility, upon the "model program cost analysis" defined by KRS 199.641(1)(c).

(b) Each private child-caring facility and child-placing agency shall report to the cabinet annually, on the DPP-888, Instructions for Completing the Annual Cost Report and Time Study for Child Caring and Child Placing Programs and Facilities.

(2) The cabinet shall establish an index factor for payment on behalf of a child for whom a level of care has been determined.

(a) The factor shall be determined:

1. Based on the amount of treatment provided at each level of care; and

2. By determining the median of:

a. Number of daily treatment hours, derived from time study data, provided to children served by private child-caring facilities and child-placing agencies; and

b. Level of care of children served by private child-caring facilities and child-placing agencies that contract with the cabinet.

(b)

1. For children whose level is determined, the median level of care shall be represented by an index factor of one (1).

2. For children whose level is not determined, the median level of care shall be represented by an index factor that is proportionate to the amount of treatment provided to the children in the median level pursuant to subparagraph 1 of this paragraph.

(3) A statewide median cost, including board, care, and treatment components, for each level of care shall be calculated by using a utilization factor of eighty (80) percent for residential treatment and seventy-five (75) percent for a group home.

(4) The payment rate for each level of care shall be calculated by multiplying the median cost by the index factor specific to that level of care. The rate for each level of care shall be adjusted by the Consumer Price Index during each intervening period between the fiscal year used for the cost analysis and calculation of the rate.

(5) Statewide median cost shall be calculated:

(a) Using a utilization factor of eighty (80) percent:

1. For an emergency shelter with a treatment license:

a. Board;

b. Care; and

c. Treatment components; or

2. For an emergency shelter without a treatment license:

a. Board; and

b. Care components; and

(b) Adjusting for each level of care by the Consumer Price Index during each intervening period between the fiscal year used for the cost analysis and calculation of the rate.

(6)

(a) To the extent funds are available, an incentive payment for a private child-caring facility that participates in a per diem rate contract with the cabinet shall be determined by evaluating the performance of the child-caring facility, in accordance with KRS 199.641(2)(a). Measurable performance outcomes shall include:

1. Child safety while in the care of a private child-caring facility or child-placing agency;

2. Child safety after reunification with the child's family;

3. Adequate educational support;

4. Reduced time spent in out-of-home care without an increase in the rate of out-of-home care reentry;

5. Increased placement stability during the service period;

6. Increased achievement of permanency goals; and

7. Increased stability in less restrictive or permanent placement following planned discharge.

(b) The cabinet's contract with a private child-caring facility shall specify the:

1. Indicators used to measure the performance outcomes established in paragraph (a) of this subsection; and

2. Target percentages used as performance goals.

(c) Each child in the custody of the cabinet who is placed in a private child-caring facility during the contract period shall be included in the percentage of children for whom the cabinet expects achievement of an outcome.

(d) At the time the contract period expires, each private child-caring facility shall be ranked based on the percentage of children for whom the facility achieved an outcome. To the extent funds are available, a payment incentive shall be distributed to a private child-caring facility that performed in the top one-third (1/3) of the facilities.

(e) The amount of a payment incentive shall be determined according to the funding appropriated for this purpose in the biennial budget.

(7) In addition to services provided on a per diem rate, the cabinet shall solicit proposals from private child-caring facilities or child-placing agencies to provide alternative services to children and their families. To the extent funds are available, the alternative services:

(a) Shall be geared toward improved performance outcomes; and

(b) May include case management responsibilities shared between the cabinet and the child-caring facility or child-placing agency.

(8) Payment to child-caring facilities or child-placing agencies that provide alternative services according to subsection (7) of this section shall be based upon expectations agreed upon between the cabinet and the child-caring facility or child-placing agency such as:

(a) Reduced length of stay in out-of-home placement;

(b) Increased safety from child abuse or neglect;

(c) Increased number of children moving into and remaining in permanent placement;

(d) Increased number of children and their families cared for in close proximity to their home communities;

(e) Increased number of children reunified with their families;

(f) Increased accountability for success in after care; or

(g) Decreased reentry into state custody.

Section 6. Residential Care.

(1) A child-caring facility that cares for children in the custody of the cabinet shall be licensed pursuant to 922 KAR 1:305 and shall meet the standards for child-caring facilities established in 922 KAR 1:300.

(2) The facility shall comply with 922 KAR 1:300, Section 8, Residential Treatment Program, if providing treatment-oriented services.

(3) Only a child assigned as Level III shall be placed in residential care.

(4) The daily rate for residential care to a child-caring facility shall be:

(a) \$193.50 per child for a child-caring facility determined by designated cabinet staff to not meet the requirements of a specified setting for placement in accordance with 42 U.S.C. 672(k)(2); and

(b) \$336.00 per child for a child-caring facility determined by designated cabinet staff to meet the requirements of a specified setting for placement in accordance with 42 U.S.C. 672(k)(2).

Section 7. Emergency Shelter Care.

(1) An emergency shelter child-caring facility shall meet the requirements of 922 KAR 1:380. The rate for emergency shelter care shall be:

(a) \$220.59 per child per day for a child-caring facility with a treatment license; or

(b) \$165.44 per child per day for a child-caring facility without a treatment license.

(2) If a child with an assigned level of care enters an emergency shelter child-caring facility with a treatment license, the emergency shelter child-caring facility shall adhere to the child's individual treatment plan.

Section 8. Foster Care and Therapeutic Foster Care for a Child-Placing Agency.

(1) The daily rate for foster care shall be \$51.33 per child for:

(a) A child under the age of four (4) who has not been assigned a level; and

(b) A child over the age of four (4) with a level I assigned level of care.

(2) The daily rates for therapeutic or treatment foster care shall be:

(a) Level II - ~~\$108.55~~[\$99.50] per child; and

(b) Level III - ~~\$156.34~~[\$139.96] per child.

(3) A private agency foster home shall not receive a per diem that is less than the corresponding public foster home per diem published at

<https://www.chfs.ky.gov/agencies/dCBS/dpp/Documents/stateagencyfostercareperdiemrates.pdf>.

Section 9. Pregnant and Parenting Teen Programs. A child-caring facility with a pregnant and parenting teen program shall receive:

(1) A rate consistent with the assigned level of care for the adolescent parent; and

(2) Inclusive of child care cost, the amount established in Section 8(1) of this administrative regulation for the committed child of an adolescent parent who is committed to the cabinet.

Section 10. Independent Living Programs.

(1) An independent living program shall be licensed pursuant to 922 KAR 1:305 and shall meet the standards for independent living programs established in 922 KAR 1:310 and 922 KAR 1:340.

(2) The daily rate for an independent living program shall be:

(a) \$99.50 per child for Level I or Level II; and

(b) \$139.96 per child for Level III.

(3) A Level III child in an independent living setting shall require increased structure, supervision, case management, and treatment services.

Section 11. Programs with Decoupled Rates. A child-caring facility or child-placing agency providing highly specialized behavioral health services may be paid for board and treatment services separately through agreement with the:

(1) Department for the cost of room, board, and watchful oversight; and

(2) Department for Medicaid Services or its designee for behavioral health treatment services.

Section 12. Provider Requirements.

(1) A child-caring facility or child-placing agency shall:

(a) Inform the department of the levels of care the facility or agency has the ability to serve;

(b) Demonstrate its ability to provide services, either directly or by contract, appropriate to the assigned level for each child, including:

1. Room, board, and other activity contributing to housing, food, clothing, school supplies, or personal incidentals;

2. Clinical services including:

a. The evaluation and treatment of behavioral health needs; and

b. Identification and alleviation of related trauma symptoms, disability, or distress experienced by a child who follows a specific individual treatment plan targeted to identify a problem; and

3. Support services that:

a. Identify necessary resources and coordinate services provided by a range of agencies or professionals;

b. Allow a child to cope with the trauma, disability, or distress;

c. Provide access to improving the educational or vocational status of the child; and

d. Provide essential elements of daily living;

(c) Submit the following reports in time for the reports to be received by the gatekeeper within thirty (30) days prior to the utilization review due date:

1. To the gatekeeper, a Child and Adolescent Needs and Strengths assessment report completed within the past six (6) months or another supplemental tool approved by the gatekeeper; and

2. To the gatekeeper and designated cabinet staff, a copy of the CRP-7, Children's Review Program Application for Level of Care Payment (ALP):

- a. On a quarterly basis, for a private child care residential placement; or
 - b. On a semiannual basis for a foster care placement;
 - (d) Provide outcomes data and information as requested by the gatekeeper; and
 - (e) Obtain accreditation within two (2) years of initial licensure or within two (2) years of acquiring an agreement with the cabinet, whichever is later, from a nationally-recognized accreditation organization, such as:
 1. The Council on Accreditation; or
 2. The Joint Commission.
- (2) Emergency shelters without a treatment license shall be exempt from the accreditation requirements specified in subsection (1)(e) of this section.

Section 13. Utilization Review and Authorization of Payment.

(1) The child-caring facility or child-placing agency shall submit to the gatekeeper the reports established in Section 12(1)(c) of this administrative regulation for the utilization review in time for the reports to be received by the gatekeeper within thirty (30) days prior to the utilization review due date.

(2) If the child-caring facility or child-placing agency fails to submit the reports as established in Section 12(1)(c) of this administrative regulation in time for the reports to be received by the gatekeeper within thirty (30) days prior to the utilization review due date, the cabinet shall:

- (a) Suspend payments until the necessary information has been submitted to the gatekeeper;
 - (b) If a child's level is reduced after untimely reports are received by the gatekeeper, make an adjustment for overpayment retroactive to the first utilization review due date that was missed; or
 - (c) If a child's level is increased as a result of delinquent reports, apply a higher rate beginning the day after the untimely reports are received by the gatekeeper.
- (3) If the child-caring facility makes timely submission of the reports, and if the:

- (a) Level of care remains unchanged, payments shall continue unchanged;
- (b) Level of care is reduced, and the:
 1. Child remains in the same placement, the lower level of care shall be effective on the 31st day following the utilization review due date; or
 2. Child is placed in another child-caring facility or child-placing agency after the utilization review due date, the rate for the lower level shall be effective on the day the child is placed; or
- (c) Level of care is increased, the rate for the higher level of care shall be effective the day after the utilization review due date.

(4) If the child-caring facility, child-placing agency, or cabinet staff disagrees with the level of care assigned by the gatekeeper, the child-caring facility, child-placing agency, or cabinet staff may request a redetermination as established in Section 14 of this administrative regulation.

Section 14. Redetermination.

(1) If the child-caring facility, child-placing agency, or cabinet staff disagrees with the level of care assigned by the gatekeeper, the child-caring facility, child-placing agency, or cabinet staff may request a redetermination of the assigned level by providing to the gatekeeper:

- (a) New information that supports the request for a new level; and
- (b) Completion of the "request for redetermination" section of one (1) of the following forms:
 1. CRP-2, Children's Review Program Notice of Level of Care Payment Authorization, for a utilization review;
 2. CRP-4, Children's Review Program Notice of Level of Care Redetermination;
 3. CRP-5, Children's Review Program DCBS Foster Care Utilization Review Notice of Level Assignment, for a utilization review; or

4. CRP-6, Children's Review Program Notice of Level of Care Payment Authorization Assignment, for a reassignment.

(2) If the request for a redetermination is received by the gatekeeper within thirty (30) days after the most recent utilization review due date or admission, and if the gatekeeper assigns a higher level with a CRP-4, Children's Review Program Notice of Level of Care Redetermination, the increased payment shall be retroactive to the most recent of the following:

- (a) The date of the most recent utilization review due date if the complete utilization review materials were received on or before the utilization review due date; or
 - (b) The date of admission.
- (3) If the request for redetermination is received by the gatekeeper more than thirty (30) days after the most recent utilization review due date or admission, and if a:
 - (a) Higher level is assigned by the gatekeeper with a CRP-4, the increased payment shall be effective the day after the request is received by the gatekeeper; or
 - (b) Lower level is assigned by the gatekeeper with a CRP-4, the lower payment shall be effective thirty (30) days after the request is received by the gatekeeper.
- (4) If the child-caring facility, child-placing agency, or cabinet staff does not agree with the redetermination as provided by the CRP-4, an appeal may be requested in accordance with Section 16 or 17 of this administrative regulation.

Section 15. Reassignment.

(1) If the level of care expires and the child is moved to a different child-caring facility or child-placing agency placement, a reassigned level of care shall be obtained by the:

- (a) Department completing a level of care packet for a level assignment; or
 - (b) New child-caring facility or child-placing agency submitting the following within thirty (30) days of the placement:
 1. A cover letter requesting a reassignment;
 2. The most recent Child and Adolescent Needs and Strengths assessment report or a comparable assessment of the child; and
 3. Documentation to support the level of care assignment, such as the level of care packet or discharge summary.
- (2) The reassigned level of care rate shall be effective on the date of admission to the new placement.
- (3) If the child-caring facility or child-placing agency disagrees with the level of care assigned by the gatekeeper, the child-caring facility or child-placing agency may request a redetermination as established in Section 14 of this administrative regulation.

Section 16. Informal Dispute Resolution.

(1) A contract agent dissatisfied by a decision of the cabinet or a gatekeeper may seek informal resolution by filing a request with the secretary of the cabinet, or designee, within ten (10) days following notice of the decision.

- (2) Upon receipt of a request for informal resolution, the cabinet shall:
- (a) Review the request; and
 - (b) Render a written decision on the issue raised within thirty (30) calendar days unless an extension is granted by the secretary or designee:
 1. Due to extenuating circumstances that prolong the review; and
 2. With notice provided to the contract agent.
- (3) If the dispute relates to a decrease or denial of payment, the contract agent may request an administrative hearing in accordance with Section 17 of this administrative regulation.

Section 17. Administrative Hearing Process. A child-caring facility or child-placing agency may request an administrative hearing in accordance with 922 KAR 1:320.

Section 18. Incorporation by Reference.

- (1) The following material is incorporated by reference:
- (a) "CRP-2, Children's Review Program Notice of Level of Care Payment Authorization", 01/22;
 - (b) "CRP-4, Children's Review Program Notice of Level of Care Redetermination", 01/22;

VOLUME 51, NUMBER 9– March 1, 2025

(c) "CRP-5, Children's Review Program DCBS Foster Care Utilization Review Notice of Level Assignment", 01/22;

(d) "CRP-6, Children's Review Program Notice of Level of Care Payment Authorization Assignment", 01/22;

(e) "CRP-7, Children's Review Program Application for Level of Care Payment (ALP)", 07/22;

(f) "DPP-114, Child Caring and Child Placing Level of Care Schedule", 01/25[09/23]; and

(g) "DPP-888, Instructions for Completing the Annual Cost Report and Time Study for Child Caring and Child Placing Programs and Facilities", 09/23.

(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>.

LESA DENNIS, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 21, 2025

FILED WITH LRC: January 22, 2025 at 8:43 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 14, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Rachael Ratliff

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes levels of care based upon the needs of a child for whom the Cabinet for Health and Family Services has legal responsibility, a payment rate for each level, gatekeeper responsibilities, provider requirements, procedures for classification at the appropriate level of care, and procedures for determination of components of the model program costs analysis.

(b) The necessity of this administrative regulation: KRS 194A.050(1) requires the secretary of the Cabinet for Health and Family Services to promulgate administrative regulations necessary to operate and fulfill the responsibilities vested in the cabinet. KRS 199.641(4) and 605.090(1)(d) authorize the cabinet to establish by administrative regulation the rate setting methodology and the rate of payment for child-caring facilities and child-placing agencies, consistent with the level and quality of service provided. KRS 605.090(1)(d) authorizes the cabinet to promulgate administrative regulations establishing conditions under which the cabinet may place a child committed to the Department of Juvenile Justice or the cabinet in a child-caring facility or a child-placing agency operated by a local governmental unit or private organization willing to receive the child, upon the conditions established by the cabinet. KRS 605.150(1) authorizes

the cabinet to promulgate administrative regulations to implement the provisions of KRS Chapter 605.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the levels of care and associated payments for a child's placement at a child-caring facility or child-placing agency consistent with the level and quality of care and service provided.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes through its incorporation of the methodology regarding the placement of a child in the custody of the cabinet with a child-caring facility or child-placing agency, procedures concerning the model program cost analysis, provider and gatekeeper requirements, levels of care, and payment rate for each level of care.

(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 increases the per diem rates for specific levels of care provided for children with the highest needs in the custody of the state. Information from providers requests that a rate increase be implemented as soon as possible as private child-placing agencies for Level II and Level III therapeutic foster care to meet the increased need for behavioral health services for children with complex needs. Material incorporated by reference is also being amended to reflect this rate increase.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to increase the reimbursement rate to ensure the availability of adequate resources for youth with specialized needs, promote stability in placements, and reduce the number of children without appropriate care. By aligning financial support with the heightened demands of these placements, this measure seeks to improve outcomes for youth, enhance recruitment and retention of foster families, and strengthen the overall capacity of Kentucky's child welfare system. This action is necessitated by the ongoing crisis in placement availability, which poses significant risks to the well-being of affected youth and impedes the state's ability to fulfill its obligations under child welfare mandates. Immediate implementation is critical to safeguard the health, safety, and welfare of children and youth in the commonwealth. The health and welfare of these children are jeopardized without the payment rate increase, in addition to threats to federal child welfare funding due to an inadequate service array for children requiring out-of-home care.

(c) How the amendment conforms to the content of the authorizing statutes: The amended administrative regulation conforms to the authorizing statutes by ensuring that children with complex needs are placed in the most appropriate, least restrictive setting. Additionally, this amendment increases the daily rate for private child placing agencies are reimbursed at a rate to meet the needs of the child.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist in the effective administration of the statutes by increasing some payment rates so that they are more consistent with actual provider costs, thereby better facilitating placement options and preserving the health and welfare of children in the custody of the cabinet.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: On January 5, 2025, there were 2,275 unique children placed in a private child placing agency setting according to their needed level of care for Level II and Level III therapeutic foster care established in this administrative regulation (TWS-W058, 1/5/25). There are 84 licensed private child placing agencies that provide Level II and Level II therapeutic foster care.

(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 children affected by this administrative regulation will have no new action required. Federal

VOLUME 51, NUMBER 9– March 1, 2025

law has increased the standards that must be met for some of the entities providing care pursuant to this administrative regulation; therefore, they will be receiving increased per diems for providing care and meeting these new standards. It is the intent of the department that these increases will also help maintain staff and private foster homes so that the placement of children with higher therapeutic or medical needs will be accepted.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There are no costs to affected entities.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Affected entities will receive a per diem rate increase through this amendment for children with complex needs who require a higher level of care. Children in the state's custody will benefit from having more placement options and providers that can provide the level of care they need.

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

(a) Initially: The per diem increases are within existing appropriations for state fiscal year 2025 and 2026. The administrative body is projecting a total cost of \$15,000,000 for state fiscal years 2025 and 2026.

(b) On a continuing basis: The administrative body will continually monitor its costs to make any adjustments necessary to maintain a comprehensive service array within available funding. The possibility of an additional budget request exists beginning in state fiscal year 2027 to continue the per diem increase and provide adequate services to children with the highest needs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The amended administrative regulation is implemented through a combination of state General Funds, federal Title IV-E (of the Social Security Act) foster care maintenance and restricted funds derived from Medicaid Title V.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation as funding was appropriated in House Bill 6 for state fiscal years 2025 and 2026.

(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? This administrative regulation does include tiering as different per diem rates and standards are associated with specific levels of care provided to children in the state's custody.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. 622, 672, 675

(2) State compliance standards. KRS 194A.050(1), 199.641(4), 605.090(1)(d), 605.150(1)

(3) Minimum or uniform standards contained in the federal mandate. 42 U.S.C. 622, 672, 675

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This administrative regulation does not impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. This administrative regulation does not impose a stricter standard, or additional or different responsibilities or requirements.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 194A.050(1), 199.641(4), 605.090(1)(d), 605.150(1), 42 U.S.C. 622, 672

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, specifically the Department for Community Based Services (DCBS), is impacted by this administrative regulation.

(a) Estimate the following for the first year:

Expenditures: \$5,000,000

Revenues: None

Cost Savings: None

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The emergency administrative regulation is projected to cost \$10,000,000 for state fiscal year 2026. There is not anticipated revenue or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): On January 5, 2025, there were 2,275 unique children placed in a private child placing agency setting according to their needed level of care for Level II and Level III therapeutic foster care established in this administrative regulation (TWS-W058, 1/5/25). There are 84 licensed private child placing agencies that provide Level II and Level II therapeutic foster care.

(a) Estimate the following for the first year:

Expenditures: No expenditures are anticipated.

Revenues: No revenues are anticipated.

Cost Savings: No cost savings are anticipated.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? There are no costs to affected entities. In subsequent years, affected entities will continue to receive a per diem rate increase through this amendment for children with complex needs, requiring a higher level of care. Children in the state's custody will benefit from having more placement options and providers that can provide the level of care they need. It is anticipated that this rate increase to therapeutic foster care levels II and III will be of benefit to the children placed in these homes through more stable placements that are specifically trained to care for children with higher therapeutic or medical needs.

(4) Identify additional regulated entities not listed in questions (2) or (3): There are no additional regulated entities not listed in response to questions (2) or (3).

(a) Estimate the following for the first year:

Expenditures: N/A

Revenues: N/A

Cost Savings: N/A

(b) How will expenditures, revenues, or cost savings differ in subsequent years? N/A

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The fiscal impact of this administrative regulation will cost an estimated \$5,000,000 for the remainder of state fiscal year 2025 and \$10,000,000 for state fiscal year 2026.

(b) Methodology and resources used to determine the fiscal impact: The department identified 2,275 children placed in Level II and Level III private therapeutic foster care on January 5, 2025, and conducted an analysis to determine the anticipated fiscal impact resulting from an increase in per diems for the remainder of state fiscal year 2025 for children placed in those levels of care.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The proposed amended administrative regulation is estimated to have a fiscal impact of \$5,000,000 to the Cabinet for Health and Family Services.

(b) The methodology and resources used to reach this conclusion: The department identified 2,275 children placed in Level II and Level III private therapeutic foster care on January 5, 2025, and conducted an analysis to determine the anticipated fiscal impact resulting from an increase in per diems for the remainder of state fiscal year 2025 for children placed in those levels of care.

NEW ADMINISTRATIVE REGULATIONS

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](#).

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Quality and Population Health
(New Administrative Regulation)

907 KAR 16:005. Definitions for 1915(i) Recovery, Independence, Support & Engagement (RISE) Initiative.

RELATES TO: KRS 205.520, 210.005, 28 C.F.R. Part 35, 24 C.F.R. 578.3

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the definitions for terms utilized within 907 KAR Chapter 16.

Section 1. Definitions.

- (1) "ACT" means American College Test.
- (2) "Allied health care professional" or "AHCP" means an individual who provides support in a residential setting, including a:
 - (a) Certified nursing assistant;
 - (b) Medication aide;
 - (c) Licensed practical nurse; or
 - (d) Registered nurse.
- (3) "Americans with Disabilities Act" or "ADA" as defined in 28 C.F.R. Part 35.
- (4) "Assessment" means the process that authorizes DBHDID to determine applicant service needs that can be met safely in a community-based setting and determine if the participant is eligible for 1915(i) RISE Initiative services.
- (5) "Assistive technology" or "AT" means any item, piece of equipment, software program, or product system that is used to increase, maintain, or improve the independence and functional capabilities of persons with disabilities in education, employment, recreation, and daily living activities. AT is intended to augment strengths and provide an alternative mode of performing tasks. AT is designed to enhance all aspects of a participant's life and can also be used to ensure the health, welfare, and safety of the participant.
- (6) "At risk of homelessness" is as defined by 24 C.F.R. § 578.3.
- (7) "Behavioral health condition" means serious mental illness (SMI) as consistent with KRS 210.005 r a co-occurring serious mental illness and substance use disorder (SUD).
- (8) "Behavioral health professional" means:
 - (a) An advanced practice registered nurse (APRN);
 - (b) A licensed clinical social worker (LCSW);
 - (c) A licensed marriage and family therapist (LMFT);
 - (d) A licensed professional clinical counselor (LPCC);
 - (e) A licensed psychological practitioner;
 - (f) A licensed psychologist;
 - (g) A licensed professional art therapist;
 - (h) A physician;
 - (i) A psychiatrist; or
 - (j) A licensed professional clinical counselor (LPCC).
- (9) "Case management" means services furnished to assist participants in gaining access to needed medical, social, educational, and other recovery support services that do not conflict or are not duplicative of case management services that a participant already receives within the Medicaid program.
- (10) "Case manager" means a qualified professional who:
 - (a) Meets the requirements established in 907 KAR 16:010;
 - (b) Assists a 1915(i) RISE Initiative participant in any aspect of participant services established pursuant to this chapter; and

(c) Who manages the overall development and monitoring of a participant's PCSP.

(11) "Certification" or "recertification" means the authorization received by a Medicaid-enrolled provider who:

(a) Has been determined to meet the requirements of the Centers for Medicare and Medicaid Services (CMS) approved 1915(i) state plan application and 907 KAR 16:010; and

(b) Is approved by the department to provide one (1) or more services to 1915(i) RISE Initiative participants.

(12) "Certification period" means a period of time that a 1915(i) RISE Initiative provider has been certified or approved by DBHDID and can be reimbursed for 1915(i) RISE Initiative home and community-based services.

(13) "Community mental health center" or "CMHC" means a facility that meets the community mental health center requirements in 902 KAR 20:091.

(14) "Competitive integrated employment" or "CIE" means work that is performed on a full-time or part-time basis, including self-employment:

(a) For which a participant:

1. Is compensated at a rate that:

a. Is not less than the highest rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable minimum wage law; and

b. Is not less than the customary rate paid by the employer for the same or similar work performed by other employees who are not individuals with disabilities, and who are similarly situated in similar occupations by the same employer and who have similar training, experience, and skills; or

c. In the case of a participant who is self-employed, yields an income that is comparable to the income received by other individuals who are not individuals with disabilities, and who are self-employed in similar occupations or on similar tasks and who have similar training, experience, and skills; and

2. Is eligible for the level of benefits provided to other employees;

(b) That is at a location where the employee interacts with other persons who are not individuals with disabilities (not including supervisory personnel or individuals who are providing services to such employee) to the same extent that individuals who are not individuals with disabilities and who are in comparable positions interact with other persons; and

(c) That, as appropriate, presents opportunities for advancement that are similar to those for other employees who are not individuals with disabilities and who have similar positions.

(15) "Corrective action plan" means a document submitted by a 1915(i) RISE Initiative provider to the department that:

(a) States the system changes, processes, or other actions that the provider is required to take to prevent a future occurrence of a founded violation stated in a citation or findings report;

(b) States the timeframe in which the provider shall successfully implement or perform a system change, process, or other action required by the corrective action plan; and

(c) Is not valid or effective until approved by the department.

(16) "Critical incident or event" means an incident that is serious in nature and poses an immediate risk to the health, safety, or welfare of a participant.

(17) "DBHDID" means the Kentucky Department for Behavioral Health, Developmental and Intellectual Disabilities.

(18) "Department" means the Kentucky Department for Medicaid Services or its designee.

(19) "Early and Periodic Screening, Diagnostic and Treatment" or "EPSDT" means a service authorized pursuant to 907 KAR 11:034 or 11:035.

(20) "Exceptional supports" means authorization for services beyond the service definition limit.

(21) "Exceptions process" means:

VOLUME 51, NUMBER 9– March 1, 2025

(a) A service requested by a participant and the participant's team; and

(b) That due to an extraordinary circumstance related to a participant's physical health, psychiatric issue, or behavioral health issue is necessary to:

1. Be provided in excess of the benefit limit for the service for a specified amount of time; and

2. Meet the assessed needs of the participant.

(22) "FFP" means federal financial participation.

(23) "HCBS" means home and community-based services.

(24) "Homeless" is defined by 24 C.F.R. § 578.3.

(25) "HUD" means the federal Department of Housing and Urban Development.

(26) "Human services related experience" means professional experience that may include:

(a) Experience as a case manager in a related human services field;

(b) Certified nursing assistant experience;

(c) Certified medical assistant experience;

(d) Certified home health aide experience;

(e) Personal care assistant experience;

(f) Paid professional experience with aging or disabled populations or programs as a case manager, a rehabilitation specialist or health specialist, or a social services coordinator;

(g) Assessment and care planning experience with clients;

(h) Experience in working directly with persons with serious mental illness or substance use disorder; or

(i) Work providing assistance to individuals and groups with issues such as economically disadvantaged, employment, abuse and neglect, substance abuse, aging, disabilities, prevention, health, and cultural.

(27) "Incident" means any occurrence that impacts the health, safety, welfare, or lifestyle choice of a participant and includes a:

(a) Minor injury;

(b) Medication error without a serious outcome; or

(c) Behavior or situation that is not a critical incident.

(28) "Independent living" means a participant in their own private housing unit or in a housing unit the participant shares with others, including a single-family home, duplex, or apartment building, in a community setting of the participant's choosing.

(29) "Individual Placement and Support – Supported Employment" or "IPS-SE" means an evidence-based practice designed to assist individuals with serious mental illness (SMI) or co-occurring serious mental illness and substance use disorder to obtain and maintain employment in competitive integrated employment (CIE) using the supports of their behavioral health treatment team, an employment specialist, and benefits counselor. The Practice Principles of IPS-SE are as follows:

(a) Focus on Competitive Integrated Employment: Agencies providing IPS services are committed to competitive employment as an attainable goal for people with behavioral health conditions seeking employment. Mainstream education and specialized training may enhance career paths.

(b) Eligibility Based on Client Choice: People are not excluded based on readiness, diagnoses, symptoms, substance use history, psychiatric hospitalizations, homelessness, level of disability, or legal system involvement.

(c) Integration of Rehabilitation and Mental Health Services: IPS programs are closely integrated with behavioral health treatment teams.

(d) Attention to Worker Preferences: Services are based on each person's preferences and choices, rather than providers' judgments.

(e) Personalized Benefits Counseling: Employment specialists help people obtain personalized, understandable, and accurate information about their Social Security, Medicaid, and other government entitlements.

(f) Rapid Job Search: IPS programs use a rapid job search approach to help job seekers obtain jobs directly, rather than providing lengthy pre-employment assessment, training, and counseling. If further education is part of their plan, IPS specialists assist in these activities as needed.

(g) Systematic Job Development: Employment specialists systematically visit employers, who are selected based on job seeker preferences, to learn about their business needs and hiring preferences.

(h) Time-Unlimited and Individualized Support: Job supports are individualized and continue for as long as each worker wants and needs the support.

(30) "InterRAI Community Mental Health" or "InterRAI CMH" functional assessment instrument means the most recent version of the standardized assessment system developed by InterRAI and intended for use by clinicians in community mental health settings.

(31) "Job-seeking skills training" or "JSST" means instruction that assists a participant in obtaining employment. Examples of JSST include:

(a) Writing and development of a resume;

(b) How to use a resume;

(c) Completing applications;

(d) Networking;

(e) Interviewing;

(f) Job searching;

(g) Follow-up techniques following a contact, interview, or application; and

(h) Work habits.

(32) "KRS" means Kentucky Revised Statutes.

(33) "Legally responsible individual" means an individual who has a duty under state law to care for another person and includes:

(a) A parent, whether biological, step, adoptive, or foster, who provides care to the parent's minor child;

(b) A legal guardian who is a court appointed person who has the authority to make decisions for the participant; or

(c) A spouse of a participant.

(34) "Level of care determination" means a determination by the department that an individual meets the level of care criteria for 1915(i) RISE Initiative services established pursuant to Title 907 KAR.

(35) "Medicaid Partner Portal Application" or "MPPA" means the Web-based Kentucky Medicaid portal for the department.

(36) "Medication management" means a service that is intended to support program participants' adherence to and implementation of medication regimens.

(37) "Moratorium" means the department prohibition against a 1915(i) RISE Initiative provider providing services to a new 1915(i) RISE Initiative participant.

(38) "MWMA" means Medicaid Waiver Management Application, the Web-based Kentucky Medicaid portal.

(39) "OIG" means the Kentucky Office of Inspector General.

(40) "Permanent supportive housing" or "PSH" means principles that include the following:

(a) Choice. This concept means that participants should have self-determination in all aspects of their lives, including the planning and delivery of services, and housing and living support arrangements. Participants should be free to choose housing from the same living environments available to the general public.

(b) Safety. This concept is that participants should have the opportunity to live in housing that is decent and safe, and in neighborhoods free from problems of drugs and crime. A secure environment includes:

1. The development and implementation of clear administrative procedures for rent collection;

2. Building maintenance;

3. Monitoring visitors;

4. Enforcement of house rules; and

5. Opportunities for tenants to provide input on the safety and comfort of their living environment.

(c) Affordable. This concept is that participants should have the opportunity to live in housing wherein no more than thirty percent of the participant's income pays for a rent or mortgage and utilities.

(d) Integrated. This concept is that participants are entitled to housing options that are integrated into neighborhoods and are typical of the housing in the neighborhood.

(e) Consumer and Family Involvement. This concept is that participants and their family members should play a role in the development of new housing and support opportunities and in

promoting the availability of housing alternatives for people with disabilities.

(f) Permanent. This concept is that participants should be provided with needed support in obtaining housing where the participant leases, owns, or otherwise controls the housing. In addition, decisions regarding housing tenure should be separate from decisions about needed supports and services.

(g) Accessible. This concept is that participants should have access to housing with needed physical modifications or other reasonable accommodations to support them in daily living. Participants should receive necessary assistance in requesting and accessing such housing and supports.

(h) Flexible and Individualized Services and Supports. This concept is that participants should have support services available to them regardless of where they choose to live. Services and supports should be person-centered and should enable people to live in their own homes. Supports should include community supports (for example, congregations or schools) and natural supports (for example, family, friends, and neighbors).

(41) "Person-centered service plan" or "PCSP" means a written individualized plan of 1915(i) RISE Initiative services developed in accordance with the participant's wants, assessed needs, and preferences that may include a transition plan to more intense or less intense level of services.

(42) "Planned respite for caregivers" or "respite" means a service that provides temporary relief from caregiving to the primary caregiver of a participant during times when the participant's primary caregiver would normally provide care.

(43) "Related fields of study" means:

- (a) Social work;
- (b) Psychology;
- (c) Rehabilitation;
- (d) Nursing;
- (e) Counseling;
- (f) Education;
- (g) Gerontology;
- (h) Human services; and
- (i) Sociology.

(44) "RISE" means the Kentucky Recovery, Independence, Support, and Engagement Initiative.

(45) "Serious mental illness" or "SMI" means:

(a) An individual 18 years or over, who has: one (1) or more mental health diagnoses specifically listed in the following sections of the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders:

- 1. Schizophrenia spectrum and other psychotic disorders;
- 2. Bipolar and related disorders;
- 3. Depressive disorders; or
- 4. Trauma and stressor related disorders;

(b) Clear evidence of functional impairment in two or more of the following:

- 1. Societal or role functioning;
- 2. Interpersonal functioning;
- 3. Daily living and personal care functioning;
- 4. Physical functioning; or
- 5. Cognitive or intellectual functioning; and

(c) The participant has experienced one (1) or more of these conditions of duration:

- 1. Clinically significant symptoms of mental illness have persisted in the participant for a continuous period of at least 2 (two) years;
- 2. The participant has been hospitalized for mental illness more than once in the past 2 (two) years; or
- 3. There is a history of one or more episodes with marked disability and the illness is expected to continue for a two-year period of time.

(46) "SOAR" means Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI) Outreach, Access, and Recovery.

(47) "SPA" means state plan amendment.

(48) "Substance use disorder" or "SUD" means individuals with a diagnosis designated in the latest edition of the Diagnostic and Statistical Manual of Mental Disorders.

(49) "TABE" means the Test of Adult Basic Education.

(50) "Tenancy supports" means services that include both pre-tenancy supports and tenancy-sustaining supports.

LISA D. LEE, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 27, 2025

FILED WITH LRC: January 29, 2025 at 10:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 14, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Jonathan Scott

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the definitions for administrative regulations located in 907 KAR Chapter 16. Chapter 16 contains Medicaid administrative regulations regarding services provided to specific populations via 1915(i) state plan amendments.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the 1915(i) RISE Initiative definitions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the definitions for administrative regulations located in 907 KAR Chapter 16.

(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 authorizing statutes by establishing the definitions for administrative regulations located in 907 KAR Chapter 16.

(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: Medicaid providers participating in the 1915(i) RISE Initiative. DMS estimates up to 5,000 participants may access 1915(i) RISE Initiative services.

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

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: As appropriate, providers or recipients may need to refer to this administrative regulation to clarify terms used in other administrative regulations.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): DMS does not anticipate additional costs as a result of this administrative regulation.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Recipients and providers will benefit due to the additional clarity provided by definitions in this administrative regulation.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
- (b) On a continuing basis: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement the administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not establish or increase any fees.
- (9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 205.520, 194A.030(2), 194A.050(1), 205.520(3).
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The Cabinet for Health and Family Services, Department for Medicaid Services, is the promulgating agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities is administering the 1915(i) RISE Initiative.
- (a) Estimate the following for the first year:
Expenditures: No additional expenditures beyond those allocated to the department pursuant to 2024 House Bill 6.
Revenues: The department does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The department does not anticipate cost savings as a result of this administrative regulation.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.
- (a) Estimate the following for the first year:
Expenditures: HB 6 from 2024 funds this program with \$99 million in total expenditures estimated for the first year.
Revenues: n/a. The department does not anticipate additional revenues.
Cost Savings: n/a. The department does not anticipate cost savings.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? As provider capacity and services increase in subsequent years, utilization and thus expenditures may increase over time.
- (4) Identify additional regulated entities not listed in questions (2) or

- (3): N/A
- (a) Estimate the following for the first year:
Expenditures: n/a The department does not anticipate additional expenditures for regulated entities.
Revenues: n/a The department does not anticipate additional revenues for regulated entities.
Cost Savings: The department does not anticipate cost savings for the providers who are billing.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.
- (5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: HB 6 from 2024 funds this program with \$99 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of \$169 million total funding for state fiscal year 2027.
(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on Medicaid Management Information System (MMIS) claims data were multiplied by anticipated fee schedule rates.
- (6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.
(b) The methodology and resources used to reach this conclusion: The policies contained in the administrative regulation allow for providers to request additional reimbursement and provide new services to a specific.

FEDERAL MANDATE ANALYSIS COMPARISON

- (1) Federal statute or regulation constituting the federal mandate. There is no federal mandate to have a definitions administrative regulation in a state administrative regulation chapter.
- (2) State compliance standards. KRS Chapter 13A establishes standards for definitions.
- (3) Minimum or uniform standards contained in the federal mandate. There is no federal mandate to have a definitions administrative regulation in a state administrative regulation chapter.
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment will not impose stricter than federal requirements.
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment will not impose stricter than federal requirements.

CABINET FOR HEALTH AND FAMILY SERVICES Department for Medicaid Services Division of Quality and Population Health (New Administrative Regulation)

907 KAR 16:010. 1915(i) RISE Initiative Home and Community-Based Services (HCBS); Participant Eligibility.

RELATES TO: KRS 205.520
STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)
NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the policies and operational requirements to provide expanded services to individuals who have a primary diagnosis of serious mental illness or substance use disorder.

Section 1. 1915(i) RISE Initiative HCBS Participant Eligibility.

- (1) To be eligible to receive a service in the 1915(i) RISE Initiative HCBS, an individual or an individual's representative shall:

VOLUME 51, NUMBER 9– March 1, 2025

- (a) Apply for 1915(i) RISE Initiative home and community-based services via the department approved system;
- (b) Complete application in the department approved system;
- (c) Meet Medicaid eligibility requirements established in 907 KAR 20:010; and
- (d) Meet participant eligibility requirements:
 - 1. Be 18 years or older;
 - 2. Have a primary diagnosis of Severe Mental Illness (SMI) or co-occurring SMI and Substance Use Disorder (SUD); and
 - 3. Meet criteria per the InterRAI CMH functional assessment tool.
- (2) To maintain eligibility as a participant, the participant shall:
 - (a) Maintain Medicaid eligibility requirements established in 907 KAR 20:010.
 - (b) Be reassessed annually utilizing the InterRAI CMH functional assessment tool and meet eligibility requirements.
 - (3) 1915(i) HCBS services shall not be provided to an individual who is:
 - (a) Receiving a service in a 1915(c) Home and Community-Based program.
 - (b) Receiving a duplicate service provided through another funding source; or
 - (c) An inpatient of a hospital or other facility.
 - (4) Involuntary termination and loss of a 1915(i) RISE Initiative HCBS service shall be:
 - (a) In accordance with 907 KAR 1:563; and
 - (b)
 - 1. Initiated when an applicant moves to a residence outside of the Commonwealth of Kentucky; or
 - 2. If initiated by a 1915(i) RISE Initiative provider:
 - a. The 1915(i) Rise Initiative provider shall simultaneously notify electronically or in writing the participant or the participant's guardian, the participant's case manager, the department and DBHDID at least thirty (30) days prior to the effective date of the termination; and
 - b. The participant's case manager, in conjunction with the 1915(i) RISE Initiative provider, shall immediately act to:
 - (i) Provide the participant or participant's guardian with the name, address, and telephone number of each current 1915(i) RISE Initiative provider in Kentucky;
 - (ii) Provide assistance to the participant or participant's guardian in making contact with another 1915(i) RISE Initiative provider;
 - (iii) Arrange or provide transportation for a requested visit to a 1915(i) RISE Initiative provider site;
 - (iv) Provide a copy of pertinent information to the participant or participant's guardian;
 - (v) Ensure the health, safety, and welfare of the participant until an appropriate placement is secured;
 - (vi) Continue to provide supports until alternative services or another placement is secured; and
 - (vii) Provide assistance to ensure a safe and effective service transition.
- c. The notice referenced in paragraph (c) 1. of this subsection shall include:
 - (i) A statement of the intended action;
 - (ii) The basis for the intended action;
 - (iii) The authority by which the intended action is taken; and
 - (iv) The participant's right to appeal the intended action through the provider's appeal or grievance process.
 - (5) Voluntary termination and loss of a 1915(i) RISE Initiative HCBS service:
 - (a) DBHDID shall initiate an intent to discontinue a participant's participation in the 1915(i) RISE Initiative HBCS services if the participant or participant's guardian submits a written notice of intent to discontinue services to:
 - 1. The 1915(i) RISE Initiative HCBS provider; and
 - 2. DBHDID.
 - (b) An action to terminate 1915(i) RISE Initiative HCBS participation shall not be initiated until thirty (30) calendar days from the date of the notice referenced in paragraph (a) of this subsection.
 - (c) A participant or guardian may reconsider and revoke the notice referenced in paragraph (a) of this subsection in writing during the thirty (30) calendar day period.

Section 2. 1915(i) RISE Initiative HCBS Participant Appeal Rights

- (1) An appeal of a department decision regarding a Medicaid beneficiary based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:563.
- (2) An appeal of a department decision regarding Medicaid eligibility of an individual based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:560.

Section 3. Federal Approval and Federal Financial Participation. The department's reimbursement for services pursuant to this administrative regulation shall be contingent upon:

- (1) Receipt of federal financial participation for the reimbursement; and
- (2) Centers for Medicare and Medicaid Services' approval for the reimbursement.

LISA D. LEE, Commissioner
ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 27, 2025

FILED WITH LRC: January 29, 2025 at 10:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 14, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Jonathan Scott

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes participation and eligibility for the 1915(i) RISE Initiative.
 - (b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the program policies, participation, and eligibility criteria pursuant to the 1915(i) RISE Initiative.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing participation and eligibility criteria related to the 1915(i) RISE Initiative.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing clear participation and eligibility criteria requirements related to the 1915(i) RISE initiative.
- (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: Medicaid providers participating in the RISE Initiative. DMS estimates up to 5,000 participants may access 1915(i) RISE Initiative services.
- (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: Providers will be required to bill under the 1915(i) specific fee schedule.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): DMS does not anticipate additional costs with participating as a 1915(i) RISE Initiative provider.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Providers will benefit from receiving reimbursement for the services delivered to Medicaid members.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
- (b) On a continuing basis: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement the amendments.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment does not establish or increase any fees.
- (9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 205.520, 194A.030(2), 194A.050(1), 205.520(3).
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: Department for Medicaid Services is the promulgating agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities is administering the 1915(i) RISE Initiative.
- (a) Estimate the following for the first year:
Expenditures: No additional expenditures beyond those allocated to the department pursuant to 2024 House Bill 6.
Revenues: The department does not anticipate revenues as a result of this administrative regulation.
Cost Savings: The department does not anticipate cost savings as a result of this administrative regulation.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.
- (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.
- (a) Estimate the following for the first year:
Expenditures: HB 6 from 2024 funds this program with \$99 million in total expenditures estimated for the first year.

- Revenues: n/a. The department does not anticipate additional revenues.
- Cost Savings: n/a. The department does not anticipate cost savings.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? As provider capacity and services ramp up in subsequent years, utilization and thus expenditures may increase over time.
- (4) Identify additional regulated entities not listed in questions (2) or (3): N/A
- (a) Estimate the following for the first year:
Expenditures: n/a. The department does not anticipate additional expenditures for regulated entities.
Revenues: n/a. The department does not anticipate additional revenues for regulated entities.
Cost Savings: The department does not anticipate cost savings for the providers who are billing.
- (b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.
- (5) Provide a narrative to explain the:
(a) Fiscal impact of this administrative regulation: HB 6 from 2024 funds this program with \$99 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of \$169 million total funding for state fiscal year 2027.
(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on MMIS claims data were multiplied by anticipated fee schedule rates.
- (6) Explain:
(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.
(b) The methodology and resources used to reach this conclusion: The policies contained in the administrative regulation allow for providers to request additional reimbursement and provide new services to a specific population.

FEDERAL MANDATE ANALYSIS COMPARISON

- (1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Ch. 7 Sec. 1396n
- (2) State compliance standards. KRS 194A.030(2) requires the Department for Medicaid Services to “serve as the single state agency in the commonwealth to administer Title XIX of the Federal Social Security Act.”
- (3) Minimum or uniform standards contained in the federal mandate. A state plan amendment must be negotiated and finalized with the federal government.
- (4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment will not impose stricter than federal requirements.
- (5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment will not impose stricter than federal requirements.

CABINET FOR HEALTH AND FAMILY SERVICES Department for Medicaid Services Division of Quality and Population Health (New Administrative Regulation)

907 KAR 16:015. Recovery, Independence, Support & Engagement (RISE) Initiative 1915(i) Home and Community-Based Services (HCBS); Provider participation and enrollment.

RELATES TO: KRS 205.520, 273.182, 45 C.F.R. Parts 160, 162, 164
STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)
NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3)

VOLUME 51, NUMBER 9— March 1, 2025

authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the policies and operational requirements to provide expanded services to individuals who have serious mental illness.

Section 1. General Requirement.

(1) A 1915(i) RISE Initiative provider shall comply with:

(a) 907 KAR 1:671;

(b) 907 KAR 1:672;

(c) The Health Insurance Portability and Accountability Act, 42 U.S.C. 1320d-2, and 45 C.F.R. Parts 160, 162, and 164;

(d) 42 U.S.C. 1320d to 1320d-8; and

(e) Local laws and ordinances governing smoke-free environments, as relevant.

(2) In order to provide a 1915(i) RISE Initiative service in accordance with 907 KAR 16:020, a 1915(i) RISE Initiative provider shall:

(a) Be certified by the department prior to the initiation of a service;

(b) Be recertified at least biennially by the department;

(c) In accordance with KRS 273.182, maintain a registered agent and a registered office in Kentucky with the Office of the Secretary of State and file appropriate statement of change documentation with the filing fee with the Office of Secretary of State if the registered office or agent changes;

(d) Be in good standing with the Office of the Secretary of State of the Commonwealth of Kentucky pursuant to 30 KAR 1:010 and 30 KAR 1:020;

(e) Abide by the laws that govern the chosen business or tax structure of the 1915(i) RISE Initiative provider;

(f) Maintain policy that complies with this administrative regulation concerning the operation of the 1915(i) RISE Initiative provider and the health, safety, and welfare of all people supported or served by the 1915(i) RISE Initiative provider;

(g) Maintain administrative oversight, which shall include management by a director with at least a bachelor's degree in a human service field and two (2) years of documented experience with the target population, and two (2) years of management experience, the director shall assume authority and responsibility for the management of the affairs of the 1915(i) RISE Initiative provider in accordance with written policy and procedures that comply with this administrative regulation; and

(h) Participate in all department directed survey initiatives.

(3) A 1915(i) RISE Initiative provider:

(a) Shall ensure that 1915(i) RISE Initiative services are not provided to a participant by a staff person of the 1915(i) RISE Initiative provider who is a guardian, legally responsible individual, or immediate family member of the participant.

(b) Shall not enroll a participant whose needs the 1915(i) RISE Initiative provider is unable to meet;

(c) Shall have and follow written criteria that comply with this administrative regulation for determining the appropriateness of a participant for admission to services;

(d) Shall document:

1. Each denial by the provider for a service requested or necessary for the 1915(i) RISE Initiative participant; and

2. The reason for the denial;

(e) Shall maintain documentation of its operations including:

1. A written description of available 1915(i) RISE Initiative services;

2. A current table of organizational structure;

3. Any memorandum of understanding between a participant's case management agency and the participant's service providers;

4. Information regarding participants' satisfaction with services and the utilization of that information;

5. A quality improvement plan that:

a. Includes updated findings and corrective actions as a result of department and case management quality assurance monitoring; and

b. Addresses how the provider shall accomplish the following goals:

(i) Ensure that the participant receives person-centered 1915(i) RISE Initiative services;

(ii) Enable the participant to be safe, healthy, and respected in the participant's chosen community;

(iii) Enable the participant to live in the community with effective, individualized assistance; and

(iv) Enable the participant to enjoy living and working in the participant's community;

6. A written plan of how the 1915(i) RISE Initiative provider shall participate in the human rights committee in the area the 1915(i) RISE Initiative provider is located;

(f) Shall maintain accurate fiscal information including documentation of revenues and expenses;

(g) Shall meet the following requirements, if responsible, for the management of a participant's funds:

1. Separate accounting shall be maintained for each participant or for the participant's interest in a common trust or special account;

2. Account balance and records of transactions shall be provided to the participant or the participant's guardian on a quarterly basis; and

3. The participant or the participant's guardian shall be notified if a balance is accrued that may affect Medicaid eligibility;

(h) Shall have a written statement of its mission and values, related to the 1915(i) RISE Initiative which shall include:

1. Support participant empowerment and informed decision-making;

2. Support and assist participants to form and remain connected to natural support networks;

3. Promote participant dignity and self-worth;

4. Support team meetings that help ensure and promote the participant's right to choice, inclusion, employment, growth, and privacy;

5. Foster a restraint-free environment where the use of physical restraints, seclusion, chemical restraints, or aversive techniques shall be prohibited; and

6. Support the 1915(i) RISE Initiative goal that all participants:

a. Receive person-centered 1915(i) HCBS services;

b. Are safe, healthy, and respected in the participant's community;

c. Live in the community with effective, individualized assistance, and

d. Enjoy living and working in the participant's community.

(i) Shall have written policy and procedures for communication and interaction with a participant, family, or participant's guardian, which shall include:

1. A response within seventy-two (72) hours of an inquiry;

2. The opportunity for interaction by direct support professionals;

3. Prompt notification of any unusual occurrence;

4. Visitation with the participant at any reasonable time, without prior notice, and with due regard for the participant's right to privacy;

5. Involvement in decision making regarding the selection and direction of the person-centered service provided; and

6. Consideration of the cultural, educational, language, and socioeconomic characteristics of the participant and family being supported.

(j) Shall ensure the rights of a participant by:

1. Providing conflict-free services and supports that are person-centered;

2. Making available a description of the rights and means by which the rights may be exercised and supported including the right to:

a. Live and work in an integrated setting;

b. Time, space, and opportunity for personal privacy;

c. Communicate, associate, and meet privately with the person of choice;

d. Send and receive unopened mail;

e. Retain and use personal possessions including clothing and personal articles;

f. Private, accessible use of a telephone or cell phone;

g. Access accurate and easy-to-read information;

h. Be treated with dignity and respect and to maintain one's dignity and individuality;

i. Voice grievances and complaints regarding services and supports that are furnished without fear of retaliation, discrimination, coercion, or reprisal;

j. Choose among service providers;

k. Accept or refuse services;

l. Be informed of and participate in preparing the PCSP and any changes in the PCSP;

m. Be advised in advance of the:

(i) Provider or providers who will furnish services; and

(ii) Frequency and duration of services;

n. Confidential treatment of all information, including information in the participant's records;

o. Receive services in accordance with the current PCSP;

p. Be informed of the name, business, telephone number, and business address of the person supervising the services and how to contact the person;

q. Have the participant's property and residence treated with respect;

r. Be fully informed of any cost sharing liability and the consequences if any cost sharing is not paid;

s. Review the participant's records upon request;

t. Receive adequate and appropriate services without discrimination;

u. Be free from and educated on mental, verbal, sexual, and physical abuse, neglect, exploitation, isolation, and corporal or unusual punishment, including interference with daily functions of living; and

v. Be free from mechanical, chemical, or physical restraints.

3. Having a grievance and appeals system that includes an external mechanism for review of complaints;

4. Ensuring access to participation in the local human rights committee in accordance with the human rights committee requirements established in Section 5 of this administrative regulation; and

(k) Shall maintain, as applicable, fiscal records, service records, investigations, medication error logs, and incident reports for five (5) years from the date of final payment for services.

(l) Shall make available all records, internal investigations, and incident reports:

1. To the:

a. Department;

b. DBHDID;

c. Office of Inspector General or its designee;

d. Office of the State Budget Director or its designee;

e. Office of the Auditor of Public Accounts or its designee;

f. Office of the Attorney General or its designee;

g. Department for Community Based Services (DCBS);

h. Centers for Medicare and Medicaid Services; or

2. Pertaining to a participant to:

a. The participant, the participant's guardian, or the participant's case manager upon request; or

b. Protection and Advocacy upon written request;

(m) Shall cooperate with monitoring visits from monitoring agents;

(n) Shall maintain a record in the department approved system or provider health record system for each participant served that shall:

1. Contain all information necessary to support person-centered practices;

2. Be cumulative;

3. Be readily available;

4. Contain documentation that meets the requirements of 907 KAR 16:020;

5. Contain the following:

a. The participant's name, Social Security number, and Medicaid identification number;

b. The results of a department approved functional assessment;

c. The current PCSP;

d. The goals and objectives identified by the participant and the participant's person-centered team that facilitates achievement of the participant's chosen outcomes as identified in the participant's PCSP;

e. A list containing emergency contact telephone numbers;

f. The participant's history of allergies with appropriate allergy alerts;

g. The participant's medication record, including a copy of the signed or authorized current prescription or medical orders and the medication administration record if medication is administered at the service site;

h. A recognizable photograph of the participant;

i. Legally adequate consent, updated annually, and a copy of which is located at each service site for the provision of services or other treatment requiring emergency attention;

j. The prior authorization notifications; and

k. Incident reports, if any exist;

6. Be maintained by the provider in a manner that:

a. Ensures the confidentiality of the participant's record and other personal information; and

b. Allows the participant or guardian to determine when to share the information in accordance with law; and

7. Be safe from loss, destruction, or use by an unauthorized person;

(o) Shall ensure that an employee or volunteer:

1. Behaves in a legal and ethical manner in providing a service;

2. Has a valid Social Security number or valid work permit if not a citizen of the United States of America; and

3. If responsible for driving a participant during a service delivery, has a valid driver's license with proof of current mandatory liability insurance for the vehicle used to transport the participant;

(p) Shall ensure that an employee or volunteer:

1. Completes a tuberculosis (TB) risk assessment performed by a licensed medical professional and, if indicated, a TB skin test with a negative result within the past twelve (12) months as documented on test results received by the provider within thirty (30) days of the date of hire or date the individual began serving as a volunteer; or

2. Who tests positive for TB or has a history of positive TB skin tests:

a. Shall be assessed annually by a licensed medical professional for signs or symptoms of active disease; and

b. If it is determined that signs or symptoms of active disease are present, in order for the person to be allowed to work or volunteer, is administered follow-up testing by his or her physician with the testing indicating the person does not have active TB disease;

(q) Shall maintain documentation:

1. Of an annual TB risk assessment or negative TB test for each employee who performs direct support or a supervisory function; or

2. Annually for each employee with a positive TB test that ensures no active disease symptoms are present;

(r) Shall provide a written job description for each staff person that describes the required qualifications, duties, and responsibilities for the person's job;

(s) Shall maintain an employee record for each employee that includes:

1. The employee's experience;

2. The employee's training;

3. Documented competency of the employee;

4. Evidence of the employee's current licensure or registration if required by law; and

5. An annual evaluation of the employee's performance;

(t) Shall require a background check:

1. And drug testing for each employee who is paid with funds administered by the department and who:

a. Provides support to a participant who utilizes 1915(i) RISE Initiative services; or

b. Manages funds or services on behalf of a participant who utilizes 1915(i) HCBS services; or

2. For a volunteer recruited and placed by an agency or provider who has the potential to interact with a participant;

(u)

1. Shall for a potential employee or volunteer obtain:

a. The results of a criminal record check from the Kentucky Administrative Office of the Courts and equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism;

VOLUME 51, NUMBER 9— March 1, 2025

b. The results of a nurse aide abuse registry check as described in 906 KAR 1:100 and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism;

c. The results of the Kentucky Adult Caregiver Misconduct Registry check as described in 922 KAR 5:120 and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism; and

d. Within thirty (30) days of the date of hire or initial date of volunteerism, the results of a central registry check as described in 922 KAR 1:470 and an equivalent out-of-state agency if the individual resided or worked outside of Kentucky during the twelve (12) months prior to employment or volunteerism; or

2. May use Kentucky's Applicant Registry and Employment Screening program established by 906 KAR 1:190 to satisfy the background check requirements of subparagraph 1 of this paragraph;

(v) Shall for each potential employee obtain negative results of drug testing for illicit or prohibited drugs;

(w) Shall on an annual basis:

1. Randomly select and perform criminal history background checks, nurse aide abuse registry checks, central registry checks, and caregiver misconduct registry checks of at least twenty-five (25) percent of employees; and

2. Conduct drug testing of at least five (5) percent of employees;

(x) Shall not use an employee or volunteer to provide 1915(i) RISE Initiative services if the employee or volunteer:

1. Has a prior conviction of an offense delineated in KRS 17.165(1) through (3);

2. Has a prior felony conviction or diversion program that has not been completed;

3. Has a drug related conviction within the past two (2) years;

4. Has a positive drug test conducted by the employer within the previous six (6) months for prohibited drugs;

5. Has a conviction of abuse, neglect, or exploitation;

6. Has a Cabinet for Health and Family Services finding of:

a. Child abuse or neglect pursuant to the central registry; or

b. Adult abuse, neglect, or exploitation pursuant to the Caregiver Misconduct Registry; or

7. Is listed on the nurse aide abuse registry;

(y) Shall not permit an employee to transport a participant if the employee has a driving under the influence conviction, amended plea bargain, or diversion during the past year;

(z) Shall maintain adequate staffing and supervision to implement services being billed;

(aa) Shall establish written guidelines that address and ensure the health, safety, and welfare of a participant, which shall include:

1. A basic infection control plan that includes:

a. Universal precautions;

b. Hand washing;

c. Proper disposal of biohazards and sharp instruments; and

d. Management of common illness likely to be emergent in the particular service setting;

2. Effective cleaning and maintenance procedures sufficient to maintain a sanitary and comfortable environment that prevents the development and transmission of infection;

3. Ensuring that each site operated by the provider is equipped with:

a. An operational smoke detector placed in all bedrooms and other strategic locations; and

b. At least two (2) correctly charged fire extinguishers placed in strategic locations, at least one (1) of which shall be capable of extinguishing a grease fire and have a rating of 1A10BC;

4. For a site operated by a provider, ensuring the availability of an ample supply of hot and cold running water with the water temperature complying with the safety limits established in the participant's PCSP;

5. Establishing written procedures concerning the presence of deadly weapons as defined in KRS 500.080, which shall ensure:

a. Safe storage and use; and

b. That firearms and ammunition are permitted:

(i) Only in non-provider owned or leased residences; and

(ii) Only if stored separately and under double lock;

6. Establishing written procedures concerning the safe storage of common household items;

7. Ensuring that the nutritional needs of a participant are met in accordance with the current recommended dietary allowance of the Food and Nutrition Board of the National Research Council or as specified by a physician;

8. Ensuring that an adequate and nutritious food supply is maintained as needed by the participant;

9. Ensuring a smoke-free environment for any participant who chooses a smoke-free environment, including settings in which the participant is expected to spend any amount of time, including home, a day training site, a meeting site, or any other location;

10. Ensuring that:

a. Every case manager and any employee who will be administering medication, unless the employee is a currently licensed or registered nurse, has:

(i) Specific training provided by a registered nurse per a DBHDD medication administration approved curriculum; and

(ii) Documented competency on medication administration, medication cause and effect, and proper administration and storage of medication; and

b. An individual administering medication documents all medication administered, including self-administered and over-the-counter drugs, on a medication administration record, with the date, time, and initials of the person who administered the medication and ensure that the medication shall:

(i) Be kept in a locked container;

(ii) If a controlled substance, be kept under double lock with a documented medication count performed every shift;

(iii) Be carried in a proper container labeled with medication and dosage pursuant to KRS 315.010(8) and 217.182(6);

(iv) Accompany and be administered to a participant at a program site other than the participant's residence if necessary; and

(v) Be documented on a medication administration record and properly disposed of, if discontinued; and

11. Adhering to policies and procedures for ongoing monitoring of medication administration;

(bb) Shall establish and follow written guidelines for handling an emergency or a disaster, which shall:

1. Be readily accessible on site;

2. Include instruction for notification procedures and the use of alarm and signal systems to alert a participant according to the participant's disability;

3. Include documentation of training and competency of staff and training of participants on emergency disaster drills;

4. Include an evacuation drill to be conducted in three (3) minutes or less, documented at least quarterly and, for a participant who receives residential support services, is scheduled to include a time when the participant is asleep; and

5. Mandate that the result of an evacuation drill be evaluated and if not successfully completed within three (3) minutes shall modify staffing support as necessary and repeat the evacuation drill within seven (7) days;

(cc) Shall provide orientation for each new employee, which shall include the mission, goals, organization, and practices, policies, and procedures of the agency;

(dd) Shall require documentation of all face-to-face training, which shall include:

1. The type of training provided;

2. The name and title of the trainer;

3. The training objectives;

4. The length of the training;

5. The date of completion;

6. The signature of the trainee verifying completion; and

7. Verification of competency of the trainee as demonstrated by post-training assessments, competency checklists, or post-training observations and evaluations;

(ee) Shall require documentation of web-based training, which shall include transcripts verifying successful completion of training objectives;

(ff) Shall ensure that each case manager or employee prior to independent functioning and no later than six (6) months from the

date of employment successfully completes training that shall include:

1. First aid and cardiopulmonary resuscitation certification by a nationally accredited entity;
2. Situational de-escalation;
3. Abuse, neglect, and exploitation;
4. Incident reporting;
5. Medication administration;
6. Professional boundaries;
7. Trauma-informed care;
8. Person-centered principles; and
9. Any additional trainings required by the state behavioral health authority.

(4) A 1915(i) RISE Initiative provider, employee, or volunteer shall:

(a) Not manufacture, distribute, dispense, be under the influence of, purchase, possess, use, or attempt to purchase or obtain, sell, or transfer any of the following in the workplace or while performing work duties:

1. An alcoholic beverage;
2. A controlled substance except a 1915(i) HCBS provider, employee, or volunteer may use or possess a medically necessary and legally prescribed controlled substance;
3. An illicit drug;
4. A prohibited drug or prohibited substance;
5. Drug paraphernalia; or
6. A substance that resembles a controlled substance, if there is evidence that the individual intended to pass off the item as a controlled substance; and

(b) Not possess a prescription drug for the purpose of selling or distributing it.

Section 2. Case Management.

(1) An 1915(i) HCBS RISE Initiative Case Manager provider shall comply with the following personnel requirements of having or attaining experience or licensure as:

- (a) A bachelor's degree in behavioral health or human services;
- (b) A bachelor's degree in any field not closely related and one (1) year of human services related experience;
- (c) An associate degree in a behavioral science, social science, or a closely related field of study and two (2) years human services related experience;
- (d) Three (3) years of human services related experience;
- (e) A registered nurse; or
- (f) A behavioral health professional.

(2) A case manager shall:

(a) Communicate in a way that ensures the best interest of the participant;

(b) Be able to identify and meet the needs of the participant through coordination of Medicaid and non-Medicaid services within the participant's home and community to align with the participant's goals as identified in the functional assessment and documented in the PCSP;

(c) Be competent in the participant's language either through possessing linguistic proficiency, fluency of the language, or through interpretation; and

(d) Demonstrate a heightened awareness of the unique way in which the participant interacts with the world around the participant;

(e) Ensure that:

1. The participant is educated in a way that addresses the participant's:

- a. Need for knowledge of the case management process;
- b. Personal rights; and
- c. Risks and responsibilities as well as awareness of available services; and

2. All individuals involved in implementing the participant's PCSP are informed of changes in the scope of work related to the PCSP as applicable;

3. The participant is educated on how case management services support 1915(i) HCBS;

4. Case management services are available to a participant by phone or in person:

- a. Twenty-four (24) hours per day, seven (7) days per week;

b. To assist the participant in obtaining community resources as needed to:

(i) Comply with applicable federal and state laws and requirements;

(ii) Continually monitor a participant's health, safety, and welfare; and

(iii) Complete or revise a PCSP;

(f) Have a code of ethics to guide the case manager in providing case management, which shall address:

1. Advocating for standards that promote outcomes of quality;
2. Ensuring that no harm is done;
3. Respecting the rights of others to make their own decisions;
4. Treating others fairly; and
5. Being faithful and following through on promises and commitments;

(g) Assist the participant to lead the person-centered service planning team to:

1. Take charge of coordinating services through team meetings with representatives of all agencies involved in implementing a participant's PCSP;

2. Include the participant's participation and legal guardian participation, if applicable, in the case management process; and

3. Make the participant's preferences and participation in decision making a priority;

(h) Document a participant's:

1. Interactions and communications with other agencies involved in implementing the participant's PCSP; and

2. Personal observations;

(i) Advocate for a participant with service providers to ensure that services are delivered as established in the participant's PCSP;

(j) Be accountable to:

1. A participant to whom the case manager provides case management in ensuring that the participant's needs are met;

2. A participant's PCSP team and provide leadership to the team and follow through on commitments made; and

3. The case manager's employer by following the employer's policies and procedures;

(k) Stay current regarding the practice of case management and case management research;

(l)

1. Assess the quality of services, safety of services, and cost effectiveness of services being provided to a participant to ensure that implementation of the participant's PCSP is successful and done so in a way that is efficient regarding the participant's financial assets and benefits;

2. Utilize department approved system to fulfill case management responsibilities, including:

a. Documenting that the participant's health, safety, and welfare are not at risk;

b. Gathering data regarding the participant's satisfaction with the services for use in guiding the person-centered planning process;

c. Recording how the person-centered team will address the following:

(m) Expanding and deepening the participant's relationships;

1. Increasing the participant's presence in local community life; and

2. Helping the participant have more choice and control; and

3. Record when the person is unable to access 1915(i) RISE Initiative services and when the person returns to services or is not going to return to services.

(n) Present to or engage with a human rights committee on the participant's behalf as needed;

(o) Review and approve each PCSP with human rights restrictions at a minimum of every six (6) months.

(3) Case management for any participant who begins receiving 1915(i) RISE Initiative services after the effective date of this administrative regulation shall be conflict free except as allowed in paragraph (b) of this subsection.

(a) Conflict free case management shall be a scenario in which a provider, including any subsidiary, partnership, not-for-profit, or for-profit business entity that has a business interest in the provider who renders case management to a participant, shall not also

provide another 1915(i) HCBS service to that same participant unless the provider is the only willing and qualified 1915(i) RISE Initiative provider within thirty (30) miles of the participant's residence.

(b) An exemption to the conflict free case management requirement shall be granted if:

1. The participant's case manager provides documentation of evidence to the department or its designee that there is a lack of a qualified case manager within thirty (30) miles of the participant's residence;

2. The participant or participant's representative and case manager signs a completed MAP – 531 Conflict-Free Case Management Exemption; and

3. The participant, participant's representative, or case manager uploads the completed MAP – 531 Conflict-Free Case Management Exemption into the department approved system.

(c) If a case management service is approved to be provided despite not being conflict free, the case management provider shall document conflict of interest protections, separating case management and service provision functions within the provider entity, and demonstrate that the participant is provided with a clear and accessible alternative dispute resolution process.

(d) An exemption to the conflict free case management requirement shall be requested upon re-evaluation or at least annually.

(4) A case management agency providing case management to a 1915(i) RISE Initiative participant shall not make a referral to any 1915(i) RISE Initiative services provider to provide services for the same participant if the provider agency has an individual with an ownership interest who is an immediate family member of an individual with an ownership interest in the referring case management agency.

(5) Case management shall:

(a) Assist a participant in the identification, coordination, arrangement, and facilitation of the person-centered team and person-centered team meetings;

(b) Assist a participant and the person-centered team to develop an individualized PCSP and update it as necessary based on changes in the participant's medical condition and supports;

(c) Assist a participant to gain access to and maintain employment, membership in community clubs and groups, activities, and opportunities at the times, frequencies, and with the people the participant chooses;

(d) Include coordinating and monitoring of the delivery of services and the effectiveness of the PCSP, which shall:

1. Be initially developed with the participant and legal representative (i.e., parent, guardian, legally responsible individual) if appointed prior to the level of care determination;

2. Be updated within the first thirty (30) days of service and as changes or recertification occurs; and

3. Include the PCSP being sent to the department or its designee prior to the implementation of the effective date the change occurs with the participant;

(e) Be provided by a case manager who:

1. Meets the requirements of subsection (1) of this section;

2. Shall provide a participant and legal representative with a listing of each available 1915(i) RISE Initiative provider in the service area;

3. Shall maintain documentation signed by a participant or legal representative of informed choice of a 1915(i) RISE Initiative provider and of any change to the selection of a Rise Initiative provider and the reason for the change;

4. Shall provide a distribution of the crisis prevention and response plan, transition plan, PCSP, and other documents within the first thirty (30) days of the service to the chosen 1915(i) RISE Initiative service provider and as information is updated;

5. Shall provide twenty-four (24) hour telephone access to a participant and chosen 1915(i) RISE Initiative provider;

6. Shall work in conjunction with a 1915(i) RISE Initiative provider selected by a participant to develop a crisis prevention and response plan, which shall be:

a. Individual-specific and person-centered; and

b. Updated as a change occurs; and

c. Reviewed and updated as necessary at each recertification;

7. Shall assist a participant in planning resource use and assuring protection of resources;

8. Shall conduct an in-person meeting at minimum every other month with a participant occurring either at a covered service site or the participant's residence. However, one (1) visit every three (3) months shall be conducted at the participant's residence; and

9. Shall conduct meetings at a location where the participant is engaged in services.

a. For a participant receiving supervised residential care, shall conduct at least one quarterly visit at the participant's supervised residential care provider site;

b. Telehealth is allowed in all other instances outside of the minimum face-to-face requirements established in subparagraph 8. of this paragraph according to 907 KAR 3:170;

10. Shall ensure twenty-four (24) hour availability of services; and

11. Shall ensure that the participant's health, welfare, and safety needs are met; and

(f) Assist a participant in obtaining a needed service outside those available by 1915(i) HCBS.

Section 3. Person Centered Service Planning Process.

(1) After an initial functional assessment is performed, a participant shall choose a case manager.

(2) The case manager shall assist the participant and the participant's legal guardian, if applicable in developing the PCSP.

(3) Upon acceptance of a new participant, the case manager shall conduct an initial home visit to begin the person-centered planning process no later than forty-five (45) days from the case manager's acceptance.

(4) The person-centered service plan shall:

(a) Be created by using a person-centered team composed of a team of individuals designated by the participant, including any family member, friends, and other paid or unpaid caregivers. The participant and the participant's legal guardian, if applicable, may remove any individuals at their discretion;

(b) Be created by a case manager who shall document the individuals included in the person-centered team on the department approved form and upload it to the department approved system;

(c) Be updated when a support is disinvited or removed from the person-centered planning team;

(d) Require participation of the full person-centered planning team established in paragraph (a) of this subsection;

(e) Be redetermined annually;

(f) Require final approval by the participant and the participant's guardian or authorized representative, if applicable, as to whether there is satisfactory team participation to conduct the PCSP annual review meeting; and

(g) Require documentation by the case manager:

1. Relating to how information about the meeting was provided to absent members; and

2. Of a written attestation by members of the person-centered planning team who do not attend the annual review meeting, or who attend by phone, that they understand the contents of the PCSP and can support the participant's service needs at the requested amount, frequency, duration.

(5) The person-centered service planning team shall:

(a) Collectively review the findings of the participant's functional assessment, including documenting any non-Medicaid paid or unpaid supports including information on the access and limitations of these supports and Medicaid State Plan services.

(b) Work collectively under the leadership of the participant or the participant's legal guardian, if applicable, to complete an additional review of the participant's person-centered planning needs and wishes to establish goals and objectives that enhance:

1. Health;

2. Safety;

3. Welfare;

4. Community-based independence,

5. Community participation; and

6. Quality of life.

(c) Not require that all goals and objectives be accomplished using 1915(i) RISE Initiative funded services.

(6) Goals and objectives as communicated by the person-centered team and PCSP shall include education and team support for the participant and the participant's legal guardian, if applicable.

(7) Goals and objectives for all services on the PCSP shall utilize the SMART format.

(8) The case manager shall provide detailed information to participants about available non-1915(i) RISE Initiative services that may assist in reaching their goals and objectives;

(9)

(a) Goals and objectives placed in a PCSP shall be documented, along with an inventory of:

1. A participant's personal preferences;
2. Individualized considerations for service delivery; and
3. Information about the participant's needs, wants, and future aspirations;

(b) The results of the inventory shall be:

1. Included in the PCSP and housed in a department approved system;

2. Signed by the participant and the participant's legal guardian, if applicable, the case manager, and all other individuals responsible for the implementation of services.

(10) The case manager shall provide counseling and education on available service options to meet a participant's person-centered goals and objectives.

(11) After a participant and the participant's legal guardian, if applicable, selects providers to deliver services pursuant to the frequency and amount, the case manager shall facilitate the referral process including attaining providers' signatures on the PCSP.

(12) The case manager shall be responsible to ensure that the scope, frequency, amount and duration of services falls within the allowable utilization criteria and limitations set by the department and shall clearly document any planned changes in utilization anticipated over the course of the year.

(13) The case manager shall maintain documentation showing that all needs identified through the functional assessment are addressed via unpaid supports or paid supports – such as Medicaid state plan services - and that all paid services are appropriate in amount, duration, frequency as identified by the functional assessment.

(14)

(a) Once signatures have been secured from all required person-centered team members, including the participant and the participant's legal guardian, if applicable, the case manager, and all 1915(i) RISE Initiative funded service providers delivering PCSP included services, services may be initiated.

(b) The signatures shall not be obtained until the person-centered planning process and the PCSP are complete.

(15) A service rendered prior to the completed signed attestation of understanding of the contents of the PCSP by these parties shall not be reimbursed.

(16) The participant's signature serves only as acknowledgement and understanding of the PCSP's contents, and signing the PCSP does not preclude the participant from grievance or appeal.

(17) A participant's PCSP shall be recertified on an annual basis. Prior to the reviewing and modifying of the PCSP, the following activities shall occur:

(a) An annual functional assessment;

(b)

1. The case manager shall review the annual functional assessment; and

2. The case manager is encouraged to co-attend the performance of the functional assessment. If a case manager chooses to attend the functional assessment, the following requirements shall apply:

a. The case manager shall support the participant in answering questions and not answer questions on the participant's behalf;

b. The case manager shall not influence the participant's response or lack of response; and

c. The functional assessor shall not use information provided by a case manager that directly conflicts with assessment feedback provided by the participant.

(18) The person-centered service planning shall begin forty-five (45) calendar days prior to the end of the current period.

(19) The PCSP shall be completed and uploaded to department approved system seven (7) calendar days prior to the end of the period spanning 364 calendar days from the date a participant is enrolled in the department approved system.

Section 4. Ongoing management and use of the PCSP.

(1) A participant and a participant's legal guardian, if applicable, may request a modification to their PCSP due to changes in their condition or service needs at any time.

(2) Throughout the course of plan monitoring, the case manager shall address instances when a modification to the PCSP may be appropriate.

(3)

(a) The case manager shall not initiate any modification to the PCSP without the consent of the participant and the participant's legal guardian if applicable.

(b) The service providers affected by an event-based modification to the PCSP shall be involved in the modification process as well.

(4) Certain modifications or event-based circumstances may require the completion of an updated functional assessment of the participant's needs and make necessary adjustments to the participant's PCSP. The following are examples, but not an exhaustive list, of circumstances that could merit completion of a functional assessment outside of the annual assessment cycle:

(a) Inpatient admission to an institutional care setting with changes at discharge in functional ability from previous assessment;

(b) Change in care setting that increases the participant's level of care, including transitions between community-based settings such as moving from a participant's own home to a residential setting;

(c) Long-term change in access to or ability of an unpaid caregiver;

(d) Observed or reported changes that result in the inability of the participant to meet goals and objectives based on the current PCSP;

(5) If an event-based assessment is initiated pursuant to subsection (4) of this section, the case manager shall:

(a) Initiate in the department approved system;

(b) Review the updated assessment and share information about the assessment outcomes with the participant and the participant's legal guardian, if applicable.

(c) Work with the participant, and any members of the participant's person-centered team as requested by the participant, to modify the PCSP to address any requested or necessary modifications.

(6) An updated PCSP shall be signed by the participant and the participant's legal guardian, if applicable, the case manager, and any new service providers or providers for whom the scope, amount, or duration of service has been adjusted from what was previously consented to or for whom services have been impacted. The signatures shall not be obtained until the person-centered planning process and the PCSP are complete.

(7) The modified PCSP shall remain in effect until the end of the participant's original enrollment year.

(8) An event-based functional assessment shall not eliminate the need for a participant's annual PCSP redetermination.

(9) All providers delivering services shall be:

(a) Notified via the department approved system when a participant's PCSP has changed; and

(b) Responsible for reviewing changes and working with the participant's case manager and person-centered team to make any adjustments or deploy mitigation strategies to ensure continuity of care.

(10) A case manager shall not maintain a case load of more than thirty (30) participants during any monthly period.

Section 5. Documentation Requirements for 1915(i) RISE Initiative Providers.

(1) Documentation shall be maintained in the participant's record for all services provided.

(2)

(a) A note shall be entered for each service provided within seventy-two (72) hours from the date of the service being rendered.

(b) Each service shall be documented in the department approved system by a detailed staff note, which shall include:

1. The participant's health, safety, and welfare;
2. Progress toward outcomes identified in the approved PCSP;
3. The date of the service;
4. The beginning and ending times of service provision; and
5. The signature and title of the individual providing the service.

(3) Documentation shall be person centered and reflect the support provided to the participant, including:

- (a) The goal from the PCSP addressed by the service;
- (b) The activity completed to meet the goal and the outcome;
- (c) How the participant responded to the service; and
- (d) Any progress or lack thereof toward the goals and objectives reflected on the PCSP.

(4) All service notes shall also include:

- (a) The participant's name;
- (b) The date of service;
- (c) The time of service, including the beginning and end times;
- (d) Type of service;
- (e) Mode of contact, for example whether the service was in-person, via telephone, or telehealth;
- (f) Location of service;
- (g) Narrative summary of the service provided and relating what was provided to the goal and objectives on the PCSP; and
- (h) Signature, date, and title of the person providing the service.

(5) Each note entered pursuant to this section shall be unique and not duplicative of other notes

(6) Supported Employment shall have these additional documentation requirements:

(a) Documentation that states when Office of Vocational Rehabilitation funding has been exhausted;

(b) A Person-Centered Employment Plan (PCEP) that is executed and implemented when a participant enters into supported employment;

(c) A long-term employment support plan (LTSEP) shall be developed and documented through the PCSP;

(d) The PCEP and LTSEP shall include service notes completed each time that a supported employment specialist meets with or conducts an action on behalf of the participant.

(7) Residential Services shall have the following additional documentation requirements:

(a) A daily note describing relevant services and activities in which the participant participated;

- (b) Relevant services and activities shall include:
1. Skills training, including adaptive skill development;
 2. Assistance with ADLs;
 3. Community inclusion;
 4. Social and leisure development;
 5. Protective oversight or supervision;
 6. Transportation;
 7. Personal assistance provided; and
 8. The provision of medical or health care services.

(8) Case management shall have these additional documentation requirements:

(a) Case management notes shall reflect the monitoring of the services;

(b) Documentation of all contacts and communication conducted with or on behalf of the participants on their caseload;

(c) The documentation shall include, at minimum, one contact with the client conducted in-person or via telehealth;

(d) The monthly contact shall document how the monitoring of services for the participant's PCSP is occurring. For example, whether a phone call with the provider occurred, or if a face-to-face visit occurred during the conduct of a service; and

(e) If the participant has a guardian, regular check-ins with the guardian to determine if the guardian has any relevant information or concerns to share;

(9) The case manager shall have these additional PCSP monitoring requirements:

(a) All service documentation shall be reviewed by the case manager to assist with monitoring services for each participant.

(b) A case manager shall address concerns with the quality of services or documentation with a provider as part of managing the PCSP.

(c) A case manager shall ensure that documentation thoroughly addresses:

1. The current status of the client;
2. The services utilized to address specific goals established in the PCSP; and
3. Resolution of any concern expressed by the client or provider.

(d) As services are provided to a participant, all indirect and direct contacts shall be documented, including, as appropriate, contacts with:

1. Members of the participant's person-centered team;
2. Primary care providers;
3. Additional service providers;
4. The participant's caregiver or guardian, as relevant.

Section 6. Human Rights Committee.

(1) A human rights committee shall meet on a routine, scheduled basis, no less than quarterly to ensure that the rights of participants utilizing 1915(i) RISE Initiative services are respected and protected through due process.

(2) A human rights committee shall include at least:

- (a) One (1) self-advocate;
- (b) One (1) member from the community at large with experience in human rights issues or in the field of SMI or co-occurring SMI and SUD;
- (c) One (1) appointed guardian or family member of a 1915(i) RISE Initiative participant;
- (d) One (1) professional in the medical field; and
- (e) One (1) professional with:

1. A bachelor's degree from an accredited college or university; and

2. Three (3) years of experience in the field of behavioral health.
- (3) Each 1915(i) RISE Initiative provider shall:

(a) Actively participate in the human rights committee process of the local human rights committee; and

(b) Provide the necessary documentation to the local human rights committee for review and approval prior to implementation of any rights restrictions or positive behavior support plans involving rights restrictions.

(4) A human rights committee meeting shall have a quorum of at least three (3) members, including at least one (1) self-advocate and one (1) community at large member.

(5) A human rights committee shall:

- (a) Maintain a record of each meeting; and
- (b) Send a summary of each PCSP reviewed to the:
 1. Relevant participant; or
 2. Participant's guardian and case manager.

(6) Each member of a human rights committee shall:

- (a) Complete an orientation approved by DBHDID;
- (b) Sign a confidentiality agreement; and
- (c) Function in accordance with the Health Insurance Portability and Accountability Act codified as 45 C.F.R. Parts 160, 162, and 164.

(7)

(a) A human rights committee shall ensure that any restriction imposed on a participant is:

1. Temporary in nature;
2. Defined with specific criteria outlining how the restriction is to be imposed;
3. Paired with learning or training components to assist the participant in eventual reduction or elimination of the restriction;
4. Removed upon reaching clearly defined objectives; and

5. Reviewed by the human rights committee at least once every six (6) months if the restriction remains in place for at least six (6) months.

(b) In an emergency where there is imminent danger or potential harm to a participant or other individuals, the participant's 1915(i) RISE Initiative service provider, in consultation with the case manager and participant's guardian, as appropriate, may limit or restrict the participant's rights for a maximum of one (1) week.

(c) If a participant is under the care of a psychologist, counselor, psychiatrist, or behavior support specialist, a restriction plan:

1. Shall be developed with the input of the psychologist, counselor, psychiatrist, or behavior support specialist; and
2. May be implemented for up to two (2) weeks.

(d) A proposed continuation of a restriction shall be immediately reviewed and approved by three (3) members of the local human rights committee while alternative strategies are being developed.

(e) If a rights restriction needs to be continued and addressed in the participant's PCSP, the restriction shall be submitted to the local human rights committee at the next regularly scheduled meeting.

Section 7. Other Assurances Required by Provider.

(1) For each participant to whom it provides services, a 1915(i) RISE Initiative provider shall ensure:

(a) The participant's:

1. Right to privacy, dignity, and respect; and
2. Freedom from coercion or restraint;

(b) The participant's freedom of choice as defined by the experience of independence, individual initiative, or autonomy in making life choices in all matters;

(c) That the participant or participant's representative chooses services, providers, and any service settings;

(d) That the participant is provided with a choice of where to live with as much independence as possible and in the most community-integrated environment; and

(e) That the service setting options are:

1. Identified and documented in the participant's PCSP; and
2. Based on the participant's needs and preferences.

(2) A 1915(i) RISE Initiative provider shall not use an aversive technique with a participant.

(3) Any right restriction imposed by a 1915(i) RISE Initiative provider shall:

- (a) Be bi-annually reviewed by a human rights committee;
- (b) Be subject to approval by a human rights committee; and
- (c) Include a plan to restore the participant's rights.

Section 8. Incident Reporting Process.

(1) The incident reporting process shall follow the processes outlined in the "Incident Reporting Instructional Guide for 1915(c) HCBS Waiver Services". Available at: <https://www.chfs.ky.gov/agencies/dms/dca/Documents/irinstructionalguide.pdf>.

(2) The department or its designee shall continually monitor incident trends and patterns and may require additional incident types beyond those listed above as needed.

(3) A provider shall identify individuals and entities that are required to report critical events and incidents, including:

(a) That any individual who witnesses or discovers a critical or non-critical incident is responsible to report it; and

(b) All persons as defined in KRS 209.030(2) and KRS 620.030.

(4) A provider shall notify all pertinent entities including but not limited to case manager or service advisor, law enforcement, and protective services; and

(a) Ensure that any employee or agent who witnesses or discovers a critical incident shall immediately take steps to ensure the participant's health, safety, and welfare, and notify the necessary authorities, including calling law enforcement and reporting any suspected abuse, neglect, or exploitation;

(b) Comply with existing requirements for reporting of critical and non-critical incidents;

(c) Contact all pertinent entities including, as appropriate, the case manager or service advisor, law enforcement, and protective services.

(5) The department or its designee shall regularly review critical and non-critical incident summary data generated by the department approved system to identify systemic issues and conduct follow-up activities as warranted.

Section 9. Use of Electronic Signatures. The creation, transmission, storage, or other use of electronic signatures and documents shall comply with:

(1) The requirements established in KRS 369.101 to 369.120; and

(2) All applicable state and federal statutes and regulations.

Section 10. Employee Policies and Requirements Apply to Subcontractors. Any policy or requirement established in this administrative regulation regarding an employee shall apply to a subcontractor.

Section 11. Appeal Rights.

(1) An appeal of a department decision regarding a Medicaid beneficiary based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:563.

(2) An appeal of a department decision regarding Medicaid eligibility of a participant based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:560.

(3) An appeal of a department decision regarding a provider based upon an application of this administrative regulation shall be in accordance with 907 KAR 1:671.

Section 12. Federal Approval and Federal Financial Participation. The department's reimbursement for services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the reimbursement; and

(2) Centers for Medicare and Medicaid Services approval for the reimbursement.

LISA D. LEE, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 27, 2025

FILED WITH LRC: January 29, 2025 at 10:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 14, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Jonathan Scott

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes provider participation and enrollment criteria for the 1915(i) RISE Initiative.

VOLUME 51, NUMBER 9– March 1, 2025

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the provider participation and enrollment requirements pursuant to the 1915(i) RISE Initiative.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing provider participation and enrollment criteria related to the 1915(i) RISE Initiative.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing clear provider participation and enrollment requirements related to the 1915(i) RISE Initiative.

(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: Medicaid providers participating in the 1915(i) RISE Initiative. DMS estimates up to 5,000 participants may access 1915(i) RISE Initiative services.

(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: Providers will be required to bill under the 1915(i) RISE Initiative specific fee schedule.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): DMS does not anticipate additional costs with participating as a 1915(i) RISE program provider.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Providers will benefit from receiving reimbursement for the services delivered to Medicaid members.

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

(a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.

(b) On a continuing basis: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement the amendments.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 205.520, 194A.030(2), 194A.050(1), 205.520(3).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Department for Medicaid Services is the

promulgating agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities is administering the 1915(i) RISE Initiative.

(a) Estimate the following for the first year:

Expenditures: No additional expenditures beyond those allocated to the Department pursuant to 2024 House Bill 6.

Revenues: The Department does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Department does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.

(a) Estimate the following for the first year:

Expenditures: HB 6 from 2024 funds this program with \$99 million in total expenditures estimated for the first year.

Revenues: n/a The department does not anticipate additional revenues.

Cost Savings: n/a The department does not anticipate cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? As provider capacity and services ramp up in subsequent years, utilization and thus expenditures may increase over time.

(4) Identify additional regulated entities not listed in questions (2) or (3): N/A

(a) Estimate the following for the first year:

Expenditures: n/a The department does not anticipate additional expenditures for regulated entities.

Revenues: n/a The department does not anticipate additional revenues for regulated entities.

Cost Savings: The department does not anticipate cost savings for the providers who are billing.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: HB 6 from 2024 funds this program with \$99 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of \$169 million total funding for state fiscal year 2027.

(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on MMIS claims data were multiplied by anticipated fee schedule rates.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: The policies contained in the administrative regulation allow for providers to request additional reimbursement and provide new services to a specific population.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Ch. 7 Sec. 1396n

(2) State compliance standards. KRS 194A.030(2) requires the Department for Medicaid Services to “serve as the single state agency in the commonwealth to administer Title XIX of the Federal Social Security Act.”

(3) Minimum or uniform standards contained in the federal mandate. A state plan amendment must be negotiated and finalized with the federal government.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment will not impose stricter than federal requirements.

(5) Justification for the imposition of the stricter standard, or additional

or different responsibilities or requirements. The amendment will not impose stricter than federal requirements.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Quality and Population Health
(New Administrative Regulation)

907 KAR 16:020. 1915(i) Home and Community-Based Services (HCBS) Recovery, Independence, Support & Engagement (RISE) Initiative; Covered services.

RELATES TO: KRS 205.520, 314.011, 42 C.F.R. 431.53, 440.170, 441.530, 20 U.S.C. 1400, 42 U.S.C. 1396a

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the policies and operational requirements to provide expanded services to individuals who have a primary diagnosis of serious mental illness or co-occurring serious mental illness and substance use disorder.

Section 1. General Coverage Requirements.

(1) For the department to reimburse for a service covered under this administrative regulation, the service shall:

(a) Be provided for a primary diagnosis of serious mental illness (SMI) or co-occurring serious mental illness and substance use disorder (SUD);

(b) Be deemed eligible, based on the interRAI Community Mental Health Functional Assessment;

(c) Be provided to a participant pursuant to the participant's person-centered service plan (PCSP) by an individual who meets the requirements established in 907 KAR 16:015;

(d) Meet the coverage requirements established in Section 2 of this administrative regulation; and

(e) Be provided to a participant by a provider who is enrolled in accordance with:

1. 907 KAR 1:672;
2. 907 KAR 1:671; and
3. 907 KAR 16:015.

(2) The department shall ensure that duplication of services does not occur by prohibiting payment for services without authorization.

Section 2. Covered Services. Services shall be covered under this administrative regulation in accordance with the requirements established in this section.

(1) Assistive Technology.

(a) Assistive Technology (AT) shall be provided to individuals who are at least twenty-one (21) years of age and who have a primary diagnosis of SMI or co-occurring SMI and SUD.

(b) AT may include low tech to high tech devices, solutions, or equipment and shall include the services necessary to get and use the devices, including assessment, customization, repair, and training.

(c) AT services and supports may include the following:

1. Consultation and assessment to identify and address the participant's needs as specified in the PCSP and other supporting documentation, as applicable;

2. Individual and small group demonstration and exploration of devices to increase awareness and knowledge of what is available;

3. Individual consultations to support device trials and assist in appropriate device selection;

4. Individual and small group training on a specific device to support proper use;

5. Education and training for the participant and family, guardian, or provider staff to aid the participant in the use of the AT as needed;

6. Maintenance and repair of the AT; and

7. A one-time implementation training per order if needed and not provided by the vendor as part of delivery and installation. Additional therapy-related training may be recommended by the provider as appropriate.

(d) All items shall:

1. Meet applicable standards of manufacture, design, and installation; and

2. Be of direct benefit to the participant.

(e) The need for AT shall be documented in the participant's PCSP.

(f) A recommendation of AT, for services or goods, that exceeds three-hundred dollars (\$300) or more shall be ordered by one of the following:

1. A behavioral health professional;

2. A Rehabilitation, Engineering and Assistive Technology Society of North America assistive technology professional (RESNA ATP);

3. A physical therapist;

4. An occupational therapist;

5. A speech language pathologist; or

6. An audiologist.

(g)

1. AT shall be subject to an annual cap of \$10,000 per participant, per year; and

2. If a participant requires AT after the cost limit has been reached, the participant's case manager shall assist them with accessing other resources or alternate funding sources that may be available.

(2) Case Management;

(a) Case management shall be delivered to individuals eighteen (18) and older.

(b) A case manager shall adhere to person-centered principles during all planning, coordination, and monitoring activities;

(c) Case management shall include working with the participant, the participant's legal guardian, legal representative, and others who the participant identifies, such as immediate family members, in developing and documenting a PCSP.

(d) The case manager shall use a person-centered planning process and assist in identifying and implementing support strategies to enable the PCSP to advance the participant's identified goals while meeting assessed community-based needs. Support strategies shall incorporate the principles of empowerment, community inclusion, health and safety assurances, and the use of paid, unpaid, and community supports.

(e) Case managers shall work closely with the participant to assess and document the participant's needs, desired outcomes, services, available resources, and overall satisfaction with services and processes.

(f) Case managers shall ensure that participants have freedom of choice of providers.

(g) Case management activities shall include in-person, at least quarterly, virtual, per participant's choice, telephonic, and other methods of communication that provide coordination and oversight, which ensure the following:

1. Ongoing access to conflict-free options guidance to select appropriate services to meet identified needs and goals, along with education about available service providers;

2. The desires and needs of the participant are determined through a person-centered planning process;

3. The development or review of the PCSP, including monitoring of the effectiveness of the PCSP to advance person-centered goals and objectives and respond to changes in participant goals and objectives;

4. The coordination of multiple services and among multiple providers, to include other service-specific plans, such as a housing supports plan, as appropriate;

5. Linking 1915(i) RISE Initiative service participants to services that support the participant's home and community-based needs;

6. Addressing problems in and barriers to service provision;

7. Implementing participant crisis mitigation plans and making appropriate referrals to address active or potential crises;

8. Detecting, reporting, and mitigating suspected abuse, neglect, and exploitation of participants, including adherence to mandatory reporter laws, and monitoring the quality of the supports and services;

9. Assisting participant in developing and coordinating access to social networks to promote community inclusion as requested by the participant;

10. Assessing the quality of services, safety of services, and cost effectiveness of services being provided to a participant to ensure that implementation of the participant's PCSP is successful and efficient regarding the participant's financial assets and benefits;

11. Routinely assessing the participant's progress towards achieving the goals identified in the PCSP as well as the participant's readiness to transition to a lower level of care or less restrictive residential setting.

12. Performing advocacy activities on behalf of the client; and

13. Providing SSI/SSDI Outreach, Access, and Recovery (SOAR) to assist participants with accessing Social Security disability benefits, when applicable.

(h) Case management activities shall be documented consistent with 907 KAR 16:015;

(i) Plans for supports and services shall be reviewed and updated by the case manager and the participant's team at least annually and more often as needed;

(j)

1. The provision of case management services shall facilitate free choice of providers per section 1902(a) (23) of the Social Security Act (Title XIX) Act; and

2. Participants will have free choice of case management service providers;

(k) Participants shall have free choice of the providers of other behavioral health care and medical care under the plan;

(l) This service shall be limited to one unit per participant, per calendar month;

(m) The following activities shall be excluded from case management as a billable 1915(i) RISE Initiative service:

1. Travel time incurred by the case manager as a discrete unit of service;

2. Representative payee functions; and

3. Other activities identified by DMS.

(3) In-home independent living supports.

(a) In-home independent living supports shall be:

1. Targeted to individuals eighteen (18) and older.

2. Routine services provided to participants to support:

a. The participant's ability to live independently; and

b. The development of the requisite skills to support independent living.

3. Intended to support the participant to maximize the participant's own independence in self-managing independent living and provided in their own private housing unit or in a housing unit the participant shares with others, including a single-family home, duplex, or apartment building.

(b) In-home independent living supports may be reduced over time as a participant becomes more self-sufficient.

(c) No more than two (2) 1915(i) RISE Initiative service participants shall be supported in one (1) home or apartment unit.

(d) In-home independent living supports shall provide a range of assistance and training based on the assessed need to identify and complete activities of daily living (ADLs) or instrumental activities of daily living (IADLs).

(e) In-home independent living supports shall include assistance such as:

1. Hands-on assistance;

2. Supervision; or

3. Cueing with the goal of offering participant direction opportunities.

(f) ADLs or IADLs provided pursuant to this subsection shall include activities such as:

1. When detailed in a participant's PCSP goals; assistance with:

a. Bathing;

b. Grooming;

c. Dressing;

d. Financial management;

e. Meal preparation;

f. Grocery shopping;

g. Preparing and storing food safely;

h. Shopping;

i. Cleaning; or

j. Telephonic communication.

2. Assistance with medication education and adherence based on the PCSP goals.

3. Social skills training, including developing interpersonal effectiveness skills, and reduction or elimination of barriers to recovery.

4. Providing or arranging transportation to services, activities, and behavioral health and medical appointments as needed as well as accompanying and assisting a participant while utilizing transportation services, including supporting the participant to navigate public transportation systems and other community transit options independently.

5. Participation in behavioral health and medical appointments and follow-up care as directed by the medical staff.

(g) ADL and IADL support shall vary based on the assessed the needs of the participant.

(h)

1. Services shall be furnished in a way that fosters the independence of each participant to facilitate autonomy, self-sufficiency, or recovery.

2. Providers shall be expected to support participants in learning coping skills to navigate their chosen independent living environment.

3. Routines of service delivery shall be person-centric and participant-driven, to the maximum extent possible, and each participant shall be treated with dignity and respect and have full freedom of choice and self-determination.

4. The PCSP shall document any planned intervention that could potentially impinge on participant autonomy. Documentation shall include:

a. Informed consent of the participant to the intervention;

b. The specific need for the intervention in supporting the participant to achieve the participant's goals;

c. Assurance that the intervention is the most inclusive and person-centered option;

d. Time limits for the intervention;

e. Periodic reviews of the intervention to determine if it is still needed, and

f. Assurance that the intervention will cause no harm to the participant.

(i) Shall involve meeting a homelessness risk factor, and shall include at least one (1) of the following criteria:

1. Homeless;

2. At risk of homelessness;

3. History of frequent –more than one (1) per year in the previous two (2) years – stays in a nursing home or inpatient settings;

4. Was homeless in the prior 24 months; or

5. Formerly homeless and is now residing in HUD or other subsidized assisted housing.

(j) Limited to one (1) unit per participant per calendar day.

(k) Payments for In-home Independent Living Supports shall not be made for:

1. Room and board;

2. Items of comfort or convenience, or

3. The costs of facility maintenance, upkeep, and improvement.

(l)

1. Separate payments shall not be made for:

a. Medication management services;

b. Transportation services, or

c. Any other service that is provided to a participant under in-home independent living supports but listed as a separate service pursuant to this Section.

2. To prevent duplication of services, the department shall prohibit payment for:

a. Services provided pursuant to this paragraph without authorization; and

b. Providing the same service to the same participant during the same time.

(4) Medication Management;

(a) Medication management shall be targeted to individuals eighteen (18) and older.

(b) Medication management services shall be intended to support program participants' adherence to and implementation of medication regimens with the participant in a person-centered manner.

(c) Medication management shall be provided by a pharmacist, medical doctor, physician assistant, advanced practice registered nurse, a registered nurse as defined in KRS 314.011(5), or a licensed practical nurse as defined in KRS 314.011(9) under the supervision of a registered nurse and includes:

1. In-person contact with the participant, in an individual setting, for the purpose of monitoring a participant's medication adherence;
2. Providing education and training about medications;
3. Offering support to assist a participant experiencing medication side effects; or
4. Providing other nursing or behavioral health and medical assessments.

(d) The goal of this service shall be to provide the information, training, and empowerment necessary for a participant to make an informed decision about the participant's medication regimen.

(e)

1. Identified barriers and challenges to medication autonomy shall be reflected in the participant's PCSP by the case manager and may be amended as situations change.

2. Changes to the PCSP shall reflect the progression of a participant to less restrictive service delivery to promote progress towards self-identified goals.

(f) Medication management services shall be determined by a participant's PCSP, and, at a minimum, include:

1. Medication training and support that demonstrate movement toward or achievement of participant-driven treatment goals identified in the PCSP;

2. Medication training and support goals that are habitative in nature; and

3. Documentation shall support how the service benefits the participant or addresses individualized risks for ongoing health and safety that are linked to the participant's medication.

(g) Medication training and support may also include the following services that are not required to be provided in-person with the participant:

1. Setting or filling medication boxes;
2. Consulting with the attending physician or AHCP regarding medication-related issues;
3. Ensuring lab or other prescribed clinical orders are sent;
4. Ensuring that the participant follows through and receives lab work and services pursuant to other clinical orders; or
5. Follow up reporting of lab and clinical test results to the participant and physician.

(h) Medication training and support services may be provided for a maximum of one hundred and eighty-two (182) hours, billed as seven hundred and twenty-eight (728) fifteen (15) minute units per year. The maximum shall include all subtypes of the service identified within this paragraph, such as:

1. Individual;
2. Group;
3. Family or couple, and
4. Services provided with or without the participant present.

(i) Exclusions for medication management. If a participant receives medication management via in-home independent living supports or supervised residential care, then medication management services shall not be billed separately for the same visit by the same provider.

(5) Respite or planned respite for caregivers;

(a) Planned respite for caregivers shall be targeted to individuals eighteen (18) and older.

(b) Planned respite for caregivers shall be designed to provide temporary relief from care giving to the primary caregiver of a participant during times when the participant's primary caregiver would normally provide care.

(c) Respite shall be provided to assist the participant and the participant's family prevent institutionalization.

(d) Respite services shall be intended to assist in maintaining a goal of living in a natural community home and shall be provided on a short-term, intermittent basis to relieve the participant's family or other primary caregivers from daily stress and care demands during times when they are providing unpaid care.

(e) Respite services shall not be provided on a continuous, long-term basis where those services are a part of daily services that would enable an unpaid caregiver to work elsewhere full time.

(f) Routine respite services may include hourly, daily, or overnight support.

(g) Decisions about the methods and amounts of respite shall be decided during the development of the PCSP to ensure the health, welfare, and safety of the participant.

(h) The department shall prior authorize respite services, and case managers shall be responsible for assisting participants in identifying and accessing other natural supports or supports available through other available funding streams if the participant's needs exceed the service limit.

(i) Respite shall be offered contingent upon the willingness of the participant to engage in the respite activity and shall not be offered as a service against a participant's will or under duress that would impede the participant's autonomy in personal decision-making.

(j) Respite may be provided in the following settings:

1. A participant's home or place of residence;
2. A provider owned or controlled facility approved by the State that is not a private residence (e.g., supervised residential home or licensed respite care facility);
3. Home of a friend or relative chosen by the participant and members of the planning team; or
4. In a social or recreational community setting.

(k) Respite services shall not be provided by the participant's:

1. Primary caregiver or
2. Legal guardian

(l) Cost of room and board shall not be included as part of the respite service unless provided as part of the respite care in a facility that is not a private residence.

(m) Transportation costs associated with the respite service are included in the respite rate. Providers shall not bill for transportation to a respite service site.

(n) Respite service activities may include:

1. Assistance with daily living skills;
2. Assistance with accessing or transporting to or from community activities;
3. Assistance with grooming and personal hygiene;
4. Assistance with meal preparation, serving, and cleanup;
5. Administration of medications as needed;
6. Supervision as needed to ensure the participant's health and safety; or
7. Recreational and leisure activities.

(o) Respite shall be provided for the planned or emergency short-term relief for natural, unpaid caregivers.

(p) Respite shall be provided intermittently when the natural caregiver is temporarily unavailable to provide supports based on routine or typical patterns of caregiving timing, duration, and scope of support, as recorded by the participant's case manager in his or her PCSP.

(q) Respite services shall not exceed 21 hours per month or 200 hours annually without authorization. (r) Respite shall not be a stand-alone service and shall be provided in conjunction with other treatment services.

(6) Supervised Residential Care;

(a) Supervised Residential Care shall be targeted to individuals eighteen (18) and older.

(b) Supervised Residential Care shall consist of supportive and health-related residential services provided to individuals in Medicaid enrolled and certified settings per 907 KAR 16:015.

(c) This service shall not have greater than three (3) service participants in a home leased or owned by the service provider.

(d) The supervised residential care setting shall include:

1. One (1) unit of staff supervision which shall consist of up to twenty-four (24) hours per day;

2. As indicated per PCSP, skills training, recreational opportunities, emergency services, and referrals for behavioral health care and medical care.

(e) Supervised residential care shall be based on the individual needs of a participant per the PCSP.

(f) This setting may include unsupervised time per day for a participant to work towards increased independence. If this option is utilized, a participant shall work with their case manager to develop a PCSP for the participant to work towards increased independence. The portion of the PCSP that establishes an increased independence plan shall include:

1. Necessary provisions to assure the participant's health, safety and welfare;
2. Documented approval by the participant's person-centered planning team, including the participant being served; and
3. Periodic review and updates, based on changes in the participant's status.

(g) Staff providing supervised residential care shall be expected to provide assistance and training to identify and complete ADLs and IADLs, including activities such as:

1. Personalized support with:
 - a. Assisting residents with ADLs per PCSP goals;
 - b. Meal preparation;
 - c. Shopping;
 - d. Cleaning;
 - e. Financial management or bill paying for resident's personal expenses; or
 - f. Executing telephonic, e-mail or other communication with formal and informal supports.

2. Assistance with medications education and adherence based upon the results of a registered nurse assessment per the PCSP.

3. Social skills training including developing interpersonal effectiveness skills, and reduction or elimination of barriers to recovery.

4. Providing or arranging transportation to services, activities, and medical appointments as needed as well as accompanying and assisting a participant while utilizing transportation services.

5. Supporting a participant to arrange, attend, communicate, and manage their post-appointment follow up treatment and care activities, as recommended by the provider.

(h) Participants shall work with the case manager to develop PCSPs that include the utilization of community residential supports specifically supporting the development of natural supports, as well as community integration and participation.

(i) Participants shall be routinely engaged by the case manager to:

1. Identify the participant's preparedness or desire to transition to a more community-integrated residential setting that is non-congregate, and
2. Promote timely and appropriate movement to a participant's preferred residential arrangement.

(j) During the movement phase from a supervised care setting to a more community-integrated residential setting, eligible participants shall receive evidence-based programming to promote the furtherance of the goals in the participant's PCSP and establish community integration and participation foundations.

(k) Providers of supervised residential care services shall collaborate with other members of the participant's person-centered team to promote successful preparation and transition when a move-out occurs.

(l) Additional needs-based criteria for the provision of the supervised residential care service include an assessment of homelessness Risk Factors, which shall include meeting at least one (1) of the following criteria:

1. Homeless;
2. At risk of homelessness;
3. History of frequent –more than one (1) per year in the previous two (2) years – stays in a nursing home or inpatient settings;
4. Was homeless in the prior 24 months; or
5. Formerly homeless and is now residing in HUD or other subsidized assisted housing.

(m) Shall be limited to one (1) unit per participant per calendar day.

(n) Payments for supervised residential care shall not be made for:

1. Room and board;
2. Items of comfort or convenience, or
3. The costs of facility maintenance, upkeep, and improvement.

(o)

1. Separate payments shall not be made for:

- a. Medication management services;
- b. Transportation services, or
- c. Any other service that is provided to a participant as supervised residential care but listed as a separate service pursuant to this administrative regulation.

2. To prevent duplication of services, the department shall prohibit payment for:

- a. Services provided pursuant to this paragraph without authorization; and
- b. Providing the same service to the same participant during the same time.

(7) Supported Education:

(a)

1. Supported Education (SEd) shall be targeted to individuals eighteen (18) and older.

2. Supported Education providers shall exhaust all other available resources prior to utilizing the 1915(i) RISE Initiative services established pursuant to this chapter.

(b) Supported Education (SEd) services shall:

1. Be individualized;
2. Promote engagement;
3. Sustain participation by the participant within the educational setting; and
4. Be delivered with the goal of restoring a participant's ability to function in the learning environment.

(c) The educational environments in which SEd may be delivered include college, technical college, proprietary, distance learning, and short-term learning.

(d) A service shall

1. Be specified in the PCSP (PCSP) to enable the participant to integrate more fully into the community or educational setting; and
2. Ensure the health, welfare, and safety of the participant.

(e) The goals of SEd as reflected in the PCSP shall be for participants to:

1. Engage and navigate the learning environment;
2. Support and enhance attitude and motivation;
3. Develop skills to improve educational competencies, including social skills, social-emotional learning skills, literacy, study skills, and time management;
4. Promote self-advocacy, self-efficacy, and empowerment, including disclosure, reasonable accommodations, and advancing educational opportunities; and
5. Build community connections and natural supports as needed to adapt to and thrive within the educational program or setting of the participant's choosing.

(f) Supported Education providers shall provide individualized services utilizing an engage, bridge, and transition model, which shall include any combination of the following:

1. Acting as a liaison or support in the educational learning environment.
2. Facilitating outreach and coordination of learning opportunities.
3. Familiarizing the participant and caregiver (if applicable) to educational settings, to help navigate the school system and student services.
4. Assisting with admission applications and registration.
5. Assisting with transitions or withdrawals from programs such as those resulting from behavioral health challenges, medical conditions, and other co-occurring disorders.
6. Improving access for a participant by effectively linking consumers of mental health services to educational programs within the school, college, or university of their choice.
7. Coordinating with the 1915(i) RISE Initiative Case Manager who shall oversee the needs of the participant and act as a liaison between the participant and the case manager.

8. Assisting with advancing education opportunities for the participant, including applying for work experience, employment training programs, apprenticeships, and colleges.

(g) A training facility shall be accredited or licensed by appropriate accrediting or licensing bodies and comply with all state and federal requirements applicable to their use by the Office of Vocational Rehabilitation and 1915(i) RISE Initiative approved provider types.

(h) Supported education shall include a supported training component for specific participants in need of intensive job-related training. The goal of sponsored training is not education alone but employment.

1. Supported training shall include:

a. Developing an education or career plan and revising as needed in response to participant's needs and recovery process.

b. Assisting in training to enhance interpersonal skills and social-emotional learning skills, including:

(i) Effective problem solving;

(ii) Self-discipline;

(iii) Impulse control;

(iv) Increased social engagement;

(v) Emotion management; and

(vi) Coping skills.

c. Working collaboratively with the case manager to assist the participant in conducting a need assessment or educational assessment based on established goals in the PCSP to identify education or training requirements, personal strengths, and necessary support services.

2. Supported training may include individualized supports in all educational environments. Individualized supports may include:

a. Classroom;

b. Dining facilities; or

c. Test-taking environments.

3. Before utilizing supported training, all resources available through the Office of Vocational Rehabilitation shall first be exhausted.

4. This service may support training required to achieve an agreed upon vocational goal in the PCSP.

5. When making decisions related to supported training, these areas shall be considered and documented:

a. Informed choice of the participant;

b. Benefit to the participant in terms of employment outcome; and

c. Expenditure of time and resources of the participant.

d. A thorough career exploration shall occur, which may include interest inventories, visits to job sites and training institutions, job shadowing, or volunteer opportunities. The career exploration shall include a counselor associated with the participant's case explaining labor market trends for the planned occupation;

e. The associated counselor shall assess transferable skills, interests, and capacities to determine if training is needed to obtain suitable employment;

f. The associated counselor shall discuss all situations, obligations, history, and attendant factors that may affect successful completion of training and explore comparable training options prior to finalizing a plan.

6.

a. Documentation shall support the participant's ability, aptitude, and interest to complete the training, with or without reasonable accommodations.

b. Documentation may include performance measures such as academic records, American College Test (ACT) or Test of Adult Basic Education (TABE) scores; and

(i) Supported education shall develop skills to improve educational competencies, including:

1. Working with participants to develop the skills needed to remain in the learning environment, which may include:

a. Effective problem solving;

b. Self-discipline;

c. Impulse control;

d. Emotion management;

e. Coping skills;

f. Literacy;

g. English as a second language;

h. Study skills;

i. Note taking;

j. Time and stress management; or

k. Social skills; or

2. Providing opportunities to explore individual interests related to career development and vocational choice.

(j)

1. Supported education shall include improving a participant's skills relating to self-advocacy, self-efficacy, and empowerment.

2. To ensure duplication of related services does not occur providers shall coordinate efforts with the Department of Education and the local vocational rehabilitation agency.

(k) A supported education provider may:

1. Act as a liaison to assist with attaining alternative outcomes, for example, completing the process to request an incomplete rather than failing grades if the student needs medical leave or withdrawal from the educational institution;

2. Have or promote individualized and ongoing discussions with involved parties regarding the disclosure of disability;

3. Provide advocacy support to obtain accommodations, including requesting extensions for assignments and different test-taking settings if needed for a documented disability;

4. Conduct advocacy and coaching on reasonable accommodations as defined by the Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, and Americans with Disabilities Act (ADA), which may include:

a. Note-taking services;

b. Additional time to complete work in class and on tests;

c. Modifications in the learning environment;

d. Test reading;

e. Taking breaks during class when needed;

f. Changes in document and assignment format; or

g. Other common reasonable accommodations provided pursuant to the federal laws listed in subparagraph 4.; or

5. Provide instruction on self-advocacy skills in relation to independent functioning in the educational environment.

(l) A supported education provider shall assist with establishing and developing community connections and natural supports, including:

1. Serving as a resource clearinghouse for educational opportunities, tutoring, financial aid, and other relevant educational supports and resources;

2. Providing access to recovery supports, including cultural, recreational, and spiritual resources;

3. Providing linkages to education-related community resources, including supports for learning and cognitive disabilities;

4. Identifying financial aid resources and assisting with applications for financial aid; or

5. Assisting in applying for student loan forgiveness on previous loans for reasons including disability status.

(m) Ongoing SEd service components may be conducted after a participant is successfully admitted to an educational program.

(n) SEd services shall be designed to be delivered in and outside of the classroom setting and may be provided by schools or agencies enrolled as approved providers of 1915(i) RISE Initiative SEd services that specialize in providing educational support services.

(o) To be a SEd qualified provider, the provider shall be an approved vendor through the Office of Vocational Rehabilitation.

(p)

1. The person-centered individualized care plan shall be developed based on the participant's needs with respect to remote services to ensure proper monitoring of the health and safety of the participant.

2. Remote support via telehealth shall be real-time, two-way communication between the service provider and the participant. Within the scope of SEd services, remote support shall be limited to:

a. Check-ins, such as reminders, verbal cues, or prompts; or

b. Consultations, such as counseling or problem solving.

(q) Remote services via telehealth shall be utilized for the benefit and at the option of the participant. Telehealth shall be utilized, as

feasible, on an agreed-upon schedule, and shall ensure protection of the participant's personal space and activities.

(r) The remote service may be rendered in:

1. Tandem with a caregiver, personal assistant, or other support person when physical assistance is required; or
2. The absence of a support person when appropriately utilizing assistive technology tools to deliver services.

(s) Individuals who require assistance utilizing technology necessary for telehealth delivery of service shall be considered for eligibility for assistive technology (AT). Education and training for the participant and family, guardian, or provider staff to aid the participant in the use of the AT shall be incorporated as a service of AT.

(t) Additional remote support requirements include:

1. Use of any appropriate telehealth option pursuant to 907 KAR 3:170.
2. That remote support shall:
 - a. Be elected by the participant receiving services;
 - b. Not block the participant's access to the community;
 - c. Not prohibit needed in-person services for the participant;
 - d. Utilize a HIPAA-compliant platform; and
 - e. Prioritize the integration of the participant into the community.

(u) Providers shall document that the remote support option complies with paragraph (t)2. of this section.

(v) Supported education shall be limited to four hundred and eighty (480) fifteen (15) units per one-hundred and eighty (180) day authorization period. Any additional time within that one-hundred and eighty (180) day period shall require an exception pursuant to Section 3(3).

(w)

1. This service shall not be provided to a participant at the same time as another service that is the same in nature and scope regardless of source, including federal, state, local, and private entities.

2. Participants eligible for multiple Medicaid funded services for supported education shall not access this service in more than one authority and shall be required to utilize the alternate service first.

3. Services furnished through this section shall not be duplicated by services funded under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1400 et seq.).

4. To ensure duplication does not occur, providers shall coordinate efforts with the Department of Education or the local vocational rehabilitation agency.

5. Justification that services are not otherwise available to the participant through these agencies under section 110 of the Rehabilitation Act of 1973 or the IDEA (20 U.S.C. 1400 et seq.) shall be documented in the participant's record and kept on file.

(8) Supported Employment or Individual Placement and Support – Supported Employment (IPS-SE) shall be targeted to individuals 18 and older.

(a) IPS-SE shall be an evidence-based practice designed to assist participants with (SMI) or co-occurring SMI and SUDs obtain and maintain employment in competitive integrated employment using the supports of:

1. The participant's behavioral health treatment team;
2. An employment specialist; and
3. A benefits counselor.

(b) IPS-SE shall use IPS-SE Principles that shall be planned and implemented through a coordinated and integrated partnership with the participant and the participant's person-centered team members, including the employment specialist, to assist the participant in achieving the participant's specific employment goals as defined by the PCSP.

(c) All supported employment services shall be prior authorized through submission of the Coordination of Funding for Employment Services.

(d) IPS-SE shall include the following employment activities:

1. A vocational assessment or career profile;
2. The development of a vocational plan;
3. On-the-job training and skill development;
4. Job-seeking skills training;
5. Job development and placement;
6. Job coaching;

7. Individualized job supports, which may include regular contact with the employers, family members, guardians, advocates, treatment providers, and other community supports;

8. Benefits planning;

9. General consultation, advocacy, building and maintaining relationships with employers; and

10. Time unlimited individualized vocational support.

(e) IPS-SE shall comply with competitive integrated employment, including:

1. Compensating at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;

2. Receiving the same level of benefits provided to other employees without disabilities in similar positions;

3. Located where the participant interacts with other individuals without disabilities; and

4. Presenting opportunities for advancement similar to other employees without disabilities in similar positions.

(f) To be an IPS-SE 1915(i) RISE Initiative qualified provider, the provider shall:

1. Be an approved vendor through Office of Vocational Rehabilitation;

2. Provide the evidence-based practice of IPS-SE through training and technical assistance provided by state IPS SE trainers;

3. Participate in fidelity reviews required by the developer of the practice; and

4. Complete supported employment core training offered through the University of Kentucky Human Development Institute.

(g) IPS-SE shall establish:

1. Competitive integrated employment job options with permanent status rather than temporary or time-limited status; and

2. Jobs that anyone can apply for and that are not set aside for people with disabilities;

(h) IPS-SE payments shall:

1. Be made only for the adaptations, supervision, and training required by participants receiving IPS-SE services; and

2. Not include payment for the supervisory activities rendered as a normal part of the business setting.

(i)

1. IPS-SE services furnished under the 1915(j) RISE Initiative service shall not be available under a program funded by either the Rehabilitation Act of 1973 or IDEA.

2. Documentation shall be maintained in the file of each participant receiving this service that the service is not otherwise available under a program funded under the Rehabilitation Act of 1973 or IDEA.

(j) FFP shall not be claimed for incentive payments, subsidies, or unrelated vocational training expenses including:

1. Incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;

2. Payments that are passed through to users of supported employment programs; or

3. Payments for vocational training that are not directly related to a participant's supported employment program.

(k)

1. Extended services shall be available to participants once they are employed and are provided periodically to address work-related issues as they arise. For example, this could include assistance with understanding employer leave policies, scheduling, time sheets, or tax withholding processes.

2. Ongoing follow-along support may also involve assistance to address issues in the work environment, including accessibility, career advancement, and employee - employer relations.

(l)

1. Extended services shall be designed to identify any problems or concerns early and to provide the best opportunity for long lasting work opportunities.

2. Extended services may include supports to address any barriers that interfere with employment success or maintaining employment, which may include providing support to the employer.

(m)

VOLUME 51, NUMBER 9– March 1, 2025

1. The person-centered individualized care plan shall be developed based on the participant's needs with respect to remote services to ensure proper monitoring of the health and safety of the participant.

2. Remote support via telehealth shall be real-time, two-way communication between the service provider and the participant. Within the scope of IPS-SE services, remote support shall be limited to:

- a. Check-ins, such as reminders, verbal cues, or prompts; or
- b. Consultations, such as counseling or problem solving.

(n) Remote services via telehealth shall be utilized for the benefit and at the option of the participant. Telehealth shall be utilized, as feasible, on an agreed-upon schedule, and shall ensure protection of the participant's personal space and activities.

(o) The remote service may be rendered in:

- 1. Tandem with a caregiver, personal assistant, or other support person when physical assistance is required; or
- 2. The absence of a support person when appropriately utilizing assistive technology tools to deliver services.

(p) Participants who require assistance utilizing technology necessary for telehealth delivery of service shall be considered for eligibility for assistive technology (AT). Education and training for the participant and family, guardian, or provider staff to aid the participant in the use of the AT shall be incorporated as a service of AT.

(q) Additional remote support requirements include:

1. Use of any appropriate telehealth option pursuant to 907 KAR 3:170.

2. That remote support shall:

- a. Be elected by the participant receiving services;
- b. Not block the participant's access to the community;
- c. Not prohibit needed in-person services for the participant;
- d. Utilize a HIPAA-compliant platform; and
- e. Prioritize the integration of the participant into the community.

(r) Providers shall document that the remote support option complies with paragraph (q)2. of this section.

(s) IPS-SE shall be limited to four hundred and eighty (480) fifteen (15) minute units per one-hundred and eighty (180) day authorization period. Any additional time within that one-hundred and eighty (180) day period shall require an exception, pursuant to Section 3(3) of this regulation.

(t) IPS-SE services are to be rendered consistent with the frequency, duration, and scope recommended by the participant's PCSP. IPS-SE may be a standalone service provided in conjunction with case management services.

(u) Supported Employment Services shall not:

- 1. Be provided in a group setting and;
- 2. Be duplicated by any other services provided through 907 KAR Chapter 16.

(v) Services shall not include payment for the supervisory activities rendered as a normal part of the business setting.

(w) Services shall not include payment for supervision, training, support, and adaptations typically available to other non-disabled workers filling similar positions in the business.

(x) Services shall not include adaptations, assistance, and training used to meet an employer's responsibility to fulfill requirements for reasonable accommodations under the Americans with Disabilities Act.

(y) Transportation to and from the work site may be a component of the rate paid to providers. This service shall only be available if the participant cannot access public transportation or does not have other means of transportation available to the participant. The cost of transportation shall be included in the rate paid to providers.

(z) Documentation shall be maintained for each participant receiving this service that the service is not available under a program funded under Section 110 of the Rehabilitation Act of 1973 or IDEA.

(aa) Services shall not be reimbursed for job placements paying below minimum wage.

(bb) Services shall be delivered in a manner that supports and respects the participant's communication needs including:

- 1. Translation services; and
- 2. Assistance with and use of communication devices.

(cc) Services shall be provided in regular integrated settings and shall not include sheltered work or other types of vocational services in specialized facilities or incentive payments, subsidies, or unrelated vocational training expenses, including the following:

1. Incentive payments made to an employer to encourage hiring the participant;

2. Payments that are passed through to the participant;

- a. Payments for supervision, training, support, and adaptations typically available to other workers without disabilities filling similar positions in the business; or
- b. Payments used to defray the expenses associated with starting up or operating a business.

(9) Tenancy supports, including pre-tenancy supports and tenancy-sustaining supports.

(a) Tenancy supports shall be targeted to individuals eighteen (18) and older.

(b) Tenancy supports shall include both pre-tenancy supports and tenancy-sustaining supports.

(c) Pre-tenancy support services shall:

1. Be available if determined to be necessary for a participant to identify, select, and enter into a lease agreement resulting in the participant moving into an independent housing unit;

2. Be tailored to person-centered goals, as stated in the participant's PCSP; and

3. Assist the participant in identifying and leasing a housing unit that is expected to promote the participant's personal health and welfare in a housing arrangement that is not provider-owned or controlled and is instead governed by a lease that is entered into with the owner or landlord of the housing unit.

(d) Pre-tenancy supports shall follow evidence-based practices and may include addressing the following components, as relevant, when these services are not otherwise available in other services pursuant to 907 KAR Chapter 16:

- 1. Identify the participant's needs and preferences related to:
 - a. Housing, including type of housing;
 - b. Location;
 - c. Living alone or with someone else;
 - d. Identifying a roommate,
 - e. Accommodations needed,
 - f. Community integration; or
 - g. Other related preferences;
- 2. Assisting in budgeting for housing or living expenses, including financial literacy education on budget basics based upon anticipated housing, utility, and other known budget components;
- 3. Assisting participants with finding and applying for housing, including:

- a. Filling out housing, utility, or rental assistance applications;
- b. Remitting necessary fees; or
- c. Obtaining and submitting appropriate documentation required for tenancy approval;

- 4. Reviewing and understanding the terms of and assisting the participant with consenting to the terms of a rental agreement or lease;

- 5. Assisting participants with completing reasonable accommodation requests and obtaining disability verifications as needed to secure an appropriate housing arrangement. This type of assistance shall include:

- a. Identifying verbal requests for a reasonable accommodation; and
- b. Supporting and conducting written documentation of the request with the prospective landlord;

- 6. Coordinating with the 1915(i) RISE initiative case manager to develop goals and objectives relating to the participant's housing supports plan, which shall:

- a. Include a community integration plan;
- b. Identify short and long-term measurable goals; how the goals will be achieved; and how barriers to achieving goals will be addressed; and
- c. Include plans for:

- (i) Housing maintenance;
- (ii) Lease adherence; and
- (iii) Facilitation of tenant-landlord communications;

7. Assisting with identifying and securing resources to obtain housing, including community-based resources to assist with securing documentation, related fees needed, and transportation needs;

8. Ensuring that the living environment is safe and accessible for move-in, including an assessment of health risks to ensure the living environment is not adversely affecting the occupants' health; or

9. Assisting in arranging for and supporting the details and activities of the move-in. This assistance shall include:

a. Assisting the participant with identifying the date and time that the move-in will take place; and

b. Providing the participant with assistance to arrange necessary transportation for the move-in.

(e)

1. Participants enrolling in tenancy supports may currently be residing in any living environment, up to and including those exiting institutional settings.

2. Prior to being enrolled in this benefit, participants shall meet at least one of the at-risk homelessness risk factors.

(f)

1. Tenancy-sustaining supports shall be made available to support service participants to maintain tenancy once housing is secured.

2. The availability of ongoing housing-related services in addition to other long-term services and supports shall be intended to:

- a. Promote housing success;
- b. Foster community integration and inclusion; and
- c. Develop natural support networks.

(g) Tenancy-sustaining supports shall follow evidence-based practices and may include the following components:

1. Working collaboratively with the 1915(i) RISE Initiative case manager to:

a. Assist the participant with maintaining entitlements and benefits, including rental assistance, necessary to maintain community integration and housing stability. This type of assistance may include:

- (i) Assisting participants in obtaining documentation;
- (ii) Assistance with completing documentation;
- (iii) Navigating the process to secure and maintain benefits; or
- (iv) Coordinating with the entitlement or benefit assistance agency.

b. Assist the participant with securing supports to preserve and maximize independent living.

c. Collaborate with the 1915(i) RISE Initiative case manager to ensure that referrals are made to services that are needed to:

- (i) Promote housing stabilization;
- (ii) Adaptation to surrounding neighborhood conditions;
- (iii) Lease adherence;
- (iv) Sustained landlord-tenant communications; and
- (v) Problem-solving.

d. Examples of types of referrals allowed pursuant to clause c. include:

- (i) Substance use treatment providers;
- (ii) Mental health providers;
- (iii) Medical;
- (iv) Vision, nutritional, and dental providers;
- (v) Vocational, education, employment, and volunteer supports;
- (vi) Hospital care, including utilization of the emergency department;
- (vii) Probation and parole crisis services;
- (viii) End of life planning; or
- (ix) Other support groups and natural supports.

e. Coordinate with the participant as needed to plan, participate in, review, update, and modify the participant's goals and objectives related to the participant's housing support to reflect current needs and preferences and address existing or recurring housing retention barriers.

2. Providing supports to assist the participant in the development of independent living skills to remain in the most integrated setting. Supports may include:

- a. Skills coaching to maintain a healthy living environment;

b. Developing and managing a household budget;

c. Interacting appropriately with neighbors or roommates;

d. Reducing social isolation; and

e. Utilizing local transportation;

3. Providing supports to assist the participant in communicating with the landlord or property manager. These supports may include:

a. Educating and training the participant on the role, rights, and responsibilities of the tenant and landlord; or

b. Providing training and resources to assist the participant with complying with the participant's lease.

4. Assisting in reducing the risk of eviction by providing services to prevent eviction, this may include:

a. Improvement of conflict resolution skills to include; coaching; role-playing and communication strategies targeted towards resolving disputes with landlords and neighbors;

b. Communicating with landlords and neighbors to reduce the risk of eviction;

c. Addressing biopsychosocial behaviors that put housing at risk;

d. Providing ongoing support with activities related to household management; or

e. Linking the participant to community resources to prevent eviction, including expert resources to address legal issues.

5. Supporting the participant with unanticipated threats to housing stability, including man-made and natural disasters and other imminent jeopardy to health and or safety. This support shall include, as necessary;

- a. Planning; and
- b. Referral to temporary housing arrangements; or

6. Providing early identification, risk management, and proactive intervention for actions or behaviors that may jeopardize housing.

(h) Pre-tenancy and tenancy-sustaining supports services shall adhere to the SAMHSA permanent supportive housing (PSH) principles.

(i) Participants receiving pre-tenancy and tenancy sustaining supports shall be included in the search, choice, and any significant decisions regarding the establishment of the participant's housing arrangement.

(j) Housing selected via this subsection shall be guided by and support the goals for social inclusion and community integration as defined by the participant in their PCSP.

(k) Tenancy Support Services shall:

- 1. Include direct contact with the participant;
- 2. Be reimbursed as a daily rate with a benefit limitation of thirty (30) days over a one-hundred and eighty (180) day authorization period; and

3. For any additional time beyond the thirty (30) day initial authorization, be authorized as an exception;

(l) Tenancy support services shall not include:

- 1. Payment of rent or other room and board costs;
- 2. Payment of any costs or fees associated with a tenancy application or lease-up;

3. Capital costs related to the development or modification of housing, including implementation of physical reasonable accommodations, which are the responsibility of the property owner;

4. Expenses for utilities or other regularly occurring bills;

5. Goods or services intended for leisure or recreation;

6. Payment of emergency-based or temporary housing arrangements during emergencies or gaps in permanent housing arrangement;

7. Transportation costs and fees incurred during the delivery of pre-tenancy services;

8. Duplicative services from other state or federal programs; or

9. Services to participants in a correctional institution or an Institution of Mental Disease (IMD) other than services that meet the exception of IMD exclusion.

(10) Transportation.

(a) Transportation shall be:

1. Available to participants eighteen (18) years old and older with a primary diagnosis of SMI or SMI co-occurring with SUD;

2. Offered to aid participants in gaining access to 1915(i) RISE Initiative services and other community services, activities, and resources, as specified by the participant's PCSP;

VOLUME 51, NUMBER 9– March 1, 2025

3. Offered in addition to, and not as a replacement for, other transportation services available within the Medicaid program, including:

- a. Medical transportation required under 42 C.F.R. Sec. 431.53;
- b. Ambulance transportation required pursuant to 907 KAR 1:060;
- c. Nonemergency transportation provided pursuant to 907 KAR 3:066; and
- d. Any other transportation services under the state plan, defined at 42 C.F.R. § 440.170(a);

4. Offered in accordance with the participant's care plan and shall support the participant with PCSP goal advancement or attainment; and

5. Separate from any transportation component of any other service established in this Section.

(b) If possible, natural supports that can provide transportation without charge shall be exhausted, with 1915(i) RISE Initiative funded transportation being accessed as a last resort.

(c) A provider of a transportation service shall provide and document service provision in accordance with this subsection, program policies and procedures, and billing guidelines. Documentation requirements for transportation shall include:

1. Date of contact;
2. Mileage log with start and stop time;
3. Printed name of service provider;
4. Location of origination and destination; and
5. Signature and title of the person providing the service.

(d) Transportation shall be limited to \$2,500 per year, which may be exceeded based on medical necessity.

(e) The participant's service limit of \$2,500 is not Medicaid reimbursable for ride sharing applications.

Section 3. Exception Process.

(1) A service listed in Section 2 of this regulation that includes benefit limitations, regardless of delivery method, shall qualify for review as an exception to the benefit limitations:

(a) Based on the needs of the participant for whom the exception is requested;

(b) For a limited period of time not to exceed a full PSCP year;

(c) If the service meets the requirements for an exception in accordance with the Kentucky 1915(i) RISE initiative Exception Process entered within the department-approved system; and

(d) If approved by the department or designee to be an exception.

(2) An exception granted pursuant to this section shall be for the sole purpose of ensuring the health, safety, and welfare of the 1915(i) RISE initiative participant.

(3) Each exception request shall be approved by a consensus vote of the person-centered team via a person-centered team meeting.

(4) Within one (1) day of the person-centered team meeting in which an exception request is approved, the case manager shall submit the exception request through the department-approved system, including:

(a) The name and identifying information of the participant;

(b) A description of the exception being requested;

(c) Specific challenges presented by the participant and interventions provided that have resulted in the request, including dates, times, and locations of occurrences;

(d) Summary notes of the person-centered team meeting held to determine if the request for the requested exception was appropriate, including signatures of the team members and date, time, and location of the meeting;

(e) Documentation of any intervention attempted to stabilize the challenges and the resulting outcomes for any repeat exception requests; and

(f) An updated PSCP with the service exception documented.

(5) Once submitted within the department-approved system, the case manager shall send written notification of the date and time of submission to the service provider who will potentially be providing the extended service.

(6) The department or designee shall:

(a) Review the exception request submission within three (3) business days; and

(b) Either deny or approve the request.

(7) An approved exception request shall be prior authorized for a period of six (6) months or until the end of their eligibility year, whichever is shorter.

(8) The prior authorization shall follow the participant if a transition to another provider occurs through an amendment to the prior authorization.

(9) A new exception request that will continue an existing exception shall be submitted no later than fifteen (15) days prior to the end of a prior authorization period.

Section 4. Federal Approval and Federal Financial Participation. The department's reimbursement for services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the reimbursement; and

(2) Centers for Medicare and Medicaid Services' approval for the reimbursement.

LISA D. LEE, Commissioner

ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 27, 2025

FILED WITH LRC: January 29, 2025 at 10:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 14, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Jonathan Scott

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes covered services for the 1915(i) RISE Initiative. Covered services include Supervised Residential Care, Supported Education, Supported Employment, Tenancy Supports, Transportation, Assistive Technology, Case Management, In-Home Independent Living Supports, Medication Management, and Planned Respite for Caregivers.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the program policies and provider requirements for covered services provided pursuant to the 1915(i) RISE Initiative.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing covered services related to the 1915(i) RISE Initiative.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration

of the statutes by establishing clear covered services requirements related to the 1915(i) RISE Initiative.

(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: Medicaid providers participating in the 1915(i) RISE Initiative. DMS estimates up to 5,000 participants may access 1915(i) RISE Initiative services.

(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: Providers will be required to bill under the 1915(i) RISE Initiative specific fee schedule.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): DMS does not anticipate additional costs with participating as a 1915(i) RISE Initiative provider.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Providers will benefit from receiving reimbursement for the services delivered to Medicaid members.

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

(a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.

(b) On a continuing basis: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement the amendments.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. 42 C.F.R. § 441.530, KRS 205.520, 194A.030(2), 194A.050(1), 205.520(3).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Department for Medicaid Services is the promulgating agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities is administering the 1915(i) RISE Initiative.

(a) Estimate the following for the first year:

Expenditures: No additional expenditures beyond those allocated to the Department pursuant to 2024 House Bill 6.

Revenues: The Department does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Department does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.

(a) Estimate the following for the first year:

Expenditures: HB 6 from 2024 funds this program with \$99 million in total expenditures estimated for the first year.

Revenues: n/a The Department does not anticipate additional revenues.

Cost Savings: n/a The Department does not anticipate cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? As provider capacity and services ramp up in subsequent years, utilization and thus expenditures may increase over time.

(4) Identify additional regulated entities not listed in questions (2) or (3): N/A

(a) Estimate the following for the first year:

Expenditures: n/a The Department does not anticipate additional expenditures for regulated entities.

Revenues: n/a The Department does not anticipate additional revenues for regulated entities.

Cost Savings: The Department does not anticipate cost savings for the providers who are billing.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: HB 6 from 2024 funds this program with \$99 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of \$169 million total funding for state fiscal year 2027.

(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on MMIS claims data were multiplied by anticipated fee schedule rates.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: The policies contained in the administrative regulation allow for providers to request additional reimbursement and provide new services to a specific population

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Ch. 7 Sec. 1396n

(2) State compliance standards. KRS 194A.030(2) requires the Department for Medicaid Services to “serve as the single state agency in the commonwealth to administer Title XIX of the Federal Social Security Act.”

(3) Minimum or uniform standards contained in the federal mandate. A state plan amendment must be negotiated and finalized with the federal government.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment will not impose stricter than federal requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment will not impose stricter than federal requirements.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Program Quality and Outcomes
(New Administrative Regulation)

907 KAR 16:025. Recovery, Independence, Support & Engagement Initiative (RISE) Program reimbursement provisions and requirements.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3)

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the reimbursement provisions of the RISE Program for individuals with serious mental illness or substance use disorder.

Section 1. General Reimbursement Requirements.

(1) For the department to reimburse for a service or item, the requirements of 907 KAR Chapter 16 shall be met.

(2) The department shall reimburse a participating provider for a covered service as established pursuant to the 1915(i) Fee Schedule as available at: <https://www.chfs.ky.gov/agencies/dms/Pages/feesrates.aspx>.

Section 2. Federal Approval and Federal Financial Participation. The department's reimbursement for services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the reimbursement; and

(2) Centers for Medicare and Medicaid Services' approval for the reimbursement.

Section 3. Appeals. A provider may appeal a department decision as to the application of this administrative regulation in accordance with 907 KAR 1:671.

LISA D. LEE, Commissioner
 ERIC C. FRIEDLANDER, Secretary

APPROVED BY AGENCY: January 27, 2025

FILED WITH LRC: January 29, 2025 at 10:40 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on April 21, 2025, at 9:00 a.m. using the CHFS Office of Legislative and Regulatory Affairs Zoom meeting room. The Zoom invitation will be emailed to each requestor the week prior to the scheduled hearing. Individuals interested in attending this virtual hearing shall notify this agency in writing by April 14, 2025, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends virtually will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on this proposed administrative regulation until April 30, 2025. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to the contact person. Pursuant to KRS 13A.280(8), copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available upon request.

CONTACT PERSON: Krista Quarles, Policy Analyst, Office of Legislative and Regulatory Affairs, 275 East Main Street 5 W-A, Frankfort, Kentucky 40621; phone 502-564-7476; fax 502-564-7091; email CHFSregs@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Krista Quarles or Jonathan Scott

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes DMS's reimbursement provisions and penalty provisions for the 1915(i) RISE Initiative

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the 1915(i) RISE Initiative reimbursement provisions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the reimbursement provisions and requirements for the 1915(i) RISE Initiative.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by establishing the 1915(i) RISE Initiative state plan amendment.

(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: Medicaid providers participating in the RISE Initiative. DMS estimates up to 5,000 participants may access 1915(i) RISE Initiative services.

(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: Providers will be required to bill under the 1915(i) specific fee schedule.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): DMS does not anticipate additional costs with participating as a RISE program provider.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Providers will benefit from receiving reimbursement for the services delivered to Medicaid members.

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

(a) Initially: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.

(b) On a continuing basis: The department anticipates no additional costs, beyond those detailed in HB 6, in implementing this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Sources of funding to be used for the implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX and Title XXI of the Social Security Act, and state matching funds of general and agency appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement the amendments.

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

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 205.520, 194A.030(2), 194A.050(1), 205.520(3).

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Department for Medicaid Services is the promulgating agency, the Department for Behavioral Health, Developmental and Intellectual Disabilities is administering the RISE Initiative.

(a) Estimate the following for the first year:

Expenditures: No additional expenditures beyond those allocated to the department pursuant to 2024 House Bill 6.

Revenues: The Department does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Department does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect a change to expenditures, revenues, or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): DMS does not expect that local entities will be impacted by this regulation.

(a) Estimate the following for the first year:

Expenditures: HB 6 from 2024 funds this program with \$99 million in total expenditures estimated for the first year.

Revenues: n/a. The department does not anticipate additional revenues.

Cost Savings: n/a. The department does not anticipate cost savings.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? As provider capacity and services ramp up in subsequent years, utilization and thus expenditures may increase over time.

(4) Identify additional regulated entities not listed in questions (2) or (3): N/A

(a) Estimate the following for the first year:

Expenditures: n/a The department does not anticipate additional expenditures for regulated entities.

Revenues: n/a The department does not anticipate additional revenues for regulated entities.

Cost Savings: The department does not anticipate cost savings for the providers who are billing.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? DMS does not expect expenditures, revenues, or cost savings for other entities as a result of this regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: HB 6 from 2024 funds this program with \$99 million total funding for state fiscal year 2026. The program is anticipated to have a fiscal impact of \$169 million total funding for state fiscal year 2027.

(b) Methodology and resources used to determine the fiscal impact: Estimated utilization of the services based on MMIS claims data were multiplied by anticipated fee schedule rates.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: The policies contained in the administrative regulation allow for providers to request additional reimbursement and provide new services to a specific population.

A state plan amendment must be negotiated and finalized with the federal government.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? The amendment will not impose stricter than federal requirements.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The amendment will not impose stricter than federal requirements.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 42 U.S.C. Ch. 7 Sec. 1396n

(2) State compliance standards. KRS 194A.030(2) requires the Department for Medicaid Services to “serve as the single state agency in the commonwealth to administer Title XIX of the Federal Social Security Act.”

(3) Minimum or uniform standards contained in the federal mandate.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of February 10, 2025

Call to Order and Roll Call

The February meeting of the Administrative Regulation Review Subcommittee was held on Monday, February 10, 2025, at 1:00 p.m. in Room 149 of the Capitol Annex. Representative Derek Lewis, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams and Mike Wilson; and Representatives Randy Bridges, Deanna Frazier Gordon, and Mary Lou Marzian.

LRC Staff: Stacy Auterson, Laura Begin, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, Callie Lewis, and Carrie Nichols.

Guests: Jennifer Scutchfield, Secretary of State; Christopher Bowlin, Steve Humphress, Office of the Attorney General; Sara Boswell Janes, Jennifer Lutes, Board of Speech-language Pathology and Audiology; Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Brian Osterman, Tyler Shields, Division of Waste Management; Nathan Goens, Department of State Police; Todd Allen, Dr. Robbie Fletcher, Matt Ross, Department of Education; Jason Hernandez, Robin Maples, Chuck Stribling, Department of Workplace Standards; Shaun Orme, Beth Taylor, Department of Insurance; Katie Adams-Cornett, Hannah Carlin, Marni Gibson, Department of Financial Institutions; and Kelli Blair, Julie Brooks, Gail Hooper, Jonathan Scott, Cabinet for Health and Family Services.

Administrative Regulations Reviewed by this Subcommittee:

SECRETARY OF STATE: Certifications

[030 KAR 002:011](#). Repeal of 030 KAR 002:010. Jennifer Scutchfield, deputy secretary of state, represented the secretary.

A motion was made and seconded to approve the following amendment: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

OFFICE OF THE ATTORNEY GENERAL: Department of Law: Administrative Hearings

[040 KAR 005:010](#). Hearing officer required training. Christopher Bowlin, executive director, Office of Administrative Hearings, and Steve Humphress, executive director, Office of Regulatory Relief, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 3, 4, 6, and 7 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Speech-language Pathology and Audiology: Interstate Compact

[201 KAR 017:120E](#). Audiology and Speech-language Pathology Interstate Compact. Sara Boswell Janes, staff attorney, and Jennifer Lutes, chair, represented the board.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

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

[301 KAR 002:041](#). Shooting areas, dog training areas, commercial and noncommercial foxhound training enclosures, and

bobwhite shoot-to-train season. Steven Fields, staff attorney, and Jenny Gilbert, legislative liaison, represented the department.

In response to a question by Co-Chair Lewis, Ms. Gilbert stated that this administrative regulation was in response to the Kentucky Houndsmen Association requesting more opportunities for training hunting dogs outside of existing commercial provisions.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 4, 5, 7, 8, 10, and 11 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

ENERGY AND ENVIRONMENT CABINET: Department for Environmental Protection: Division of Waste Management: Solid Waste Facilities

[401 KAR 047:110](#). Registered permit-by-rule. Brian Osterman, division director, and Tyler Shields, regulatory supervisor, represented the division.

In response to a question by Co-Chair Lewis, Mr. Osterman stated that the proposed amendments implemented House Bill 478 from the 2024 session of the General Assembly.

In response to a question by Co-Chair West, Mr. Osterman stated that the two-acre landfills governed by these administrative regulations were a mix of both municipal and privately operated facilities, many of which were controlled by private demolition companies that operated their own landfill facilities.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

[401 KAR 048:320](#). Operating requirements for less than one (1) acre or expanded less than two (2) acre construction or demolition debris landfills.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 4 through 6 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

JUSTICE AND PUBLIC SAFETY CABINET: Department of State Police: Driver Training

[502 KAR 010:120](#). Hazardous materials endorsement requirements. Nathan Goens, assistant general counsel, represented the department.

In response to a question by Co-Chair West, Mr. Goens stated that the increased hazardous materials, commercial driver's license fee would be just over twenty-three (23) dollars. This fee was federally mandated.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 3 to: (1) delete references to incorporated material that is no longer used; (2) delete language allowing an extension of the expiration date of the Hazardous Materials Endorsement to conform with current cabinet processes; and (3) comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Medical Examiner Protocols

[502 KAR 012:010](#). Sexual assault forensic-material examination protocol.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education: Office of Instruction

[704 KAR 003:535](#). Full-time enrolled online, virtual, and remote learning programs. Todd Allen, general counsel and deputy commissioner; Dr. Robbie Fletcher, commissioner; and Matt Ross, associate commissioner, represented the department.

In response to questions by Co-Chair Lewis, Dr. Fletcher stated that the proposed agency amendment included a ten (10) percent cap on the number of students allowed in online, virtual, or remote learning courses because cabinet-collected data indicated that many smaller districts might not be able to effectively implement these standards. Mr. Allen stated that if a district needed to exceed the ten (10) percent cap on enrollment, under the proposed agency amendment, the district would be required to appear before the board and request a waiver. Rather than the proposed agency amendment, Co-Chair Lewis stated that there needed to be legislation that would establish metrics and a detailed process for school districts that were having difficulty complying with these requirements. Co-Chair West stated that he had worked extensively with the board on this issue and thanked the commissioner for his openness and cooperation. The administrative regulation would proceed to the committee of jurisdiction, and the discussion could continue there.

Department of Workplace Standards: Occupational Safety and Health

[803 KAR 002:320E](#). Toxic and hazardous substances. Jason Hernandez, general counsel; Robin Maples, occupational safety and health standards specialist; and Chuck Stribling, deputy commissioner, represented the department.

Department of Financial Institutions: Check Cashing

[808 KAR 009:010](#). Deferred deposit database compliance. Katie Adams-Cornett, general counsel; Hannah Carlin, division director; and Marni Gibson, commissioner, represented the department.

In response to a question by Co-Chair Lewis, Ms. Gibson thanked the subcommittee for accommodating the department's time constraints and stated that the department would follow up with information regarding the administrative regulation pertaining to credit unions.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Maternal and Child Health

[902 KAR 004:105](#). Kentucky Lifeline for Moms program implementation. Julie Brooks, regulation coordinator, represented the department.

Department for Medicaid Services: Hospital Service Coverage and Reimbursement

[907 KAR 010:015](#). Payments for outpatient hospital services. Jonathan Scott, regulation coordinator, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 4, 6, 7, and 11 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Child Support

[921 KAR 001:400](#). Establishment, review, and modification of child support and medical support orders. Kelli Blair, regulation coordinator, and Gail Hooper, section supervisor, represented the department.

The following administrative regulations were deferred or removed from the February 10, 2025, subcommittee agenda:

FINANCE AND ADMINISTRATION CABINET: Kentucky Public Pension Authority (KPPA): General Rules

[105 KAR 001:451](#). Quasi-governmental employer reports on independent contractors and leased employees.

BOARDS AND COMMISSIONS: Board of Optometric Examiners

[201 KAR 005:010](#). Application for licensure; endorsement.

Board of Veterinary Examiners

[201 KAR 016:510](#). Fees for veterinarians.

[201 KAR 016:513](#). Fees for Allied Animal Health Professional (AAHP) Permits.

[201 KAR 016:515](#). Fees for veterinary facility registrations.

[201 KAR 016:517](#). Fees for AAHP facility registrations.

[201 KAR 016:730](#). Approved Allied Animal Health Professional (AAHP) Programs; education requirements.

[201 KAR 016:731](#). Examination requirements for AAHP providers.

[201 KAR 016:732](#). Application requirements for AAHP permits - reinstatement.

[201 KAR 016:735](#). Renewal requirements for AAHP permits – renewal notice – expiration.

[201 KAR 016:737](#). Responsibilities for AAHP providers; limitations on practice.

[201 KAR 016:762](#). Application requirements for Veterinary facility registration; veterinarian managers; registered responsible parties.

[201 KAR 016:765](#). Veterinary facilities – renewal notice – requirements for renewal and reinstatement.

[201 KAR 016:767](#). Registered veterinary facilities – duties of registered responsible parties and veterinarian managers.

[201 KAR 016:772](#). Application requirements for AAHP facility registration; AAHP managers; registered responsible parties.

[201 KAR 016:775](#). AAHP facilities – renewal notice – requirements for renewal and reinstatement.

[201 KAR 016:777](#). Registered AAHP facilities - duties of registered responsible parties and AAHP managers.

Board of Licensed Professional Counselors

[201 KAR 036:050](#). Complaint management process.

[201 KAR 036:100E](#). Counseling compact.

ENERGY AND ENVIRONMENT CABINET: Department for Natural Resources: Division of Mine Permits: Bond and Insurance Requirements

[405 KAR 010:001](#). Definitions.

[405 KAR 010:015](#). General bonding provisions.

TRANSPORTATION CABINET: Department of Vehicle Regulation: Driver's License

[601 KAR 012:120E](#). Testing applicants for initial or renewal instruction permit, initial or renewal operator's license, or reinstatement.

PUBLIC PROTECTION CABINET: Department of Insurance: Agents, Consultants, Solicitors and Adjusters

[806 KAR 009:360](#). Pharmacy Benefit Manager License. Shaun

VOLUME 51, NUMBER 9 – March 1, 2025

Orme, executive advisor, and Beth Taylor, staff attorney, represented the department.

In response to questions by Co-Chair Lewis, Mr. Orme stated that the department requested to defer consideration of this administrative regulation to the March meeting of this subcommittee. The department was implementing Senate Bill 188 from the 2024 Regular Session of the General Assembly. There had been an increase in complaints, with the department receiving over 3,000 complaints since January 1, 2025. The department was streamlining the complaint-filing process and scheduling meetings with stakeholders to effectively implement the federal Employee Retirement Income Security Act Plan guidance in the context of the *Rutledge v. Pharmaceutical Care* Supreme Court decision.

In response to questions by Co-Chair West, Mr. Orme stated that there were approximately fifty-seven (57) pharmacy benefit managers currently licensed in Kentucky. Three (3) of those licenses belonged to the largest pharmacy operators.

Without objection, and with agreement of the agency, consideration of this administrative regulation was deferred to the March meeting of this subcommittee.

PUBLIC PROTECTION CABINET: Department of Financial Institutions: Credit Unions

[808 KAR 003:050](#). Conduct of credit unions.

KENTUCKY HORSE RACING AND GAMING CORPORATION: General

[810 KAR 002:070](#). Thoroughbred and other flat racing associations.

Flat and Steeplechase Racing

[810 KAR 004:030](#). Entries, subscriptions, and declarations.

The subcommittee adjourned at 1:35 p.m. The next meeting of this subcommittee was tentatively scheduled for March 10, 2025, at 1 p.m. in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(10), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

HOUSE STANDING COMMITTEE ON FAMILIES AND CHILDREN
Meeting of February 13, 2025

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Families and Children for its meeting on February 13, 2025, having been referred to the Committee on December 4, 2024, January 2, 2025, and February 5, 2025, pursuant to KRS 13A.290(6):

Referred on December 4, 2024

- 922 KAR 001:050
922 KAR 001:060
922 KAR 001:470
922 KAR 002:090
922 KAR 002:120

Referred on January 2, 2025

- 921 KAR 003:030
922 KAR 001:490
922 KAR 001:490
922 KAR 005:120

Referred on February 5, 2025

- 910 KAR 001:210
910 KAR 001:241

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

- 922 KAR 001:490

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

Committee activity in regards to review of the above-referenced administrative regulations is reflected in the minutes of the February 13, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

Page 11
Section 4(7)(c)
Line 17

After delete the following:
"Civil judicial determination related to child abuse or neglect; (d)".
Re-number the subsequent subsections accordingly.

HOUSE STANDING COMMITTEE ON HEALTH SERVICES
Meeting of February 13, 2025

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health Services for its meeting on February 13, 2025, having been referred to the Committee on January 2, 2025 & February 5, 2025, pursuant to KRS 13A.290(6):

- January 2, 2025
907 KAR 001:044
907 KAR 015:005

- February 5, 2025
201 KAR 020:057
202 KAR 007:401

- 902 KAR 010:120
902 KAR 010:122
902 KAR 010:123
902 KAR 010:125
902 KAR 010:127
902 KAR 028:010
902 KAR 028:020
902 KAR 028:030
902 KAR 028:040
902 KAR 095:041
907 KAR 001:028

Committee activity regarding review of the above-referenced administrative regulations is reflected in the minutes of February 13, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

SENATE STANDING COMMITTEE ON HEALTH SERVICES
Meeting of February 13, 2025

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health Services for its meeting on February 13, 2025, having been referred to the Committee on January 2, 2025 & February 5, 2025, pursuant to KRS 13A.290(6):

- January 2, 2025
907 KAR 001:044
907 KAR 015:005

- February 5, 2025
201 KAR 020:057
202 KAR 007:401
902 KAR 010:120
902 KAR 010:122
902 KAR 010:123
902 KAR 010:125
902 KAR 010:127
902 KAR 028:010
902 KAR 028:020
902 KAR 028:030
902 KAR 028:040
902 KAR 095:041
907 KAR 001:028

Committee activity regarding review of the above-referenced administrative regulations is reflected in the minutes of February 13, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

HOUSE STANDING COMMITTEE ON TRANSPORTATION
Meeting of February 18, 2025

The House Transportation Committee met on February 18, 2025 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on February 5, 2025, pursuant to KRS 13A.290(6):

- 502 KAR 010:120E

VOLUME 51, NUMBER 9 – March 1, 2025

601 KAR 023:050
603 KAR 005:050
603 KAR 005:066
603 KAR 005:350

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

none

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

none

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

none

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 12, 2025 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 51st year of the *Administrative Register of Kentucky*, from July 2024 through June 2025.

Locator Index - Effective Dates

I – 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 “50 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

I – 12

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

I – 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

I – 24

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

I – 25

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 Register 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 Register year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in prior Registers, please visit our online Administrative Registers of Kentucky .					
SYMBOL KEY:					
*	Statement of Consideration not filed by deadline		Am Comments	2002	3-5-2024
**	Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))		Replaced	51 Ky.R. 105	6-18-2024
***	Withdrawn before being printed in Register		Resubmitted	51 Ky.R. 1238	11-26-2024
IJC	Interim Joint Committee		202 KAR 002:020E	51 Ky.R. 471	8-6-2024
(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.		202 KAR 007:201E	51 Ky.R. 622	9-3-2024

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.					
013 KAR 002:120E	50 Ky.R. 2349	4-30-2024	502 KAR 010:120E	51 Ky.R. 1067	10-30-2024
Expired		1-25-2025	601 KAR 012:120E	51 Ky.R. 1240	12-6-2024
013 KAR 002:130E	50 Ky.R. 2352	4-30-2024	803 KAR 002:110E	51 Ky.R. 847	9-30-2024
Expired		1-25-2025	803 KAR 002:320E	51 Ky.R. 1244	11-19-2024
016 KAR 001:030E	51 Ky.R. 191	7-15-2024	803 KAR 025:089E	50 Ky.R. 2360	5-14-2024
Replaced	329	11-8-2024	Replaced	2478	12-3-2024
016 KAR 002:030E	51 Ky.R. 195	7-15-2024	807 KAR 005:015E	51 Ky.R. 14	5-31-2024
Replaced	333	11-8-2024	Am Comments	474	8-15-2024
016 KAR 009:010E	51 Ky.R. 197	7-8-2024	As Amended	646	9-10-2024
As Amended	645	9-10-2024	902 KAR 045:001E	50 Ky.R. 2362	4-24-2024
Replaced	851	11-8-2024	Replaced	51 Ky.R. 1118	11-18-2024
016 KAR 009:030E	51 Ky.R. 10	5-31-2024	902 KAR 045:012E	50 Ky.R. 2364	4-24-2024
016 KAR 009:080E	51 Ky.R. 200	7-8-2024	Replaced	51 Ky.R. 1119	2-5-2025
Replaced	851	11-8-2024	902 KAR 045:021E	50 Ky.R. 2368	4-24-2024
016 KAR 009:100E	51 Ky.R. 204	7-8-2024	Replaced	51 Ky.R. 1121	11-18-2024
Replaced	853	11-8-2024	902 KAR 045:031E	50 Ky.R. 2373	4-24-2024
031 KAR 002:010E	50 Ky.R. 2147	4-15-2024	Replaced	51 Ky.R. 912	11-18-2024
As Amended	51 Ky.R. 218	7-9-2024	907 KAR 001:595E		
Replaced	239	11-5-2024	Amended	51 Ky.R. 1361	12-23-2024
031 KAR 003:041E	50 Ky.R. 2150	4-15-2024	907 KAR 001:835E		
As Amended	51 Ky.R. 219	7-9-2024	Amended	51 Ky.R. 1365	12-23-2024
Replaced	240	11-5-2024	907 KAR 003:100E		
031 KAR 004:031E	50 Ky.R. 2152	4-15-2024	Amended	51 Ky.R. 1379	12-23-2024
Am Comments	51 Ky.R. 220	7-9-2024	907 KAR 003:210E		
As Amended	645	9-10-2024	Amended	51 Ky.R. 1382	12-23-2024
Replaced	657	12-31-2024	907 KAR 007:015E		
031 KAR 004:220E	50 Ky.R. 2154	4-15-2024	Amended	51 Ky.R. 1401	12-23-2024
As Amended	51 Ky.R. 221	7-9-2024	907 KAR 012:020E		
Replaced	220	11-5-2024	Amended	51 Ky.R. 1406	12-23-2024
031 KAR 005:026E	50 Ky.R. 2158	4-15-2024	907 KAR 020:005E		
As Amended	51 Ky.R. 223	7-9-2024	Amended	51 Ky.R. 1410	12-23-2024
Replaced	492	8-22-2024	915 KAR 001:010E	50 Ky.R. 2378	4-18-2024
031 KAR 005:040E	50 Ky.R. 2161	4-15-2024	Am Comments	51 Ky.R. 226	7-15-2024
As Amended	51 Ky.R. 224	7-9-2024	Replaced	51 Ky.R. 922	11-18-2024
Replaced	245	12-31-2024	915 KAR 001:020E	50 Ky.R. 2383	4-18-2024
101 KAR 002:210E	51 Ky.R. 620	9-13-2024	Am Comments	51 Ky.R. 230	7-15-2024
200 KAR 005:021E	51 Ky.R. 12	5-16-2024	Replaced	51 Ky.R. 925	11-18-2024
As Amended	474	8-13-2024	922 KAR 001:350E	51 Ky.R. 207	7-1-2024
Replaced	658	12-31-2024	Replaced	51 Ky.R. 932	11-18-2024
201 KAR 002:416E	51 Ky.R. 1359	12-17-2024	922 KAR 001:360E		
201 KAR 017:120E	51 Ky.R. 1237	11-26-2024	Amended	51 Ky.R. 1636	1-22-2025
As Amended	1643		922 KAR 002:090E	51 Ky.R. 22	5-20-2024
201 KAR 028:240E	50 Ky.R. 2354	5-14-2024	Replaced	149	2-13-2025
As Amended	51 Ky.R. 225	7-9-2024			
Replaced	499	9-25-2024			
201 KAR 036:100E	50 Ky.R. 1649	9-14-2024			

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
ORDINARY ADMINISTRATIVE REGULATIONS			As Amended	1644	
			030 KAR 007:011	50 Ky.R. 2110	10-1-2024
			031 KAR 002:010		
011 KAR 004:080			Amended	50 Ky.R. 2247	
Amended	50 Ky.R. 2238		As Amended	51 Ky.R. 239	11-5-2024
As Amended	51 Ky.R. 483	9-17-2024	031 KAR 003:041	50 Ky.R. 2319	
011 KAR 015:090			As Amended	51 Ky.R. 240	11-5-2024
Amended	50 Ky.R. 2240		031 KAR 004:031	50 Ky.R. 2321	
As Amended	51 Ky.R. 483	9-17-2024	As Amended	51 Ky.R. 241	
011 KAR 015:110			As Amended	657	12-31-2024
Amended	50 Ky.R. 2245		031 KAR 004:220	50 Ky.R. 2323	
As Amended	51 Ky.R. 488	9-17-2024	As Amended	51 Ky.R. 220	11-5-2024
013 KAR 002:120	50 Ky.R. 2459		031 KAR 004:230	51 Ky.R. 818	
As Amended	51 Ky.R. 1416		As Amended	1253	
013 KAR 002:130	50 Ky.R. 2461		031 KAR 005:026		
As Amended	51 Ky.R. 1417		Amended	50 Ky.R. 2250	
013 KAR 006:010	51 Ky.R. 596		As Amended	51 Ky.R. 244	
As Amended	1252		As Amended IJC	492	8-22-2024
013 KAR 006:020	51 Ky.R. 598		031 KAR 005:040	50 Ky.R. 2326	
As Amended	1253		As Amended	51 Ky.R. 245	12-31-2024
016 KAR 001:030			040 KAR 005:010		
Amended	51 Ky.R. 329	11-8-2024	Amended	51 Ky.R. 1187	
016 KAR 002:030			As Amended	1644	
Amended	51 Ky.R. 333	11-8-2024	040 KAR 009:010		
016 KAR 002:110	50 Ky.R. 2464		Amended	51 Ky.R. 1696	
As Amended	51 Ky.R. 489	9-17-2024	040 KAR 009:020		
016 KAR 002:140	50 Ky.R. 2466		Amended	51 Ky.R. 1698	
As Amended	51 Ky.R. 490		040 KAR 010:010	50 Ky.R. 2111	
016 KAR 002:160			As Amended	51 Ky.R. 246	
Amended	50 Ky.R. 1934		As Amended	494	12-31-2024
Withdrawn by agency		9-23-2024	040 KAR 012:010	51 Ky.R. 600	
Expired, w/d after certified To-Be-Amended		9-23-2024	101 KAR 001:325		
016 KAR 002:170	50 Ky.R. 2469		Amended	50 Ky.R. 1736	7-30-2024
As Amended	51 Ky.R. 491	9-17-2024	Amended	51 Ky.R.1700	
016 KAR 002:200	50 Ky.R. 2471		101 KAR 001:335		
As Amended	51 Ky.R. 492	9-17-2024	Amended	50 Ky.R. 2253	
016 KAR 004:020			As Amended	51 Ky.R. 495	12-3-2024
Amended	50 Ky.R. 1557		101 KAR 001:345		
As Amended	2004	7-2-2024	Amended	50 Ky.R. 2255	12-3-2024
016 KAR 004:030			101 KAR 001:375		
Amended	50 Ky.R. 1937	7-16-2024	Amended	50 Ky.R. 2257	
016 KAR 007:010			As Amended	51 Ky.R. 496	12-3-2024
Repealed	51 Ky.R. 170	10-15-2024	101 KAR 001:395		
016 KAR 007:011(r)	51 Ky.R. 170	10-15-2024	Repealed	50 Ky.R. 2328	12-3-2024
016 KAR 009:010			101 KAR 001:396(r)	50 Ky.R. 2328	12-3-2024
Amended	51 Ky.R. 335		101 KAR 002:034		
As Amended	851	11-8-2024	Amended	51 Ky.R. 1492	
016 KAR 009:030			101 KAR 002:086	51 Ky.R. 601	
Amended	51 Ky.R. 77		As Amended	1071	
As Amended	654	10-15-2024	101 KAR 002:102		
016 KAR 009:080			Amended	51 Ky.R. 1498	
Amended	51 Ky.R. 337		101 KAR 002:210		
As Amended	851	11-8-2024	Amended	51 Ky.R. 709	
016 KAR 009:100			101 KAR 003:015		
Amended	51 Ky.R. 341		Amended	51 Ky.R. 1505	
As Amended	853	11-8-2024	101 KAR 003:045		
017 KAR 001:030			Amended	51 Ky.R. 1511	
Amended	51 Ky.R. 1490		102 KAR 001:138	51 Ky.R. 430	11-8-2024
017 KAR 004:030			102 KAR 001:195		
Amended	51 Ky.R. 79		Amended	51 Ky.R. 961	
As Amended	654	11-18-2024	102 KAR 001:320		
017 KAR 006:020	50 Ky.R. 984		Amended	51 Ky.R. 511	
Am Comments	1700		As Amended	1071	12-10-2024
As Amended	51 Ky.R. 35		102 KAR 001:340		
As Amended at IJC	655	8-28-2024	Amended	51 Ky.R. 962	
017 KAR 006:030	50 Ky.R. 986		As Amended	1419	
Am Comments	1702		102 KAR 001:350		
As Amended	51 Ky.R. 37		Amended	51 Ky.R. 344	
As Amended at IJC	657	8-28-2024	As Amended	855	11-8-2024
030 KAR 002:011(r)	51 Ky.R. 1222				

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
102 KAR 001:370	51 Ky.R. 431		As Amended		1076
As Amended	855	11-8-2024	200 KAR 014:091		
102 KAR 001:380	51 Ky.R. 820		Amended	51 Ky.R. 520	
As Amended	1254		As Amended	1078	
103 KAR 005:200	51 Ky.R. 603		200 KAR 015:010		
Withdrawn	*	12-13-2024	Amended	51 Ky.R. 522	
104 KAR 001:010			As Amended	1078	
Amended	50 Ky.R. 78		201 KAR 001:190		
As Amended	51 Ky.R. 37	10-1-2024	Amended	1360	
104 KAR 001:040			As Amended	1869	6-4-2024
Amended	50 Ky.R. 80		201 KAR 001:200	50 Ky.R. 1625	
As Amended	51 Ky.R. 38	10-1-2024	As Amended	2020	7-2-2024
104 KAR 001:050			201 KAR 002:015		
Amended	50 Ky.R. 82		Amended	50 Ky.R. 2282	10-23-2024
As Amended	51 Ky.R. 39	10-1-2024	201 KAR 002:030		
104 KAR 001:080			Amended	50 Ky.R. 2284	
Amended	50 Ky.R. 84		As Amended	51 Ky.R. 1257	2-5-2025
As Amended	51 Ky.R. 40	10-1-2024	201 KAR 002:050		
104 KAR 001:100			Amended	50 Ky.R. 2287	
Amended	50 Ky.R. 86	10-1-2024	As Amended	51 Ky.R. 1259	2-5-2025
105 KAR 001:001			201 KAR 002:210		
Amended	50 Ky.R. 2259		Amended	51 Ky.R. 83	
As Amended	51 Ky.R. 247	11-5-2024	Am Comments	941	
105 KAR 001:120			As Amended	1259	2-5-2025
Amended	50 Ky.R. 2262		201 KAR 002:220		
As Amended	51 Ky.R. 249	11-5-2024	Amended	50 Ky.R. 2091	10-23-2024
105 KAR 001:130			201 KAR 002:370		
Amended	51 Ky.R. 964		Amended	51 Ky.R. 87	
As Amended	1420		As Amended	1080	2-5-2025
105 KAR 001:140			201 KAR 002:416	51 Ky.R. 1611	
Amended	51 Ky.R. 346		Reprint	1633	
As Amended	856	2-4-2025	201 KAR 002:465	50 Ky.R. 2330	
105 KAR 001:142	51 Ky.R. 432		Am Comments	51 Ky.R. 502	
As Amended	864	2-4-2025	As Amended	1262	2-5-2025
105 KAR 001:190			201 KAR 002:470	51 Ky.R. 171	
Amended	50 Ky.R. 2265		As Amended	659	10-23-2024
As Amended	51 Ky.R. 251	11-5-2024	201 KAR 002:480	51 Ky.R. 172	
105 KAR 001:215			As Amended	1082	
Amended	50 Ky.R. 1168		201 KAR 005:005		
Am Comments	1704		Amended	51 Ky.R. 711	
As Amended	1865	6-4-2024	As Amended	1263	2-5-2025
105 KAR 001:390			201 KAR 005:010		
Amended	50 Ky.R. 1558		Amended	51 Ky.R. 712	
As Amended	2004	7-2-2024	201 KAR 005:090		
105 KAR 001:411			Amended	51 Ky.R. 714	2-5-2025
Amended	50 Ky.R. 2276		201 KAR 008:533		
As Amended	51 Ky.R. 261		Amended	50 Ky.R. 1739	
As Amended at IJC	867	10-22-2024	As Amended	2393	6-18-2024
105 KAR 001:445			201 KAR 008:563		
Amended	51 Ky.R. 967		Amended	51 Ky.R. 525	
As Amended	1422		As Amended	1084	2-5-2025
105 KAR 001:451			201 KAR 008:610	51 Ky.R. 607	
Amended	51 Ky.R. 356		Am Comments	1150	2-5-2025
Withdrawn	*	10-15-2024	201 KAR 009:270		
Amended	1191		Amended	51 Ky.R. 1516	
105 KAR 001:455	50 Ky.R. 1614		201 KAR 010:030		
As Amended	2008	7-2-2024	Amended	50 Ky.R. 1744	7-30-2024
105 KAR 001:470	50 Ky.R. 1622		201 KAR 010:040		
As Amended	2015	7-2-2024	Amended	50 Ky.R. 1745	7-30-2024
106 KAR 001:131			201 KAR 010:050		
Amended	50 Ky.R. 1563		Amended	50 Ky.R. 1748	7-30-2024
As Amended	2017	7-2-2024	201 KAR 010:070		
200 KAR 005:021			Amended	50 Ky.R. 1749	7-30-2024
Amended	51 Ky.R. 82		201 KAR 010:080		
As Amended	658	12-31-2024	Amended	50 Ky.R. 1750	7-30-2024
200 KAR 014:011			201 KAR 015:030		
Amended	51 Ky.R. 515		Amended	51 Ky.R. 715	
As Amended	1074		As Amended	1264	
200 KAR 014:081			201 KAR 015:050		
Amended	51 Ky.R. 518		Amended	51 Ky.R. 717	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
As Amended	1265		201 KAR 018:196		
201 KAR 015:110			Amended	51 Ky.R. 368	
Amended	51 Ky.R. 721		As Amended	1093	
As Amended	1267		201 KAR 020:056		
201 KAR 015:120			Amended	51 Ky.R. 371	
Amended	51 Ky.R. 725		As Amended	872	11-18-2024
As Amended	1270		201 KAR 020:057		
201 KAR 015:125			Amended	51 Ky.R. 532	
Amended	51 Ky.R. 727		Am Comments	1296	
As Amended	1270		As Amended	1429	2-13-2025
201 KAR 016:510			201 KAR 020:215		
Amended	51 Ky.R. 972		Amended	51 Ky.R. 374	
Am Comments	1661		As Amended	874	11-18-2024
201 KAR 016:513	51 Ky.R. 1012		Amended	1521	
Am Comments	1664		201 KAR 020:230		
201 KAR 016:515	51 Ky.R. 1014		Amended	51 Ky.R. 377	
Am Comments	1666		201 KAR 020:320		
201 KAR 016:517	51 Ky.R. 1016		Amended	50 Ky.R. 2092	
Am Comments	1670		Am Comments	51 Ky.R. 325	11-18-2024
201 KAR 016:520			As Amended	497	9-25-2024
Amended	51 Ky.R. 729		201 KAR 20:360		
As Amended	1425		Amended	50 Ky.R. 2095	7-30-2004
201 KAR 016:530			201 KAR 020:370		
Amended	51 Ky.R. 731		Amended	50 Ky.R. 1753	6-18-2024
As Amended	1426		201 KAR 020:390		
201 KAR 016:562			Amended	51 Ky.R. 379	
Amended	51 Ky.R. 734		As Amended	876	11-18-2024
As Amended	1271		201 KAR 020:506		
201 KAR 016:590			Amended	50 Ky.R. 1754	6-18-2024
Amended	51 Ky.R. 736		201 KAR 023:160	50 Ky.R. 524	
As Amended	1427		201 KAR 027:006	50 Ky.R. 2481	
201 KAR 016:612	51 Ky.R. 824		Am Comments	51 Ky.R. 504	
As Amended	1272		As Amended	659	12-31-2024
201 KAR 016:614	51 Ky.R. 826		201 KAR 027:023	50 Ky.R. 2482	
As Amended	1273		Am Comments	51 Ky.R. 505	
201 KAR 016:730	51 Ky.R. 1018		As Amended	660	12-31-2024
Am Comments	1672		201 KAR 027:041	50 Ky.R. 2485	
201 KAR 016:731	51 Ky.R. 1020		Am Comments	51 Ky.R. 507	
Am Comments	1673		As Amended	661	12-31-2024
201 KAR 016:732	51 Ky.R. 1022		201 KAR 027:106	50 Ky.R. 2486	
Am Comments	1676		Am Comments	51 Ky.R. 509	
201 KAR 016:735	51 Ky.R. 1024		As Amended	661	12-31-2024
Am Comments	1678		201 KAR 028:240	50 Ky.R. 2488	
201 KAR 016:737	51 Ky.R. 1026		As Amended	51 Ky.R. 499	9-25-2024
Am Comments	1680		201 KAR 036:050		
201 KAR 016:762	51 Ky.R. 1028		Amended	51 Ky.R. 975	
Am Comments	1682		Am Comments	1693	
201 KAR 016:765	51 Ky.R. 1031		201 KAR 036:100	50 Ky.R. 1798	6-18-2024
Am Comments	1685		Amendment	51 Ky.R. 1305	
201 KAR 016:767	51 Ky.R. 1033		201 KAR 039:001		
Am Comments	1685		Amended	51 Ky.R. 89	
201 KAR 016:772	51 Ky.R. 1035		As Amended	1095	2-5-2025
Am Comments	1687		201 KAR 039:030		
201 KAR 016:775	51 Ky.R. 1037		Amended	51 Ky.R. 92	
Am Comments	1689		Am Comments	944	
201 KAR 016:777	51 Ky.R. 1040		As Amended	1097	2-5-2025
Am Comments	1691		201 KAR 039:040		
201 KAR 017:120	51 Ky.R. 1342		Amended	51 Ky.R. 94	
201 KAR 018:010			As Amended	1098	2-5-2025
Amended	51 Ky.R. 361		201 KAR 039:050		
As Amended	1088		Amended	51 Ky.R. 96	
201 KAR 018:030			As Amended	1098	2-5-2025
Amended	51 Ky.R. 363		201 KAR 039:060		
As Amended	1088		Amended	51 Ky.R. 98	
201 KAR 018:115			As Amended	1099	2-5-2025
Amended	51 Ky.R. 530		201 KAR 039:070		
As Amended	1089		Amended	51 Ky.R. 100	
201 KAR 018:192			Am Comments	946	
Amended	51 Ky.R. 364		As Amended	1100	2-5-2025
As Amended	1090				

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
201 KAR 039:075	51 Ky.R. 175		301 KAR 002:081		
As Amended	1101	2-5-2025	Amended	51 Ky.R. 977	
201 KAR 039:090			As Amended	1437	
Amended	51 Ky.R. 102		301 KAR 002:082		
Am Comments	948		Amended	51 Ky.R. 983	
As Amended	1102	2-5-2025	As Amended	1442	
201 KAR 039:100			301 KAR 002:122		
Amended	51 Ky.R. 105		Amended	50 Ky.R. 2101	7-18-2024
As Amended	1104	2-5-2025	301 KAR 002:132		
201 KAR 039:120			Amended	50 Ky.R. 1939	
Amended	51 Ky.R. 107		As Amended	2397	6-6-2024
As Amended	1104	2-5-2025	Amended	51 Ky.R. 1306	
201 KAR 039:130	51 Ky.R. 177		301 KAR 002:172		
As Amended	1105	2-5-2025	Amended	51 Ky.R. 1310	
201 KAR 046:035			301 KAR 002:178		
Amended	51 Ky.R. 739	2-5-2025	Amended	50 Ky.R. 1768	
201 KAR 046:040			301 KAR 002:225		
Amended	51 Ky.R. 741		Amended	51 Ky.R. 988	
As Amended	1274	2-5-2025	As Amended	1445	
201 KAR 046:060			301 KAR 002:300		
Amended	51 Ky.R. 744	2-5-2025	Amended	51 Ky.R. 1314	
201 KAR 046:100			301 KAR 003:005		
Amended	51 Ky.R. 746		Amended	51 Ky.R. 772	
As Amended	1275	2-5-2025	As Amended	1281	
202 KAR 002:020			301 KAR 003:030		
Amended	51 Ky.R. 538		Amended	50 Ky.R. 1944	
202 KAR 006:090			As Amended	2400	6-6-2024
Amended	50 Ky.R. 2098		301 KAR 003:130	50 Ky.R. 1986	
As Amended	51 Ky.R. 266	11-5-2024	As Amended	2401	6-6-2024
202 KAR 007:201			301 KAR 004:020		
Amended	51 Ky.R. 748	2-5-2025	Repealed	50 Ky.R. 1437	6-4-2024
202 KAR 007:301			301 KAR 004:021(r)	50 Ky.R. 1437	6-4-2024
Amended	51 Ky.R. 752	2-5-2025	301 KAR 004:050		
202 KAR 007:330			Repealed	50 Ky.R. 1437	6-4-2024
Amended	51 Ky.R. 756	2-5-2025	301 KAR 005:001		
202 KAR 007:401			Amended	50 Ky.R. 1365	
Amended	51 Ky.R. 760		As Amended	1885	6-4-2024
As Amended	1433	2-13-2025	301 KAR 005:010		
202 KAR 007:410			Amended	50 Ky.R. 1367	
Amended	51 Ky.R. 1524		As Amended	1885	6-4-2024
202 KAR 007:545			301 KAR 005:020		
Amended	51 Ky.R. 765		Amended	50 Ky.R. 1368	
Withdrawn		12-20-2024	As Amended	1886	6-4-2024
202 KAR 007:560			301 KAR 005:022		
Amended	51 Ky.R. 768		Amended	50 Ky.R. 2296	
As Amended	1277	2-5-2025	As Amended	51 Ky.R. 271	11-5-2024
202 KAR 007:596	51 Ky.R. 828		301 KAR 005:040		
As Amended	1278	2-5-2025	Amended	50 Ky.R. 2103	
301 KAR 001:001			As Amended	51 Ky.R. 40	7-18-2024
Amended	50 Ky.R. 2289	11-5-2024	301 KAR 005:022		
301 KAR 001:140			Amended	51 Ky.R. 1317	
Amended	50 Ky.R. 1756	6-6-2024	301 KAR 005:200		
301 KAR 001:146			Amended	50 Ky.R. 1371	
Amended	50 Ky.R. 1758	6-6-2024	As Amended	1887	6-4-2024
301 KAR 001:150			301 KAR 005:210	50 Ky.R. 2113	
Amended	50 Ky.R. 1761	7-18-2024	As Amended	51 Ky.R. 41	7-18-2024
301 KAR 001:152			302 KAR 045:020	50 Ky.R. 1627	
Amended	50 Ky.R. 2292		As Amended	2022	7-2-2024
As Amended	51 Ky.R. 268	11-5-2024	401 KAR 045:010		
301 KAR 001:155			Amended	50 Ky.R. 914	
Amended	50 Ky.R. 1568	6-6-2024	As Amended	2023	6-6-2024
301 KAR 001:201			401 KAR 045:020		
Amended	50 Ky.R. 1768	6-6-2024	Amended	50 Ky.R. 916	
Amended	51 Ky.R. 1529		As Amended	2024	6-6-2024
301 KAR 001:410			401 KAR 045:025		
Amended	51 Ky.R. 109	11-7-2024	Amended	50 Ky.R. 919	
301 KAR 002:041			As Amended	2025	6-6-2024
Amended	51 Ky.R. 1196		401 KAR 045:030		
As Amended	1647		Amended	50 Ky.R. 921	
			As Amended	2026	6-6-2024

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
401 KAR 045:040 Amended	50 Ky.R. 926		501 KAR 003:010 Amended	50 Ky.R. 1948	9-3-2024
As Amended	2030	6-6-2024	501 KAR 003:040 Amended	50 Ky.R. 1950	9-3-2024
401 KAR 045:050 Amended	50 Ky.R. 929		501 KAR 003:060 Amended	50 Ky.R. 1952	9-3-2024
As Amended	2032	6-6-2024	501 KAR 003:080 Amended	50 Ky.R. 1954	9-3-2024
401 KAR 045:080 Amended	50 Ky.R. 932		501 KAR 003:090 Amended	50 Ky.R. 1956	9-3-2024
As Amended	2034	6-6-2024	501 KAR 003:100 Amended	50 Ky.R. 1958	9-3-2024
401 KAR 045:100 Amended	50 Ky.R. 935		501 KAR 003:140 Amended	50 Ky.R. 1960	9-3-2024
As Amended	2035	6-6-2024	501 KAR 006:020 Repealed	50 Ky.R. 2490	2-4-2025
401 KAR 045:105 Am Comments	50 Ky.R. 994		501 KAR 006:021(r)	50 Ky.R. 2490	2-4-2025
As Amended	1721		501 KAR 006:280	50 Ky.R. 2477	2-4-2025
401 KAR 045:140 Amended	50 Ky.R. 942		501 KAR 006:300 Am Comments	50 Ky.R. 2491	
As Amended	2043	6-6-2024	As Amended	51 Ky.R. 672	
401 KAR 045:160 Amended	50 Ky.R. 944		501 KAR 006:310 As Amended	50 Ky.R. 2493	
Am Comments	1725		501 KAR 006:320 As Amended	51 Ky.R. 880	2-4-2025
As Amended	2044	6-6-2024	501 KAR 006:330 Withdrawn	50 Ky.R. 2495	
401 KAR 045:250 Amended	50 Ky.R. 948		501 KAR 006:340 As Amended	51 Ky.R. 881	2-4-2025
As Amended	2047	6-6-2024	501 KAR 006:350	50 Ky.R. 2499	2-4-2025
401 KAR 047:110 Amended	51 Ky.R. 773		501 KAR 006:360 As Amended	50 Ky.R. 2501	
Am Comments	1483		501 KAR 006:370 As Amended	51 Ky.R. 881	2-4-2025
As Amended	1650		501 KAR 006:380 As Amended	50 Ky.R. 2503	
401 KAR 048:320 Amended	51 Ky.R. 777		501 KAR 006:390 As Amended	51 Ky.R. 882	2-4-2025
As Amended	1652		501 KAR 006:400 As Amended	50 Ky.R. 2504	
401 KAR 050:038 Withdrawn	50 Ky.R. 2473	11-8-2024	501 KAR 006:410 As Amended	51 Ky.R. 882	2-4-2025
401 KAR 103:005 Am Comments	50 Ky.R. 1212		501 KAR 006:420 As Amended	50 Ky.R. 2504	
As Amended	1908		501 KAR 006:430 Am Comments	51 Ky.R. 882	2-4-2025
401 KAR 103:010 Am Comments	50 Ky.R. 1215		As Amended	50 Ky.R. 2506	
As Amended	1910		501 KAR 006:440 As Amended	51 Ky.R. 882	2-4-2025
401 KAR 103:020 Am Comments	50 Ky.R. 1218		501 KAR 006:450 As Amended	50 Ky.R. 2507	
As Amended	1914		501 KAR 006:460 As Amended	51 Ky.R. 883	2-4-2025
As Amended	2050	6-6-2024	501 KAR 006:470 Am Comments	50 Ky.R. 2509	
401 KAR 103:030 Am Comments	50 Ky.R. 1221		As Amended	51 Ky.R. 1447	
As Amended	1917		501 KAR 006:480	50 Ky.R. 2510	
405 KAR 010:001 Amended	50 Ky.R. 1221		501 KAR 006:490 As Amended	51 Ky.R. 883	2-4-2025
Am Comments	2051	6-6-2024	501 KAR 006:500 As Amended	50 Ky.R. 2512	
405 KAR 010:015 Amended	51 Ky.R. 540		501 KAR 006:510 As Amended	51 Ky.R. 2512	
As Amended	1301		501 KAR 006:520 As Amended	50 Ky.R. 2513	
416 KAR 001:001	50 Ky.R. 1799	6-6-2024	501 KAR 006:530 Am Comments	51 Ky.R. 884	2-4-2025
416 KAR 001:010 Amended	50 Ky.R. 1775	6-6-2024	As Amended	50 Ky.R. 2515	
416 KAR 001:020	50 Ky.R. 1801	6-6-2024	501 KAR 006:540	50 Ky.R. 2515	2-4-2025
500 KAR 001:010 Amended	51 Ky.R. 781		As Amended	51 Ky.R. 885	2-4-2025
As Amended	1281		501 KAR 006:460 Am Comments	50 Ky.R. 2516	
500 KAR 001:021 As Amended	51 Ky.R. 831		As Amended	51 Ky.R. 675	
500 KAR 001:030 Amended	51 Ky.R. 783		501 KAR 006:470 As Amended	50 Ky.R. 2518	
As Amended	1285		Am Comments	51 Ky.R. 677	
500 KAR 013:020 Amended	50 Ky.R. 1185		As Amended	50 Ky.R. 886	2-4-2025
Am Comments	1729	7-30-2024	501 KAR 006:480	50 Ky.R. 2519	2-4-2025
501 KAR 001:080 Amended	51 Ky.R. 113		501 KAR 006:490 As Amended	50 Ky.R. 2521	
501 KAR 002:060 Amended	50 Ky.R. 1946	9-3-2024	501 KAR 006:500 As Amended	51 Ky.R. 886	2-4-2025
			501 KAR 006:510 As Amended	50 Ky.R. 2522	
			501 KAR 006:520 As Amended	51 Ky.R. 886	2-4-2025
			501 KAR 006:530 Am Comments	50 Ky.R. 2526	
			As Amended	51 Ky.R. 888	2-4-2025
			501 KAR 006:540	50 Ky.R. 2527	
				51 Ky.R. 889	2-4-2025
				50 Ky.R. 2530	
				51 Ky.R. 678	
				891	2-4-2025
				50 Ky.R. 2532	2-4-2025

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
501 KAR 007:010 Amended	50 Ky.R. 1962	9-3-2024	704 KAR 007:140 Amended	50 Ky.R. 2300	
501 KAR 007:040 Amended	50 Ky.R. 1964	9-3-2024	As Amended	51 Ky.R. 276	8-20-2024
501 KAR 007:080 Amended	50 Ky.R. 1966	9-3-2024	704 KAR 008:130	51 Ky.R. 180	10-15-2024
501 KAR 007:090 Amended	50 Ky.R. 1967	9-3-2024	739 KAR 001:060 As Amended	51 Ky.R. 436 891	11-8-2024
501 KAR 013:010 Amended	50 Ky.R. 1969		739 KAR 001:070 As Amended	51 Ky.R. 438 892	11-8-2024
As Amended	51 Ky.R. 273	11-5-2024	739 KAR 002:160 As Amended	50 Ky.R. 2115 51 Ky.R. 43	10-1-2024
502 KAR 010:120 Amended	51 Ky.R. 1201		780 KAR 002:010 Repealed	50 Ky.R. 2333	8-20-2024
As Amended	1653		780 KAR 002:031(r)	50 Ky.R. 2333	8-20-2024
502 KAR 012:010 Amended	51 Ky.R. 1204		780 KAR 003:030 Amended	50 Ky.R. 2302	
As Amended	1655		As Amended	51 Ky.R. 276	8-20-2024
503 KAR 003:140 As Amended	51 Ky.R. 1042 1448		780 KAR 003:035 Amended	50 Ky.R. 2304	
600 KAR 004:010 Amended	51 Ky.R. 549		As Amended	51 Ky.R. 277	8-20-2024
601 KAR 009:220 Amended	51 Ky.R. 114		780 KAR 003:072 Amended	51 Ky.R. 570	
As Amended	662	11-8-2024	As Amended	1113	12-10-2024
601 KAR 012:080 As Amended	50 Ky.R. 1628 2053		780 KAR 003:080 Amended	51 Ky.R. 576	
As Amended IJC	51 Ky.R. 42	6-4-2024	As Amended	1118	12-10-2024
601 KAR 012:120	51 Ky.R. 1343		780 KAR 003:100 Amended	50 Ky.R. 2305	
601 KAR 023:040 As Amended	50 Ky.R. 1988 51 Ky.R. 42		As Amended	51 Ky.R. 278	8-20-2024
As Amended at IJC	663	9-17-2024	780 KAR 003:120 Amended	50 Ky.R. 2308	8-20-2024
601 KAR 023:050	51 Ky.R. 1047	2-18-2025	780 KAR 003:130 Amended	50 Ky.R. 2310	
603 KAR 005:050 Amended	51 Ky.R. 785	2-18-2025	As Amended	51 Ky.R. 279	8-20-2024
603 KAR 005:066 Amended	51 Ky.R. 787	2-18-2025	780 KAR 006:010 Amended	50 Ky.R. 2312	8-20-2024
As Amended	1285		780 KAR 006:020 Amended	50 Ky.R. 2314	8-20-2024
603 KAR 005:350 Amended	51 Ky.R. 789	2-18-2025	787 KAR 001:010 Amended	50 Ky.R. 994	
701 KAR 005:055 Amended	51 Ky.R. 1703		As Amended	1453	
702 KAR 001:116 Amended	51 Ky.R. 551		787 KAR 001:360 Amended	51 Ky.R. 791	
As Amended	1106	12-10-2024	As Amended	1287	
702 KAR 003:320 Amended	51 Ky.R. 116		787 KAR 001:370 As Amended	51 Ky.R. 1048 1454	
As Amended	664	10-15-2024	802 KAR 001:010 Amended	51 Ky.R. 1534	
702 KAR 004:090 Amended	51 Ky.R. 554		802 KAR 002:010 Amended	51 Ky.R. 1537	
As Amended	1107	12-10-2024	802 KAR 003:010 Amended	51 Ky.R. 1541	
703 KAR 005:080 Amended	51 Ky.R. 557	12-10-2024	802 KAR 003:020 Amended	51 Ky.R. 1545	
703 KAR 005:240 Amended	51 Ky.R. 559	12-10-2024	802 KAR 003:030	51 Ky.R. 1613	
704 KAR 003:095 Amended	50 Ky.R. 1572	6-4-2024	802 KAR 003:040	51 Ky.R. 1616	
704 KAR 003:303 Repealed	51 Ky.R. 179	10-15-2024	802 KAR 003:050	51 Ky.R. 1618	
704 KAR 003:313(r)	51 Ky.R. 179	10-15-2024	802 KAR 003:060	51 Ky.R. 1620	
704 KAR 003:315	51 Ky.R. 1346		803 KAR 002:110 Amended	51 Ky.R. 996	
704 KAR 003:305 Amended	51 Ky.R. 562		As Amended	1454	
As Amended	1110	12-10-2024	803 KAR 002:300 Amended	51 Ky.R. 1320	
704 KAR 003:365 Amended	51 Ky.R. 991		803 KAR 002:320 Amended	50 Ky.R. 2478	12-3-2024
As Amended	1452		803 KAR 025:089	51 Ky.R. 1547	
704 KAR 003:535 Amended	51 Ky.R. 567		804 KAR 004:212 Amended	51 Ky.R. 1549	
704 KAR 003:550 As Amended	50 Ky.R. 2332 51 Ky.R. 275	8-20-2024	804 KAR 004:251 Amended	51 Ky.R. 1549	
			804 KAR 004:400		

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
Amended	51 Ky.R. 1551		902 KAR 010:122(r)	51 Ky.R. 440	
804 KAR 004:410			As Amended	1468	2-13-2025
Amended	51 Ky.R. 1552		902 KAR 010:123	51 Ky.R. 441	
804 KAR 004:415			Am Comments	1163	
Amended	51 Ky.R. 1554		As Amended	1468	2-13-2025
806 KAR 009:360			902 KAR 010:121		
Amended	51 Ky.R. 1207		Repealed	51 Ky.R. 440	2-13-2025
806 KAR 017:570			902 KAR 010:125	51 Ky.R. 448	
Amended	51 Ky.R. 120		Am Comments	1170	
As Amended	892	2-4-2025	As Amended	1474	2-13-2025
807 KAR 005:078			902 KAR 010:127	51 Ky.R. 152	
Amended	50 Ky.R. 2118		Am Comments	1174	
As Amended	51 Ky.R. 44	7-18-2024	As Amended	1476	2-13-2025
808 KAR 003:050			902 KAR 010:190		
Amended	51 Ky.R. 382		Repealed	51 Ky.R. 440	2-13-2025
Am Comments	951		902 KAR 020:036		
808 KAR 009:010			Amended	50 Ky.R. 1576	
Amended	51 Ky.R. 793		As Amended	51 Ky.R. 51	7-30-2024
Am Comments	1486		902 KAR 020:048		
As Amended	1657		Amended	50 Ky.R. 1385	
808 KAR 010:260			Am Comments	2063	6-18-2024
Amended	50 Ky.R. 2316		902 KAR 020:086		
As Amended	51 Ky.R. 280		Amended	50 Ky.R. 1396	
As Amended at IJC	667	9-17-2024	Am Comments	2074	6-18-2024
808 KAR 015:050	51 Ky.R. 439		902 KAR 028:010		
As Amended	1287		Amended	51 Ky.R. 806	2-13-2025
810 KAR 002:070			902 KAR 028:020		
Amended	51 Ky.R. 1209		Amended	51 Ky.R. 809	2-13-2025
810 KAR 004:030			902 KAR 028:030		
Amended	51 Ky.R. 1214		Amended	51 Ky.R. 812	
810 KAR 004:070			As Amended	1480	2-13-2025
Amended	50 Ky.R. 1374		902 KAR 0028:040		
As Amended	1890	6-4-2024	Amended	51 Ky.R. 816	2-13-2025
810 KAR 007:040			902 KAR 030:200		
Amended	50 Ky.R. 2105		Amended	51 Ky.R. 398	
As Amended	51 Ky.R. 48	10-1-2024	As Amended	1289	2-5-2025
815 KAR 007:120			902 KAR 045:001	50 Ky.R. 2535	
Amended	50 Ky.R. 1973		Am Comments	51 Ky.R. 68	
As Amended	51 Ky.R. 500	12-3-2024	As Amended	909	
815 KAR 007:125			As Amended at IJC	1118	11-18-2024
Amended	50 Ky.R. 1976		902 KAR 045:012	50 Ky.R. 2537	
As Amended	51 Ky.R. 501	12-3-2024	Am Comments	51 Ky.R. 682	
815 KAR 035:060			As Amended	1119	2-5-2025
Amended	51 Ky.R. 998		902 KAR 045:021	50 Ky.R. 2540	
As Amended	1455		Am Comments	51 Ky.R. 685	
900 KAR 001:009			As Amended	909	
Amended	51 Ky.R. 578	2-5-2025	As Amended at IJC	1121	11-18-2024
900 KAR 007:030			902 KAR 045:031	50 Ky.R. 2545	
Amended	50 Ky.R. 1379	6-18-2024	Am Comments	51 Ky.R. 690	
900 KAR 007:040			As Amended	912	11-18-2024
Amended	50 Ky.R. 1382	6-18-2024	902 KAR 095:040		
902 KAR 002:020			Repealed	51 Ky.R. 1052	2-13-2025
Amended	51 Ky.R. 795	2-5-2025	902 KAR 095:041(r)	51 Ky.R. 1052	2-13-2025
902 KAR 002:040			907 KAR 001:028		
Amended	51 Ky.R. 804		Amended	51 Ky.R. 1002	2-13-2025
As Amended	1288	2-5-2025	907 KAR 001:039		
902 KAR 004:030			Amended	51 Ky.R. 1555	
Amended	51 Ky.R. 138		907 KAR 001:044		
As Amended	668	10-23-2024	Amended	50 Ky.R. 1409	
902 KAR 004:105	51 Ky.R. 1050		Am Comments	1920	
Am Comments	1487		As Amended	916	
902 KAR 004:130			907 KAR 001:061		
Recodified as 922 KAR 2:130		7-23-2024	Amended	50 Ky.R. 1414	
902 KAR 010:120			As Amended	2053	7-2-2024
Amended	51 Ky.R. 385		907 KAR 001:065		
Am Comments	1151		Amended	50 Ky.R. 1779	6-18-2024
As Amended	1457	2-13-2025	907 KAR 001:479		
902 KAR 010:121			Amended	50 Ky.R. 1786	6-18-2024
Repealed	51 Ky.R. 440	2-13-2025	907 KAR 001:595		
			Amended	51 Ky.R. 1558	

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
907 KAR 001:835 Amended	51 Ky.R. 1562		As Amended	51 Ky.R. 294	8-28-2024
907 KAR 003:066 Amended	50 Ky.R. 1417	6-18-2024	915 KAR 001:050	50 Ky.R. 1821	
907 KAR 003:100 Amended	51 Ky.R. 1576		As Amended	51 Ky.R. 300	8-28-2024
907 KAR 003:210 Amended	51 Ky.R. 1579		915 KAR 001:060	50 Ky.R. 1823	
907 KAR 007:015 Amended	51 Ky.R. 1598		Am Comments	2430	
907 KAR 010:015 Amended	51 Ky.R. 581		As Amended	51 Ky.R. 301	8-28-2024
907 KAR 012:020 Amended	51 Ky.R. 1602		915 KAR 001:070	50 Ky.R. 1829	
907 KAR 013:010 Amended	50 Ky.R. 1793	6-18-2024	Am Comments	2437	
907 KAR 013:015 Amended	50 Ky.R. 1795	6-18-2024	As Amended	51 Ky.R. 306	8-28-2024
907 KAR 015:005 Amended	50 Ky.R. 1419		915 KAR 001:080	50 Ky.R. 1836	
Am Comments	1925		Am Comments	2444	
As Amended	920		As Amended	51 Ky.R. 312	8-28-2024
907 KAR 015:100 Withdrawn	50 Ky.R. 2335	6-5-2024	915 KAR 001:090	50 Ky.R. 1839	
907 KAR 016:005	51 Ky.R. 1711		Am Comments	2447	
907 KAR 016:010	51 Ky.R. 1714		As Amended	51 Ky.R. 314	8-28-2024
907 KAR 016:015	51 Ky.R. 1716		915 KAR 001:100	50 Ky.R. 1842	
907 KAR 016:020	51 Ky.R. 1726		Am Comments	2450	
907 KAR 016:025	51 Ky.R. 1736		As Amended	51 Ky.R. 315	8-28-2024
907 KAR 020:005 Amended	51 Ky.R. 1606		915 KAR 001:110	50 Ky.R. 1845	
907 KAR 020:035 Amended	51 Ky.R. 584	2-5-2025	Am Comments	2453	
908 KAR 001:410	50 Ky.R. 1441		As Amended	51 Ky.R. 317	8-28-2024
Am Comments	2086	7-30-2024	915 KAR 002:001	50 Ky.R. 2122	8-28-2024
Amended	51 Ky.R. 1328		915 KAR 002:010	50 Ky.R. 2124	
910 KAR 001:170 Amended	50 Ky.R. 1584		Am Comments	51 Ky.R. 70	
As Amended	2055	7-2-2024	As Amended	320	8-28-2024
910 KAR 001:210 Amended	51 Ky.R. 1004		915 KAR 002:020	50 Ky.R. 2128	8-28-2024
910 KAR 001:241 (r)	51 Ky.R. 1053		915 KAR 002:030	50 Ky.R. 2130	
910 KAR 001:270 Amended	50 Ky.R. 1978		Am Comments	51 Ky.R. 74	
Am Comments	51 Ky.R. 63		As Amended	323	8-28-2024
As Amended	281	8-28-2024	915 KAR 002:040	50 Ky.R. 2132	
910 KAR 002:020 Recodified as 922 KAR 005:150		7-23-2024	As Amended	51 Ky.R. 324	8-28-2024
910 KAR 002:030 Recodified as 922 KAR 005:160		7-23-2024	920 KAR 001:090 Amended	51 Ky.R. 1332	
910 KAR 002:040 Recodified as 922 KAR 005:170		7-23-2024	921 KAR 001:400 Amended	51 Ky.R. 1218	
910 KAR 002:060 Recodified as 922 KAR 005:180		7-23-2024	921 KAR 002:015 Amended	50 Ky.R. 1589	
915 KAR 001:001	50 Ky.R. 1805		As Amended	51 Ky.R. 58	7-30-2024
Am Comments	2413		921 KAR 003:030 Amended	51 Ky.R. 588	
As Amended	51 Ky.R. 287	8-28-2024	922 KAR 001:050 Amended	51 Ky.R. 142	
915 KAR 001:010	50 Ky.R. 2550		Am Comments	954	
Am Comments	51 Ky.R. 696		As Amended	1127	2-13-2025
As Amended	922		922 KAR 001:060 Amended	51 Ky.R. 146	
As Amended at IJC	1124	11-18-2024	Am Comments	957	
915 KAR 001:020	50 Ky.R. 2554		As Amended	1130	2-13-2025
Am Comments	51 Ky.R. 700		922 KAR 001:140 Amended	50 Ky.R. 1595	
As Amended	925	11-18-2024	Am Comments	2223	
915 KAR 001:030	50 Ky.R. 1808		As Amended	2402	6-19-2024
Am Comments	2416		922 KAR 001:145	50 Ky.R. 1636	
As Amended	51 Ky.R. 288	8-28-2024	Am Comments	2226	
915 KAR 001:040	50 Ky.R. 1815		As Amended	2404	6-19-2024
Am Comments	2423		922 KAR 001:350 Amended	51 Ky.R. 405	
			As Amended	932	11-18-2024
			922 KAR 001:360 Amended	51 Ky.R. 1704	
			922 KAR 001:470 Amended	51 Ky.R. 590	
			As Amended	1132	2-13-2025
			922 KAR 001:490 Amended	51 Ky.R. 415	
			Am Comments	1178	
			922 KAR 001:495 Amendment	50 Ky.R. 1599	
			Am Comments	2229	6-19-2024

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
922 KAR 001:565					
Amended	50 Ky.R. 1603				
Am Comments	2233	6-19-2024			
922 KAR 002:020					
Amended	51 Ky.R. 1336				
922 KAR 002:090					
Amended	51 Ky.R. 149	2-13-2025			
922 KAR 002:120					
Amended	51 Ky.R. 158				
As Amended	1140	2-13-2025			
922 KAR 2:130					
Recodified from 902 KAR 004:130		7-23-2024			
922 KAR 002:160					
Amended	51 Ky.R. 420	11-18-2024			
922 KAR 005:070					
Amended	50 Ky.R. 1606				
As Amended	2059	6-19-2024			
922 KAR 005:120					
Amended	50 Ky.R. 1610				
As Amended	2406	6-19-2024			
Amendment	51 Ky.R. 593				
Am Comments	1184				
922 KAR 005:150					
Recodified from 910 KAR 002:020		7-23-2024			
922 KAR 005:160					
Recodified from 910 KAR 002:030		7-23-2024			
922 KAR 005:170					
Recodified from 910 KAR 002:040		7-23-2024			
922 KAR 005:180					
Recodified from 910 KAR 002:060		7-23-2024			

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
2.015	922 KAR 001:350	18A.225	101 KAR 002:210
12.020	603 KAR 005:350	18A.2254	101 KAR 002:210
12.355	202 KAR 007:201		201 KAR 002:416
	202 KAR 007:301	18A.990	101 KAR 002:120
	202 KAR 007:330		101 KAR 003:015
	202 KAR 007:401	23A.010	922 KAR 002:020
	202 KAR 007:410	27A.090	922 KAR 001:490
13A.110	804 KAR 004:410	36.042	703 KAR 005:240
13B	016 KAR 001:030	38.030	202 KAR 007:330
	016 KAR 002:030	39	202 KAR 007:330
	201 KAR 039:060	39A.050	202 KAR 007:330
	301 KAR 002:082	40.320	017 KAR 001:030
	802 KAR 001:010	40.360	017 KAR 004:030
	902 KAR 010:120	40.362	017 KAR 004:030
	910 KAR 001:241	40.364	017 KAR 004:030
	922 KAR 002:020	40.366	017 KAR 004:030
	922 KAR 002:090	42.014	200 KAR 014:091
13B.030	040 KAR 005:010	42.500	200 KAR 014:011
13B.100	802 KAR 003:010		200 KAR 014:081
	802 KAR 003:060		200 KAR 014:091
14.025	030 KAR 002:011	42.505 – 42.545	200 KAR 014:091
14A.4-010	806 KAR 009:360	42.520	200 KAR 014:011
15.266	040 KAR 012:010		200 KAR 014:081
15.268	040 KAR 012:010	42.525	200 KAR 014:011
15.272	040 KAR 012:010		200 KAR 014:081
15.274	040 KAR 012:010	45.237 – 45.241	922 KAR 002:020
15.291	040 KAR 009:010	45A.045	200 KAR 005:021
	040 KAR 009:020	45A.425	702 KAR 004:090
15.293	040 KAR 009:010	49	502 KAR 012:010
	040 KAR 009:020	49.010	802 KAR 003:010
15.530 – 15.590	503 KAR 003:140		802 KAR 003:060
15A.160	502 KAR 012:010	49.020	802 KAR 002:010
16.132	502 KAR 012:010		802 KAR 003:010
16.505 – 16.652	105 KAR 001:140		802 KAR 003:020
16.645	105 KAR 001:142		802 KAR 003:060
17.165	907 KAR 001:835	49.040	802 KAR 002:010
	907 KAR 003:210	49.090	802 KAR 002:010
	910 KAR 001:241	49.120	802 KAR 002:010
	922 KAR 001:470	49.220	802 KAR 001:010
17.500-580	922 KAR 001:490	49.230	802 KAR 001:010
18A.005	101 KAR 001:325	49.240	802 KAR 001:010
18A.020	101 KAR 002:102	49.250	802 KAR 001:010
	101 KAR 003:015	49.260 – 49.490	802 KAR 003:010
18A.030	101 KAR 002:034		802 KAR 003:030
	101 KAR 002:086		802 KAR 003:040
	101 KAR 002:102		802 KAR 003:050
	101 KAR 002:210		802 KAR 003:060
	101 KAR 003:015	49.490	802 KAR 003:020
18A.032	101 KAR 002:086		802 KAR 003:030
18A.075	101 KAR 001:325	61.315	500 KAR 001:010
18A.095	101 KAR 002:102		500 KAR 001:021
	105 KAR 001:140		500 KAR 001:030
	900 KAR 001:009	61.373	101 KAR 002:120
	902 KAR 001:090		101 KAR 003:015
18A.105	105 KAR 001:140	61.394	101 KAR 002:120
18A.110	101 KAR 002:034		101 KAR 003:015
	101 KAR 002:086	61.505	105 KAR 001:445
	101 KAR 002:102	61.505 – 61.705	105 KAR 001:140
	101 KAR 003:015	61.510	105 KAR 001:451
	101 KAR 003:045	61.543	105 KAR 001:451
18A.111	101 KAR 001:325	61.552	105 KAR 001:130
18A.140	101 KAR 002:102		105 KAR 001:451
	101 KAR 003:015	61.560	105 KAR 001:130
18A.145	101 KAR 002:102	61.580	105 KAR 001:130
	101 KAR 003:015	61.592	105 KAR 001:130
18A.155	101 KAR 003:045	61.598	105 KAR 001:142
18A.165	101 KAR 002:034	61.5991	105 KAR 001:451
18A.190	017 KAR 001:030	61.645	105 KAR 001:142
18A.195	101 KAR 002:102		105 KAR 001:445
	101 KAR 003:015		105 KAR 001:451
18A.202	101 KAR 003:045	61.675	105 KAR 001:142

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	105 KAR 001:451	150.240	301 KAR 005:022
61.685	105 KAR 001:451	150.275	301 KAR 005:022
61.870 – 61.884	922 KAR 001:350	150.280	301 KAR 002:041
61.876	922 KAR 001:470		301 KAR 005:022
72.020	202 KAR 007:401	150.290	301 KAR 005:022
	202 KAR 007:410	150.320	301 KAR 002:081
	502 KAR 012:010		301 KAR 002:082
78.510 – 78.852	105 KAR 001:140	150.330	301 KAR 002:081
78.530	105 KAR 001:130		301 KAR 002:082
78.545	105 KAR 001:130		301 KAR 002:225
	105 KAR 001:142	150.340	301 KAR 001:201
78.5520	105 KAR 001:130		301 KAR 002:225
78.615	105 KAR 001:130	150.360	301 KAR 002:081
78.625	105 KAR 001:142	150.370	301 KAR 002:081
78.650	105 KAR 001:130	150.390	301 KAR 003:005
78.782	105 KAR 001:142	150.411	301 KAR 002:172
	105 KAR 001:445	150.445	301 KAR 001:410
83A.087	500 KAR 001:010	150.450	301 KAR 005:022
	500 KAR 001:021	150.485	301 KAR 005:022
87A.088	500 KAR 001:010	150.520	301 KAR 005:022
	500 KAR 001:021	150.525	301 KAR 005:022
103.200	200 KAR 015:010	150.600	301 KAR 005:022
103.2101	200 KAR 015:010	150.603	301 KAR 002:225
103.282	200 KAR 015:010		301 KAR 005:022
103.286	200 KAR 015:010	150.620	301 KAR 001:201
116.048	921 KAR 003:030		301 KAR 001:410
117.383	031 KAR 004:230	150.630	301 KAR 002:041
118.035	101 KAR 002:120	150.660	301 KAR 005:022
	101 KAR 003:015	150.750	301 KAR 005:022
118.105	030 KAR 002:011	150.990	301 KAR 001:201
131.130	103 KAR 005:200		301 KAR 001:410
132.191	103 KAR 005:200		301 KAR 002:041
132.420	103 KAR 005:200		301 KAR 002:081
148.0222	603 KAR 005:350		301 KAR 002:082
150.010	301 KAR 001:201		301 KAR 002:132
	301 KAR 001:410		301 KAR 002:172
	301 KAR 002:041		301 KAR 002:300
	301 KAR 002:081	151	922 KAR 002:120
	301 KAR 002:082	156.010	704 KAR 003:365
	301 KAR 002:132	156.035	704 KAR 003:365
	301 KAR 002:172	156.070	702 KAR 004:090
	301 KAR 002:300		704 KAR 003:313
	301 KAR 003:005		704 KAR 003:535
150.015	301 KAR 002:081		704 KAR 008:130
	301 KAR 002:082	156.111	016 KAR 009:080
150.025	301 KAR 005:022	156.132	701 KAR 005:055
150.070	301 KAR 001:410	156.160	702 KAR 004:090
150.092	301 KAR 002:300		704 KAR 003:305
150.170	301 KAR 001:201		704 KAR 003:313
	301 KAR 002:041		704 KAR 003:315
	301 KAR 002:132		704 KAR 003:535
	301 KAR 002:172		704 KAR 008:130
	301 KAR 002:300	156.808	780 KAR 003:072
	301 KAR 003:005		780 KAR 003:080
150.175	301 KAR 001:201	157	922 KAR 002:090
	301 KAR 001:410	158.030	922 KAR 002:090
	301 KAR 002:300		922 KAR 002:120
	301 KAR 003:005	158.070	704 KAR 003:315
150.177	301 KAR 002:172		704 KAR 003:535
150.180	301 KAR 002:041	158.140	704 KAR 003:305
	301 KAR 002:132	158.141	704 KAR 003:305
	301 KAR 002:172	158.1411	703 KAR 003:305
	301 KAR 005:022	158.1413	703 KAR 003:305
150.183	301 KAR 002:081		704 KAR 003:535
	301 KAR 002:082	158.142	704 KAR 003:305
	301 KAR 005:022	158.150	703 KAR 005:240
150.186	301 KAR 002:082	158.4416	704 KAR 003:535
150.190	301 KAR 002:081	158.622	704 KAR 003:305
150.195	301 KAR 002:081	158.645	703 KAR 003:305
	301 KAR 002:082		704 KAR 003:313
150.235	301 KAR 001:410		704 KAR 008:130
	301 KAR 002:081	158.6451	703 KAR 003:305
	301 KAR 002:082		703 KAR 005:240

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	704 KAR 003:313		102 KAR 001:380
	704 KAR 003:535	161.716	102 KAR 001:320
	704 KAR 008:130		102 KAR 001:380
158.6453	703 KAR 005:080	162.010	702 KAR 004:090
	703 KAR 005:240	164.7011	013 KAR 006:010
	704 KAR 003:313		013 KAR 006:020
	704 KAR 008:130	164.7013	013 KAR 006:010
158.6455	703 KAR 005:080		013 KAR 006:020
	703 KAR 005:240	164.7015	013 KAR 006:010
159.030	704 KAR 003:315	164.7017	013 KAR 006:020
159.040	704 KAR 003:315	164.772	815 KAR 035:060
159.080	704 KAR 003:315	164A.580	739 KAR 001:060
160.151	922 KAR 001:470		739 KAR 001:070
160.160	702 KAR 004:090	164A.590	739 KAR 001:060
160.180	702 KAR 001:116	164A.595	739 KAR 001:070
160.290	704 KAR 003:313	164A.600	739 KAR 001:070
	704 KAR 008:130	174.020	603 KAR 005:350
160.345	016 KAR 009:080	183	500 KAR 001:021
	704 KAR 003:535	183.881	500 KAR 001:010
160.380	016 KAR 001:030	186	601 KAR 009:220
	704 KAR 003:535		922 KAR 002:120
	922 KAR 001:470	186.412	601 KAR 012:120
160.431	702 KAR 003:320	186.4121	601 KAR 012:120
161.010 – 161.100	016 KAR 001:030	186.415	601 KAR 012:120
161.020	016 KAR 002:030	186.416	601 KAR 012:120
	016 KAR 007:010	186.417	601 KAR 012:120
	016 KAR 009:030	186.419	601 KAR 012:120
	702 KAR 003:320	186.435	601 KAR 012:120
161.027	016 KAR 009:080	186.442	601 KAR 012:120
161.028	016 KAR 002:030	186.450	601 KAR 012:120
	016 KAR 007:011	186.480	601 KAR 012:120
	016 KAR 009:010	186.580	601 KAR 012:120
	016 KAR 009:030	186A.060	601 KAR 023:050
	016 KAR 009:080	186A.120	601 KAR 023:050
	016 KAR 009:100	186A.125	601 KAR 023:050
161.030	016 KAR 002:030	186A.170	601 KAR 023:050
	016 KAR 007:011	189.125	922 KAR 001:350
	016 KAR 009:010		922 KAR 002:120
	016 KAR 009:030	189.222	603 KAR 005:066
	016 KAR 009:080	189.281	603 KAR 005:350
	016 KAR 009:100	189.337	603 KAR 005:050
161.048	016 KAR 009:010	189.390	603 KAR 005:350
	016 KAR 009:030	189.515	603 KAR 005:350
	016 KAR 009:080	189.520	603 KAR 005:350
	016 KAR 009:100	189.910 – 189.950	202 KAR 007:560
161.100	016 KAR 002:030	190	601 KAR 009:220
161.102	016 KAR 001:030	194A.005	900 KAR 001:009
161.120	016 KAR 001:030		920 KAR 001:090
161.1211	016 KAR 009:080		922 KAR 001:350
161.220	102 KAR 001:320		922 KAR 001:490
	102 KAR 001:340	194A.030	920 KAR 001:090
	102 KAR 001:350	194A.050	902 KAR 004:030
	102 KAR 001:370	194A.060	922 KAR 001:350
	102 KAR 001:380		922 KAR 002:020
161.440	102 KAR 001:138		922 KAR 002:160
	102 KAR 001:350		922 KAR 005:120
161.507	102 KAR 001:350	194A.061	910 KAR 001:241
161.515	102 KAR 001:350	194A.062	900 KAR 001:009
161.545	102 KAR 001:350	194A.380 – 194A.383	922 KAR 001:470
161.5465	102 KAR 001:350	194A.505	907 KAR 020:035
161.547	102 KAR 001:350	194A.540	201 KAR 020:215
161.548	102 KAR 001:350	194A.700 – 194A.729	910 KAR 001:241
161.549	102 KAR 001:350	198A.740 – 198A.750	202 KAR 002:020
161.560	102 KAR 001:195	199.011	922 KAR 001:350
161.580	102 KAR 001:138		922 KAR 001:490
161.633	102 KAR 001:380		922 KAR 002:090
161.634	102 KAR 001:380		922 KAR 002:120
161.635	102 KAR 001:370	199.430	922 KAR 001:350
	102 KAR 001:380	199.462	922 KAR 001:490
161.636	102 KAR 001:370	199.466	922 KAR 001:470
	102 KAR 001:380	199.470	922 KAR 001:490
161.643	102 KAR 001:195	199.500	922 KAR 001:060
161.700	102 KAR 001:320	199.502	922 KAR 001:060

KRS SECTION	REGULATION	KRS SECTION	REGULATION
199.555	101 KAR 003:045		902 KAR 010:122
	922 KAR 001:050	211.205	902 KAR 010:120
	922 KAR 001:060		902 KAR 010:125
199.557	922 KAR 001:060	211.210	902 KAR 010:123
199.640 – 199.680	922 KAR 001:360		902 KAR 010:127
199.807	922 KAR 001:360	211.220	902 KAR 010:123
199.802	922 KAR 001:350		902 KAR 010:127
199.894	922 KAR 002:090	211.350 – 211.380	922 KAR 002:120
	922 KAR 002:120	211.490	902 KAR 028:010
	922 KAR 002:160		902 KAR 028:020
199.895	922 KAR 002:090		902 KAR 028:030
199.8951	922 KAR 002:120		902 KAR 028:040
199.896	922 KAR 001:470	211.492	902 KAR 028:010
	922 KAR 002:120		902 KAR 028:020
	922 KAR 002:160		902 KAR 028:030
199.896 – 199.898	922 KAR 002:090		902 KAR 028:040
199.8962	922 KAR 002:120	211.494	902 KAR 028:010
199.898	922 KAR 002:160		902 KAR 028:020
199.8982	922 KAR 001:470		902 KAR 028:030
	922 KAR 002:160		902 KAR 028:040
199.899	922 KAR 002:160	211.496	902 KAR 028:010
200.672	902 KAR 030:200		902 KAR 028:020
202A.011	907 KAR 003:210		902 KAR 028:030
202B.010	907 KAR 001:835		902 KAR 028:040
	922 KAR 001:050	211.600	502 KAR 012:010
205.201	910 KAR 001:210	211.684	922 KAR 001:470
205.520	907 KAR 001:028		922 KAR 001:490
	907 KAR 001:039	211.990	902 KAR 010:120
	907 KAR 007:015		902 KAR 010:123
	907 KAR 012:020		902 KAR 010:127
	907 KAR 016:005	213.046	921 KAR 001:400
	907 KAR 016:010	214.010	922 KAR 002:090
	907 KAR 016:015	214.036	922 KAR 002:090
	907 KAR 016:020		922 KAR 002:160
	907 KAR 016:025	214.155	902 KAR 003:040
	907 KAR 020:005	214.625	902 KAR 002:020
	907 KAR 020:035	214.645	902 KAR 002:020
205.560	907 KAR 001:028	214.990	902 KAR 002:020
205.5605	907 KAR 001:835	216.510	910 KAR 001:210
	907 KAR 003:100	215.520	902 KAR 002:020
	907 KAR 003:210	216.2920	902 KAR 004:105
205.5607	907 KAR 001:835	216.2955	922 KAR 005:120
	907 KAR 003:210	216.300	910 KAR 001:241
205.619	907 KAR 020:035	216.380	907 KAR 010:015
205.635	907 KAR 001:835	216.535	910 KAR 001:210
205.637	907 KAR 010:015	216.540 – 216.543	910 KAR 001:210
205.6481 – 205.6497	907 KAR 020:005	216.595	910 KAR 001:241
205.710 – 205.802	921 KAR 001:400	216.789	910 KAR 001:241
205.8451	907 KAR 001:595	216.793	910 KAR 001:241
	907 KAR 001:835	216B.015	502 KAR 012:010
	907 KAR 003:210		802 KAR 003:010
205.8477	907 KAR 003:210		802 KAR 003:020
205.990	921 KAR 001:400		802 KAR 003:030
209	922 KAR 005:120		802 KAR 003:040
209.020	502 KAR 012:010		802 KAR 003:050
209.030	502 KAR 012:010		802 KAR 003:060
	907 KAR 001:835		902 KAR 002:020
	910 KAR 001:210		902 KAR 002:040
	910 KAR 001:241		922 KAR 005:120
209A.020	502 KAR 012:010	216B.020	202 KAR 007:545
209A.100	502 KAR 012:010	216B.400	502 KAR 012:010
209A.110	502 KAR 012:010		802 KAR 003:010
209A.130	502 KAR 012:010		802 KAR 003:020
210.005	907 KAR 016:005		802 KAR 003:030
211.015	902 KAR 010:120		802 KAR 003:040
	902 KAR 010:123		802 KAR 003:050
	902 KAR 010:125		802 KAR 003:060
	902 KAR 010:127	216B.990	502 KAR 012:010
211.090	902 KAR 004:030	217	922 KAR 002:120
	902 KAR 010:123	217.015	201 KAR 002:210
	902 KAR 010:127	218A.010	016 KAR 001:030
211.122	902 KAR 004:105		201 KAR 002:210
211.180	902 KAR 004:030	218A.171	201 KAR 020:057

KRS SECTION	REGULATION	KRS SECTION	REGULATION
218A.172	201 KAR 020:057	229.031	201 KAR 027:006
218A.202	201 KAR 020:057		201 KAR 027:106
218A.205	201 KAR 005:005	229.035	201 KAR 027:006
	201 KAR 005:010	229.061	201 KAR 027:006
	201 KAR 009:270	229.091	201 KAR 027:106
	201 KAR 020:056	229.155	201 KAR 027:006
	201 KAR 020:057		201 KAR 027:106
	201 KAR 020:215	229.171	201 KAR 027:006
224.01-010	401 KAR 047:110		201 KAR 027:023
	401 KAR 048:320		201 KAR 027:041
224.10-100	401 KAR 047:110		201 KAR 027:106
	401 KAR 048:320	229.190	201 KAR 027:006
224.10-105	401 KAR 047:110		201 KAR 027:106
	401 KAR 048:320	229.200	201 KAR 027:006
224.40-100	401 KAR 047:110		201 KAR 027:023
	401 KAR 048:320		201 KAR 027:106
224.40-110	401 KAR 047:110	229.991	201 KAR 027:006
	401 KAR 048:320	230.215	810 KAR 002:070
224.40-120	401 KAR 047:110		810 KAR 004:030
	401 KAR 048:320	230.240	810 KAR 004:030
224.40-305	401 KAR 047:110	230.260	810 KAR 002:070
	401 KAR 048:320		810 KAR 004:030
224.40-310	401 KAR 047:110	230.290	810 KAR 004:030
	401 KAR 048:320	230.310	810 KAR 004:030
224.40-315	401 KAR 047:110	230.320	810 KAR 004:030
	401 KAR 048:320	241.060	804 KAR 004:400
224.40-320	401 KAR 047:110		804 KAR 004:410
	401 KAR 047:320		804 KAR 004:415
224.40-325	401 KAR 047:110	243.027	804 KAR 004:415
	401 KAR 048:320	243.030	804 KAR 004:212
224.40-330	401 KAR 047:110	243.090	804 KAR 004:400
	401 KAR 048:320	243.260	804 KAR 004:251
224.40-340	401 KAR 047:110	243.380	804 KAR 004:400
	401 KAR 048:320		804 KAR 004:410
224.40-605	401 KAR 047:110	243.390	804 KAR 004:400
	401 KAR 048:320		804 KAR 004:410
224.40-650	401 KAR 047:110	243.630	804 KAR 004:400
	401 KAR 048:320	258.015	922 KAR 001:350
224.43-010	401 KAR 048:320	258.035	922 KAR 001:350
224.43-020	401 KAR 047:110	258.043	201 KAR 016:762
	401 KAR 048:320	258.065	301 KAR 002:081
224.43-040	401 KAR 047:110		301 KAR 002:082
224.43-070	401 KAR 047:110		902 KAR 002:020
	401 KAR 048:320	258.085	301 KAR 002:081
224.43-310	401 KAR 047:110		301 KAR 002:082
	401 KAR 048:320	258.990	902 KAR 002:020
224.43-315	401 KAR 047:110	273.182	907 KAR 016:015
	401 KAR 048:320	278.030	807 KAR 005:015E
224.43-330	401 KAR 047:110	278.040	807 KAR 005:015E
	401 KAR 048:320	278.5464	807 KAR 005:015E
224.43-340	401 KAR 047:110	281A.120	502 KAR 010:120
	401 KAR 048:320	281A.130	502 KAR 010:120
224.43-345	401 KAR 047:110	281A.150	502 KAR 010:120
	401 KAR 048:320	281A.160	502 KAR 010:120
224.43-350	401 KAR 047:110	281A.170	502 KAR 010:120
	401 KAR 048:320	286.3-146	808 KAR 015:050
224.70-100	401 KAR 047:110	286.6-095	808 KAR 003:050
	401 KAR 048:320	286.6-100	808 KAR 003:050
224.70-110	401 KAR 047:110	286.6-225	808 KAR 003:050
	401 KAR 048:320	286.6-585	808 KAR 003:050
224.99-010	401 KAR 047:110	286.6-715	808 KAR 003:050
	401 KAR 048:320	286.9-010	808 KAR 009:010
224.99-020	401 KAR 047:110	286.9-075	808 KAR 009:010
	401 KAR 048:320	286.9-100	808 KAR 009:010
227A.010	815 KAR 035:060	286.9-140	808 KAR 009:010
227A.060	815 KAR 035:060	304.1-050	806 KAR 009:360
227A.100	815 KAR 035:060	304.2-290	806 KAR 009:360
229.011	201 KAR 027:006	304.2-310	806 KAR 009:360
	201 KAR 027:023		806 KAR 017:570
229.025	201 KAR 027:006	304.2-320	806 KAR 017:570
	201 KAR 027:023	304.3-240	806 KAR 017:570
	201 KAR 027:041	304.9-020	806 KAR 009:360
	201 KAR 027:106	304.9-053	201 KAR 002:416

KRS SECTION	REGULATION	KRS SECTION	REGULATION
	806 KAR 009:360		202 KAR 007:301
304.9-054	201 KAR 002:416		202 KAR 007:330
	806 KAR 009:360		202 KAR 007:596
304.9-055	201 KAR 002:416		902 KAR 028:010
	806 KAR 009:360	311A.020	202 KAR 007:330
304.9-133	806 KAR 009:360		202 KAR 007:596
304.10-030	806 KAR 009:360	311A.025	202 KAR 007:201
304.10-040	806 KAR 009:360		202 KAR 007:301
304.12-020	806 KAR 017:570		202 KAR 007:330
304.14-120	201 KAR 002:416		202 KAR 007:401
	806 KAR 017:570		202 KAR 007:410
304.14-500 – 3014.14-550	806 KAR 017:570		202 KAR 007:596
304.14-640	907 KAR 020:035	311A.030	202 KAR 007:201
301.14-642	907 KAR 020:035		202 KAR 007:401
304.17-311	806 KAR 017:570		202 KAR 007:545
304.17-380	806 KAR 017:570		202 KAR 007:560
304.17-383	806 KAR 017:570		202 KAR 007:596
304.17A-005	806 KAR 009:360	311A.050 – 311A.090	202 KAR 007:201
	806 KAR 017:570		202 KAR 007:301
304.17A-162	806 KAR 009:360		202 KAR 007:330
304.17A-163	806 KAR 009:360	311A.050 – 311A.100	202 KAR 007:401
304.17A-165	806 KAR 009:360		202 KAR 007:410
304.17A-535	806 KAR 009:360	311A.095	202 KAR 007:201
301.17A-595	201 KAR 002:416		202 KAR 007:301
304.17A-607	806 KAR 009:360		202 KAR 007:330
304.17A-617	806 KAR 009:360	311A.100	202 KAR 007:201
304.17A-633	806 KAR 009:360		202 KAR 007:301
304.17A-712	201 KAR 002:416		202 KAR 007:330
304.17C-125	201 KAR 002:416	311A.120	202 KAR 007:201
304.18-034	806 KAR 017:570		202 KAR 007:301
304.28-205	806 KAR 017:570		202 KAR 007:330
304.32-275	806 KAR 017:570		202 KAR 007:401
304.33-030	806 KAR 017:570	311A.120 – 311A.135	202 KAR 007:410
304.38A-115	201 KAR 002:416	311A.130	202 KAR 007:301
304.39-110	603 KAR 005:350	311A.135	202 KAR 007:401
304.40-075	201 KAR 008:563	311A.140	202 KAR 007:201
304.99-020	806 KAR 009:360		202 KAR 007:301
309.300	201 KAR 039:001		202 KAR 007:330
309.301	201 KAR 039:001	311A.142	202 KAR 007:401
	201 KAR 039:130		202 KAR 007:410
309.304	201 KAR 039:001	311A.145	202 KAR 007:201
	201 KAR 039:030		202 KAR 007:301
	201 KAR 039:050		202 KAR 007:330
	201 KAR 039:075	311A.150	202 KAR 007:330
	201 KAR 039:090	311A.160	202 KAR 007:201
	201 KAR 039:100	311A.165	202 KAR 007:301
	201 KAR 039:120	311A.170	202 KAR 007:401
309.306	201 KAR 039:040		202 KAR 007:410
309.312	201 KAR 039:030		202 KAR 007:596
	201 KAR 039:040	311A.185	202 KAR 007:410
	201 KAR 039:050	311A.190	202 KAR 007:401
	201 KAR 039:070		202 KAR 007:410
	201 KAR 039:075		202 KAR 007:545
309.314	201 KAR 039:040		202 KAR 007:560
	201 KAR 039:050		202 KAR 007:596
309.316	201 KAR 039:100	311A.195	202 KAR 007:330
309.318	201 KAR 039:060	311B.020	201 KAR 046:040
	201 KAR 039:100	311B.050	201 KAR 046:040
	201 KAR 039:120		201 KAR 046:060
309.460	201 KAR 008:610		201 KAR 046:100
309.462	201 KAR 008:610	311B.080	201 KAR 046:035
309.464	201 KAR 008:610	311B.100	201 KAR 046:040
311.282	902 KAR 002:020	311B.110	201 KAR 046:040
311.530 – 311.620	201 KAR 009:270		201 KAR 046:060
311.571	902 KAR 002:020	311B.120	201 KAR 046:040
311.646	922 KAR 002:120	311B.130	201 KAR 046:060
311.720	922 KAR 001:350	311B.180	201 KAR 046:040
311.840	907 KAR 001:835	311B.190	201 KAR 046:040
	922 KAR 001:350	313.021	201 KAR 007:610
311.840 – 311.862	201 KAR 009:270	313.030	201 KAR 008:563
311.990	201 KAR 009:270	313.040	201 KAR 008:563
311 – 314	902 KAR 002:040	313.060	201 KAR 008:563
311A.010	202 KAR 007:201	313.080	201 KAR 008:563

KRS SECTION	REGULATION	KRS SECTION	REGULATION
313.130	201 KAR 008:563	319.053	907 KAR 001:835
313.254	201 KAR 008:563	319.056	907 KAR 001:835
314.011	017 KAR 001:030		907 KAR 003:210
	201 KAR 020:056	319.064	907 KAR 001:835
	201 KAR 020:057	319A.010	907 KAR 001:835
	201 KAR 020:215		907 KAR 003:210
	201 KAR 020:390	320.220	201 KAR 005:005
	502 KAR 012:010		201 KAR 005:010
	907 KAR 001:595	320.250	201 KAR 005:005
	907 KAR 001:835		201 KAR 005:010
	907 KAR 003:210	320.270	201 KAR 005:005
	907 KAR 016:020		201 KAR 005:010
	922 KAR 001:350	320.280	201 KAR 005:090
	922 KAR 002:090	320.310	201 KAR 005:005
	922 KAR 002:120	321.175	201 KAR 016:513
	922 KAR 002:160		201 KAR 016:730
314.025	201 KAR 020:390		201 KAR 016:731
314.026	201 KAR 020:390		201 KAR 016:732
314.027	201 KAR 020:390		201 KAR 016:735
314.039	201 KAR 020:057		201 KAR 016:737
314.041	201 KAR 020:230		201 KAR 016:762
314.042	201 KAR 020:056		201 KAR 016:772
	201 KAR 020:057		201 KAR 016:775
	201 KAR 020:215	321.181	201 KAR 016:513
	907 KAR 001:835		201 KAR 016:562
314.051	201 KAR 020:230		201 KAR 016:730
314.071	201 KAR 030:230		201 KAR 016:731
314.073	201 KAR 020:215		201 KAR 016:732
	201 KAR 020:230		201 KAR 016:735
314.091	201 KAR 020:056		201 KAR 016:737
	201 KAR 020:057		201 KAR 016:762
314.103	201 KAR 020:056		201 KAR 016:767
314.109	201 KAR 020:056		201 KAR 016:772
314.161	201 KAR 020:056		201 KAR 016:775
314.193	201 KAR 020:057		201 KAR 016:777
314.195	201 KAR 020:057		902 KAR 002:020
314.475	201 KAR 020:056	321.187	201 KAR 016:612
	201 KAR 020:057		201 KAR 016:737
314.991	201 KAR 020:215	321.189	201 KAR 016:732
314A.010	907 KAR 001:595		201 KAR 016:762
315.010	201 KAR 002:210		201 KAR 016:765
	201 KAR 002:370		201 KAR 016:772
	902 KAR 002:020		201 KAR 016:775
315.020	201 KAR 002:210	321.190	201 KAR 016:510
	201 KAR 002:370		201 KAR 016:590
	201 KAR 002:480		201 KAR 016:612
315.030	201 KAR 002:370	321.193	201 KAR 016:510
315.035	201 KAR 002:470		201 KAR 016:520
315.036	201 KAR 002:470		201 KAR 016:530
315.121	201 KAR 002:370	321.200	201 KAR 016:732
315.191	201 KAR 002:210		201 KAR 016:737
315.310	201 KAR 002:480	321.201	201 KAR 016:510
315.340	201 KAR 002:470	321.203	201 KAR 016:515
315.350	201 KAR 002:470		201 KAR 016:517
315.405	201 KAR 002:470		201 KAR 016:612
315.4104	201 KAR 002:470		201 KAR 016:737
316.010	201 KAR 015:110		201 KAR 016:762
316.030	201 KAR 015:050		201 KAR 016:765
	201 KAR 015:110		201 KAR 016:767
316.125	201 KAR 015:030		201 KAR 016:772
	201 KAR 015:110		201 KAR 016:775
316.127	201 KAR 015:110		201 KAR 016:777
316.130	201 KAR 015:030	321.205	201 KAR 016:517
	201 KAR 015:110		201 KAR 016:612
316.132	201 KAR 015:030		201 KAR 016:737
316.140	201 KAR 015:030		201 KAR 016:765
	201 KAR 015:120		201 KAR 016:767
316.165	201 KAR 015:125		201 KAR 016:772
316.260	201 KAR 015:110		201 KAR 016:775
318	922 KAR 002:120		201 KAR 016:777
319.010	907 KAR 001:835	321.207	201 KAR 016:562
	907 KAR 003:210		201 KAR 016:612
319.046	907 KAR 001:835	321.208	201 KAR 016:612

KRS SECTION	REGULATION	KRS SECTION	REGULATION
321.211	201 KAR 016:510	335.300	907 KAR 001:835
	201 KAR 016:590		907 KAR 003:210
	201 KAR 016:612	335.500	907 KAR 001:835
321.221	201 KAR 016:510		907 KAR 003:210
	201 KAR 016:590	335.540	201 KAR 036:050
	201 KAR 016:612	335.545	201 KAR 036:050
321.235	201 KAR 016:510	335.560	201 KAR 036:100
	201 KAR 016:513	335B.010	900 KAR 001:009
	201 KAR 016:515	335B.020	900 KAR 001:009
	201 KAR 016:517	336.242	787 KAR 001:370
	201 KAR 016:562	336.248	787 KAR 001:010
	201 KAR 016:590		787 KAR 001:370
	201 KAR 016:612	337	780 KAR 003:072
	201 KAR 016:730	337.275	922 KAR 002:160
	201 KAR 016:731	338.015	803 KAR 002:300
	201 KAR 016:732		803 KAR 002:320
	201 KAR 016:735	338.031	803 KAR 002:320
	201 KAR 016:737	338.111	803 KAR 002:110
	201 KAR 016:765	339.230	815 KAR 035:060
	201 KAR 016:767	341.070	787 KAR 001:010
	201 KAR 016:772	341.115	787 KAR 001:370
	201 KAR 016:775	341.190	787 KAR 001:010
	201 KAR 016:777	341.243	787 KAR 001:010
321.236	201 KAR 016:612	341.250	787 KAR 001:010
	201 KAR 016:762	341.262	787 KAR 001:010
	201 KAR 016:767	341.360	907 KAR 020:005
	201 KAR 016:777	341.413	787 KAR 001:360
321.320	201 KAR 016:510	344.010	920 KAR 001:090
	201 KAR 016:515	344.015	920 KAR 001:090
	201 KAR 016:517	344.020	920 KAR 001:090
321.351	201 KAR 016:562	344.030	101 KAR 003:015
321.352	201 KAR 016:614	350	405 KAR 010:001
321.356	201 KAR 016:612	350.020	405 KAR 010:015
321.441	201 KAR 016:520	350.060	405 KAR 010:015
	201 KAR 016:530	350.062	405 KAR 010:015
	201 KAR 016:590	350.064	405 KAR 010:015
	201 KAR 016:612	350.093	405 KAR 010:015
321.442	201 KAR 016:590	350.095	405 KAR 010:015
	201 KAR 016:612	350.100	405 KAR 010:015
321.443	201 KAR 016:612	350.151	405 KAR 010:015
321.990	201 KAR 016:612	350.465	405 KAR 010:015
	201 KAR 016:614	350.503	405 KAR 010:015
322.010	201 KAR 018:010	367.828	201 KAR 002:416
	201 KAR 018:030	369.101 – 369.120	907 KAR 001:835
322.040	201 KAR 018:010	403.160	921 KAR 001:400
	201 KAR 018:030	403.190	102 KAR 001:320
322.040 – 322.050	201 KAR 018:115		102 KAR 001:380
322.045	201 KAR 018:010	403.210 – 403.240	921 KAR 001:400
	201 KAR 018:030	403.352	922 KAR 001:470
322.120	201 KAR 018:010	403.707	502 KAR 012:010
	201 KAR 018:030		802 KAR 003:020
322.160	201 KAR 018:115	405.430	921 KAR 001:400
322.180	201 KAR 018:115	405.440	921 KAR 001:400
	201 KAR 018:192	405.450	921 KAR 001:400
	201 KAR 018:196	405.991	921 KAR 001:400
322.190	201 KAR 018:192	406.021	921 KAR 001:400
	201 KAR 018:196	406.025	921 KAR 001:400
322.220	201 KAR 018:115	421.570	502 KAR 012:010
322.290	201 KAR 018:192	424.170	702 KAR 004:090
	201 KAR 018:196	439.310 – 439.440	501 KAR 001:080
327.010	907 KAR 001:835	439.3401	910 KAR 001:210
333.020	902 KAR 002:020	440.170	907 KAR 016:020
333.090	907 KAR 001:028	441.530	907 KAR 016:020
333.130	902 KAR 002:020	446.010	500 KAR 001:021
334.010	907 KAR 001:039	446.400	202 KAR 007:401
334.030	101 KAR 002:120		202 KAR 007:410
334.040	907 KAR 001:039	454.220	921 KAR 001:400
334.200	907 KAR 001:039	510.010 – 510.040	502 KAR 012:010
334A.020	907 KAR 001:039	524.140	502 KAR 012:010
	907 KAR 001:835	527.070	922 KAR 002:120
	907 KAR 003:210	527.100	922 KAR 001:350
334A.188	201 KAR 017:120	527.110	922 KAR 001:350
335.100	907 KAR 001:835	529.010	502 KAR 012:010

KRS SECTION	REGULATION	KRS SECTION	REGULATION
529.100	502 KAR 012:010	40 C.F.R.	405 KAR 010:001
530.020	502 KAR 012:010	41 C.F.R.	105 KAR 001:140
530.064	502 KAR 012:010	42 C.F.R.	105 KAR 001:140
531.310	502 KAR 012:010		201 KAR 002:210
532.040 – 532.060	501 KAR 001:080		806 KAR 017:570
532.400	501 KAR 001:080		907 KAR 001:039
600.020	502 KAR 012:010		907 KAR 001:082
	922 KAR 001:350		907 KAR 001:595
	922 KAR 001:360		907 KAR 001:835
	922 KAR 001:470		907 KAR 003:100
	922 KAR 001:490		907 KAR 003:210
	922 KAR 002:160		907 KAR 007:015
600.030	502 KAR 012:010		907 KAR 010:015
605.090	922 KAR 001:350		907 KAR 012:020
	922 KAR 001:490		907 KAR 016:020
605.120	922 KAR 001:490		907 KAR 020:005
	922 KAR 002:160		922 KAR 001:350
605.130	922 KAR 001:490	45 C.F.R.	105 KAR 001:140
610.110	922 KAR 001:350		502 KAR 012:010
620.020	201 KAR 020:215		806 KAR 009:360
	922 KAR 002:160		806 KAR 017:570
	922 KAR 002:090		902 KAR 028:010
620.030	907 KAR 001:835		907 KAR 001:835
	907 KAR 003:210		907 KAR 016:015
	922 KAR 001:350		907 KAR 020:005
	922 KAR 002:090		910 KAR 001:210
	922 KAR 002:120		920 KAR 001:090
620.050	922 KAR 001:350		921 KAR 001:400
	922 KAR 001:470		922 KAR 001:060
	922 KAR 001:490		922 KAR 001:350
620.050 – 620.120	922 KAR 001:470		922 KAR 001:490
620.051	922 KAR 001:470		922 KAR 002:020
620.140	922 KAR 001:350		922 KAR 002:090
620.360	922 KAR 001:350		922 KAR 002:120
620.363	922 KAR 001:350		922 KAR 002:160
625	922 KAR 001:050	49 C.F.R.	502 KAR 010:120
	922 KAR 001:060		600 KAR 004:010
	922 KAR 001:490		922 KAR 002:120
655.601 – 655.603	603 KAR 005:050	5 U.S.C.	920 KAR 001:090
2 C.F.R.	702 KAR 004:090	7 U.S.C.	920 KAR 001:090
7 C.F.R.	405 KAR 010:001		921 KAR 003:030
	920 KAR 001:090		922 KAR 002:160
	921 KAR 003:030	8 U.S.C.	907 KAR 020:005
	922 KAR 002:160		922 KAR 001:350
12 C.F.R.	808 KAR 003:050	10 U.S.C.	017 KAR 004:030
16 C.F.R.	201 KAR 015:110		202 KAR 007:201
	603 KAR 005:350		202 KAR 007:301
	922 KAR 001:350		202 KAR 007:330
	922 KAR 002:120	15 U.S.C.	200 KAR 014:011
17 C.F.R.	200 KAR 014:011		600 KAR 004:010
20 C.F.R.	922 KAR 002:160		902 KAR 010:120
23 C.F.R.	603 KAR 005:050		902 KAR 010:123
	603 KAR 005:066	20 U.S.C.	704 KAR 003:365
24 C.F.R.	907 KAR 016:005		808 KAR 003:050
26 C.F.R.	900 KAR 001:090		907 KAR 016:020
28 C.F.R.	907 KAR 016:005		920 KAR 001:090
	920 KAR 001:090	23 U.S.C.	600 KAR 004:010
29 C.F.R.	101 KAR 002:120	25 U.S.C.	922 KAR 002:160
	101 KAR 003:015	26 U.S.C.	102 KAR 001:320
	202 KAR 007:596		102 KAR 001:380
	780 KAR 003:072		105 KAR 001:140
	803 KAR 002:300		200 KAR 014:011
	803 KAR 002:320		200 KAR 015:200
	815 KAR 035:060		900 KAR 001:009
	902 KAR 010:123		908 KAR 001:410
30 C.F.R.	405 KAR 010:001	29 U.S.C.	101 KAR 002:034
	405 KAR 010:015		101 KAR 002:120
34 C.F.R.	016 KAR 009:080		101 KAR 003:015
	016 KAR 009:100		201 KAR 015:110
	902 KAR 030:200		780 KAR 003:072
	907 KAR 001:835		806 KAR 017:570
	907 KAR 003:100		907 KAR 001:835
	922 KAR 002:160		907 KAR 003:100

KRS SECTION REGULATION

KRS SECTION

REGULATION

30 U.S.C. 920 KAR 001:090
 922 KAR 002:160
 405 KAR 010:001
 405 KAR 010:015
34 U.S.C. 502 KAR 012:010
 922 KAR 002:160
38 U.S.C. 907 KAR 020:005
 907 KAR 020:035
 922 KAR 002:160
42 U.S.C. 806 KAR 017:570
 907 KAR 001:028
 907 KAR 001:595
 907 KAR 001:835
 907 KAR 003:100
 907 KAR 003:210
 907 KAR 007:015
 907 KAR 010:015
 907 KAR 012:020
 907 KAR 016:020
 907 KAR 020:005
 908 KAR 001:410
 910 KAR 001:210
 920 KAR 001:090
 921 KAR 001:400
 921 KAR 003:030
 922 KAR 001:060
 922 KAR 001:350
 922 KAR 001:360
 922 KAR 001:470
 922 KAR 001:490
 922 KAR 002:020
 922 KAR 002:090
 922 KAR 002:160
 922 KAR 005:120
49 U.S.C. 502 KAR 010:120
 600 KAR 004:010
52 U.S.C. 921 KAR 003:030
EO 2016-270 201 KAR 027:006
2022 Ky. Acts Ch. 199 787 KAR 001:360
Ky. Const. 172, 174 103 KAR 005:200
Pub. L. 108-173 806 KAR 017:570
Pub. L. 109-171 920 KAR 001:090
Pub. L. 110-246 920 KAR 001:090
Pub. L. 110-325 920 KAR 001:090
Pub. L. 111-5 200 KAR 015:010
Pub. L. 114-10 806 KAR 017:570
Pub. L. 114-94 600 KAR 004:010
Pub. L. 116-127 806 KAR 017:570
Pub. L. 117-328 806 KAR 017:570
Pres. EO 13166 920 KAR 001:090

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
004 KAR 001:010	08-12-2024	Remain in Effect without Amendment
004 KAR 001:040	08-12-2024	Remain in Effect without Amendment
004 KAR 001:050	08-12-2024	Remain in Effect without Amendment
011 KAR 012:010	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:020	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:030	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:030	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:040	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:050	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:060	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:070	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:090	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 017:010	10-01-2024	Remain in Effect without Amendment
011 KAR 017:040	10-01-2024	Remain in Effect without Amendment
011 KAR 017:050	10-01-2024	Remain in Effect without Amendment
011 KAR 017:060	10-01-2024	Remain in Effect without Amendment
011 KAR 017:070	10-01-2024	Remain in Effect without Amendment
011 KAR 017:080	10-01-2024	Remain in Effect without Amendment
011 KAR 017:090	10-01-2024	Remain in Effect without Amendment
011 KAR 017:100	10-01-2024	Remain in Effect without Amendment
011 KAR 017:110	10-01-2024	Remain in Effect without Amendment
013 KAR 002:110	05-16-2024	Remain in Effect without Amendment
016 KAR 002:020	10-02-2024	Remain in Effect without Amendment
016 KAR 002:090	06-25-2024	Remain in Effect without Amendment
016 KAR 008:040	10-02-2024	Remain in Effect without Amendment
031 KAR 006:020	10-04-2024	Remain in Effect without Amendment
031 KAR 006:020	10-04-2024	To be amended; filing deadline 4-4-2026
040 KAR 002:145	07-23-2024	Remain in Effect without Amendment
040 KAR 002:345	12-02-2024	Remain in Effect without Amendment
103 KAR 028:150	12-06-2024	Remain in Effect without Amendment
103 KAR 044:060	12-12-2024	To be amended; filing deadline 6-12-2026
106 KAR 002:040	11-22-2024	Remain in Effect without Amendment
201 KAR 002:400	12-02-2024	Remain in Effect without Amendment
201 KAR 020:095	01-03-2025	Remain in Effect without Amendment
201 KAR 020:400	01-03-2025	Remain in Effect without Amendment
201 KAR 028:200	11-22-2024	Remain in Effect without Amendment
201 KAR 028:235	11-22-2024	To be amended; filing deadline 5-22-2026
201 KAR 034:020	08-02-2024	Remain in Effect without Amendment
201 KAR 034:030	08-02-2024	Remain in Effect without Amendment
201 KAR 034:050	08-02-2024	Remain in Effect without Amendment
201 KAR 044:090	08-02-2024	Remain in Effect without Amendment
201 KAR 046:095	08-21-2024	Remain in Effect without Amendment
301 KAR 006:005	07-29-2024	To be amended; filing deadline 1-29-2026
302 KAR 050:070	01-14-2025	Remain in Effect without Amendment
302 KAR 100:030	01-17-2025	Remain in Effect without Amendment
401 KAR 059:015	02-12-2025	Remain in Effect without Amendment
401 KAR 061:015	02-12-2025	Remain in Effect without Amendment
501 KAR 001:030	08-30-2024	To be amended; filing deadline 2-28-2026
501 KAR 006:230	10-29-2024	To be amended; filing deadline 4-29-2026
505 KAR 001:130	01-31-2025	To be amended; filing deadline 7-30-2026
601 KAR 023:020	12-12-2024	Remain in Effect without Amendment
603 KAR 005:025	12-22-2024	Remain in Effect without Amendment
704 KAR 003:540	08-08-2024	Remain in Effect without Amendment
704 KAR 008:070	12-06-2024	Remain in Effect without Amendment
780 KAR 003:072	11-25-2024	To be amended; filing deadline 5-25-2026
780 KAR 003:080	11-25-2024	To be amended; filing deadline 5-25-2026
803 KAR 001:100	11-21-2024	Remain in Effect without Amendment
803 KAR 050:010	01-31-2025	Remain in Effect without Amendment
804 KAR 004:230	09-25-2024	Remain in Effect without Amendment
804 KAR 004:390	10-30-2024	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

804 KAR 004:400	10-30-2024	To be amended; filing deadline 4-30-2026
804 KAR 004:410	10-30-2024	To be amended; filing deadline 4-30-2026
804 KAR 005:070	10-30-2024	Remain in Effect without Amendment
804 KAR 006:020	10-30-2024	Remain in Effect without Amendment
804 KAR 010:010	09-25-2024	Remain in Effect without Amendment
804 KAR 011:010	02-12-2025	Remain in Effect without Amendment
806 KAR 039:030	01-09-2025	Remain in Effect without Amendment
815 KAR 015:010	12-02-2024	To be amended; filing deadline 6-2-2026
815 KAR 015:025	12-02-2024	To be amended; filing deadline 6-2-2026
815 KAR 015:027	12-02-2024	To be amended; filing deadline 6-2-2026
900 KAR 006:125	07-18-2024	Remain in Effect without Amendment
900 KAR 006:130	01-27-2025	Remain in Effect without Amendment
902 KAR 020:360	07-18-2024	Remain in Effect without Amendment
902 KAR 055:040	07-18-2024	Remain in Effect without Amendment
902 KAR 055:095	07-23-2024	To be amended; filing deadline 1-23-2026
902 KAR 100:180	10-09-2024	Remain in Effect without Amendment
907 KAR 001:045	10-21-2024	Remain in Effect without Amendment
907 KAR 001:047	10-21-2024	Remain in Effect without Amendment
907 KAR 001:102	10-21-2024	Remain in Effect without Amendment
907 KAR 001:260	02-05-2025	Remain in Effect without Amendment
907 KAR 001:720	02-05-2025	Remain in Effect without Amendment
907 KAR 001:755	02-05-2025	Remain in Effect without Amendment
907 KAR 001:780	02-05-2025	Remain in Effect without Amendment
907 KAR 003:100	02-05-2025	Remain in Effect without Amendment
907 KAR 003:125	02-05-2025	Remain in Effect without Amendment
907 KAR 003:225	02-05-2025	Remain in Effect without Amendment
907 KAR 003:230	02-05-2025	Remain in Effect without Amendment
907 KAR 006:005	02-05-2025	Remain in Effect without Amendment
907 KAR 014:005	02-05-2025	Remain in Effect without Amendment
907 KAR 017:015	02-05-2025	Remain in Effect without Amendment
907 KAR 017:035	02-05-2025	Remain in Effect without Amendment
907 KAR 023:001	07-22-2024	Remain in Effect without Amendment
907 KAR 023:010	07-22-2024	Remain in Effect without Amendment
910 KAR 001:210	06-17-2024	To be amended; filing deadline 12-17-2025
910 KAR 003:020	10-08-2024	Remain in Effect without Amendment
921 KAR 002:016	01-21-2025	To be amended; filing deadline 4-3-2024
921 KAR 003:090	12-12-2024	Remain in Effect without Amendment
922 KAR 001:430	12-09-2024	Remain in Effect without Amendment
922 KAR 001:480	12-09-2024	Remain in Effect without Amendment
922 KAR 001:550	12-09-2024	Remain in Effect without Amendment
922 KAR 002:260	02-05-2025	Remain in Effect without Amendment
922 KAR 005:040	12-09-2024	Remain in Effect without Amendment
922 KAR 005:090	12-09-2024	Remain in Effect without Amendment

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
201 KAR 020:095	1-3-2025	810 KAR 007:050	7-1-2024
201 KAR 020:506	6-25-2024	810 KAR 007:060	7-1-2024
806 KAR 017:585	8-1-2024	810 KAR 007:070	7-1-2024
806 KAR 039:030	11-12-2024	810 KAR 008:010	7-1-2024
808 KAR 015:030	12-9-2024	810 KAR 008:020	7-1-2024
809 KAR 001:002	7-1-2024	810 KAR 008:025	7-1-2024
809 KAR 001:003	7-1-2024	810 KAR 008:025	7-1-2024
809 KAR 010:001	7-1-2024	810 KAR 008:025	7-1-2024
809 KAR 010:002	7-1-2024	810 KAR 008:040	7-1-2024
809 KAR 010:003	7-1-2024	810 KAR 008:050	7-1-2024
809 KAR 010:004	7-1-2024	810 KAR 008:060	7-1-2024
809 KAR 010:005	7-1-2024	810 KAR 008:070	7-1-2024
809 KAR 010:006	7-1-2024	810 KAR 009:010	7-1-2024
809 KAR 010:007	7-1-2024		
809 KAR 010:008	7-1-2024		
810 KAR 002:001	7-1-2024		
810 KAR 002:010	7-1-2024		
810 KAR 002:020	7-1-2024		
810 KAR 002:030	7-1-2024		
810 KAR 002:040	7-1-2024		
810 KAR 002:050	7-1-2024		
810 KAR 002:060	7-1-2024		
810 KAR 002:070	7-1-2024		
810 KAR 002:080	7-1-2024		
810 KAR 002:090	7-1-2024		
810 KAR 002:100	7-1-2024		
810 KAR 003:001	7-1-2024		
810 KAR 003:010	7-1-2024		
810 KAR 003:020	7-1-2024		
810 KAR 003:030	7-1-2024		
810 KAR 003:040	7-1-2024		
810 KAR 003:050	7-1-2024		
810 KAR 004:001	7-1-2024		
810 KAR 004:010	7-1-2024		
810 KAR 004:020	7-1-2024		
810 KAR 004:030	7-1-2024		
810 KAR 004:040	7-1-2024		
810 KAR 004:050	7-1-2024		
810 KAR 004:060	7-1-2024		
810 KAR 004:070	7-1-2024		
810 KAR 004:070	7-1-2024		
810 KAR 004:080	7-1-2024		
810 KAR 004:090	7-1-2024		
810 KAR 004:100	7-1-2024		
810 KAR 005:001	7-1-2024		
810 KAR 005:010	7-1-2024		
810 KAR 005:020	7-1-2024		
810 KAR 005:030	7-1-2024		
810 KAR 005:040	7-1-2024		
810 KAR 005:050	7-1-2024		
810 KAR 005:060	7-1-2024		
810 KAR 005:070	7-1-2024		
810 KAR 005:080	7-1-2024		
810 KAR 006:001	7-1-2024		
810 KAR 006:010	7-1-2024		
810 KAR 006:020	7-1-2024		
810 KAR 006:030	7-1-2024		
810 KAR 007:010	7-1-2024		
810 KAR 007:020	7-1-2024		
810 KAR 007:030	7-1-2024		
810 KAR 007:040	10-1-2024		

SUBJECT INDEX

AGING AND INDEPENDENT LIVING

Aging Services

Long-term Care Ombudsman Program; 910 KAR 001:210
Repeal of 910 KAR 001:240; 910 KAR 001:241

ALCOHOLIC BEVERAGE CONTROL

Applications & forms

Incorporated by reference; 804 KAR 004:400
Product registration; 804 KAR 004:410

Licensing

Direct shipper; 804 KAR 004:415
In-state distilled spirits supplier; 804 KAR 004:212
Special temporary; 804 KAR 004:251

ATTORNEY GENERAL

Office of Administrative Hearings

Hearing officer required training; 040 KAR 005:010

Office of Regulatory Relief

Regulatory sandbox; application, reporting; 040 KAR 012:010

Opioid Abatement Advisory Commission

General application procedure; 040 KAR 009:010
Local government certification procedure; 040 KAR 009:020

AUDIOLOGY

See also:

Speech-Language Pathology and Audiology (201 KAR Chapter 017)

BANKING

See *Financial Institutions (KAR Title 808)*

BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES

Substance Use Disorder

Recovery housing; 908 KAR 001:410

BOARDS AND COMMISSIONS

See also *Occupations and Professions*

See listing below for other possible, specific subject headings:

Education Professional Standards (KAR Title 016)

Elections (KAR Titles 030 and 031)

Embalmers and Funeral Directors (201 KAR Chapter 015)

Emergency Medical Services (202 KAR Chapter 007)

Dentistry (201 KAR Chapter 008)

Interpreters for Deaf and Hard of Hearing (201 KAR Chapter 039)

Licensed Professional Counselors (201 KAR Chapter 036)

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)

Professional Counselors (210 KAR Chapter 036)

Professional Engineers and Land Surveyors (201 KAR Chapter 018)

Speech-Language Pathology and Audiology (201 KAR Chapter 017)

Tax Appeals (KAR Title 802)

Veterinary Examiners (201 KAR Chapter 016)

CHILD CARE

Assistance program, improper payments, claims and penalties; 922 KAR 002:020

Assistance program; 922 KAR 002:160

Centers:

Health and safety standards; 922 KAR 002:120
Licensure; 922 KAR 002:090

Child Welfare

Private child care placement, levels of care, and payment; 922 KAR 001:360

CHILD SUPPORT

Establishment, review; modification of child and medical support orders; 921 KAR 001:400

COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Capital construction projects:

Contracting for; 739 KAR 001:070
Management of; 739 KAR 001:060

COMMUNITY-BASED SERVICES

See also: *Child Care (922 KAR Chapter 002)*
Child Support (921 KAR Chapter 001)
Family Support (921 KAR Chapter 003)
Protection and Permanency (KAR Title 922)

CONSTRUCTION

See also *HOUSING, BUILDINGS AND CONSTRUCTION*

CRIMINAL JUSTICE TRAINING

See: *JUSTICE AND PUBLIC SAFETY (KAR Title 503)*

COUNSELORS, BOARD OF LICENSED PROFESSIONAL

Counseling compact; 201 KAR 036:100

DEAF AND HARD OF HEARING, INTERPRETERS FOR

Applications:

Full licensure; 201 KAR 039:030
Temporary licensure; 201 KAR 039:070
Temporary licensure extension; 201 KAR 039:070
Certification levels; 201 KAR 039:030
Complaint procedures; 201 KAR 039:100
Continuing education, requirements; 201 KAR 039:090
Definitions; 201 KAR 039:001
Ethics; 201 KAR 039:120

Licensure

Applications, qualification for full; 201 KAR 039:030
Fees; 201 KAR 039:040
Reinstatement, disciplinary action; 201 KAR 039:060
Renewal and reinstatement; 201 KAR 039:050
Temporary licensure and extensions; 201 KAR 039:070
Registration, nonresidents; 201 KAR 039:130
Supervision; 201 KAR 039:075

DENTISTRY

Community Health Workers; 201 KAR 008:610
Dental hygienist licensure; 201 KAR 008:563

DRIVER LICENSING

See *Transportation Cabinet (KAR Title 601)*

EDUCATION

See also:

Council on Postsecondary Education (KAR Title 013)
Education Professional Standards (KAR Title 016)
Kentucky Community and Technical College System (KAR Title 739)
Teachers' Retirement System (KAR Title 102)
Technical Education (KAR Title 780)

Academic Standards

Visual and performing arts; 704 KAR 008:130

Assessment and Accountability

Administrative procedures and guidelines; 703 KAR 005:240
Administration Code for Kentucky's Educational Assessment Program; 703 KAR 005:080

Chief State School Officer

Removal hearing procedures; 701 KAR 005:055

Facilities Management

Property disposal; 702 KAR 004:090

General Administration

Annual in-service training of district board members; 702 KAR 001:116

Office of Instruction

Complaint procedures for programs under the Elementary and Secondary Education Act of 1965; 704 KAR 003:365
High school graduation, minimum requirements; 704 KAR 003:305

SUBJECT INDEX

Learning programs: full-time online, virtual, remote; 704 KAR 003:535
Nonpublic schools certification; 704 KAR 003:315
Repeal of 704 KAR 003:303; 704 KAR 003:313
School Administration and Finance
Finance officer certification requirements; 702 KAR 003:320

EDUCATION AND LABOR CABINET

See also:

Workforce Development (KAR Title 787)
Workplace Standards (KAR Title 803)

EDUCATION PROFESSIONAL STANDARDS

Alternative Routes to Certification:

Institute for; 016 KAR 009:100
Professional and provisional certificate for:
College faculty; 016 KAR 009:030
Exceptional work experience; 016 KAR 009:010
University-based program; 016 KAR 009:080

General Administration

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

Internship

Repeal of 016 KAR 007:010; 016 KAR 007:011

Teaching Certificates

Substitute teachers; 016 KAR 002:030

ELECTIONS

See also: *Secretary of State (KAR Title 30)*

Forms and Procedures

Post-election audits; 031 KAR 004:230

EMBALMERS AND FUNERAL DIRECTORS

Apprenticeship and supervision requirements; 201 KAR 015:050
Fees; 201 KAR 015:030
Funeral establishment criteria; 201 KAR 015:110
Requirements for applicants holding license in another state; 201 KAR 015:120
Surface transportation permit; 201 KAR 015:125

EMERGENCY MEDICAL SERVICES

Advanced emergency medical technician; 202 KAR 007:330
Advanced practice paramedics; 201 KAR 007:410
Ground vehicle staff; 202 KAR 007:560
Mobile integrated healthcare; licensure; 202 KAR 007:596
License classifications; 202 KAR 007:545
Paramedics; 202 KAR 007:401
Responders; 202 KAR 007:201
Technicians; 202 KAR 007:301

ENGINEERS AND LAND SURVEYORS

Classes of applicants; 201 KAR 018:010
In training certificates; 201 KAR 018:030
License reinstatement; 201 KAR 018:115
Professional engineers; 201 KAR 018:196
Professional land surveyors; 201 KAR 018:192

ENVIRONMENTAL PROTECTION

Solid Waste Facilities

Operating requirements for less than one (1) acre or expanded less than two (2) acre construction or demolition debris landfills; 401 KAR 047:320
Registered permit-by-rule; 401 KAR 047:110

FAMILY SUPPORT

Supplemental Nutrition Assistance Program
Application process; 921 KAR 003:030

FINANCE AND ADMINISTRATION

See also *Revenue (KAR Title 103)*

Purchasing

Policies and Procedures Manual; 200 KAR 005:021

State Investment Commission
Money market instruments guidelines; 200 KAR 014:091
Qualified investments; 200 KAR 014:011
Repurchase agreements; 200 KAR 014:081

FINANCIAL INSTITUTIONS

Check Cashing

Deferred deposit database compliance; 808 KAR 009:010

Credit Unions

Conduct of; 808 KAR 003:050

General

Out-of-state trust companies operating in Kentucky; 808 KAR 015:050

FISH AND WILDLIFE RESOURCES

Fishing

Nontraditional methods; 301 KAR 001:410
Traditional methods; 301 KAR 001:201

Game

Black bear, seasons and requirements; 301 KAR 002:300
Deer seasons, zones and requirements; 301 KAR 002:172
Dove, wood duck, teal and other migratory game birds; 301 KAR 002:225
Elk seasons, permits, zones and requirements; 301 KAR 002:132
Shooting areas, dog training areas, commercial/non-commercial foxhound training enclosures, bobwhite shoot-to-train seasons; 301 KAR 002:041

Wildlife:

Transportation, holding of live exotic; 301 KAR 002:082
Transportation, holding of live native; 301 KAR 002:081

Hunting and Fishing

Public use of newly acquired or newly managed lands; 301 KAR 003:005

Licensing

License, tag and permit fees; 301 KAR 005:022

HEALTH AND FAMILY SERVICES

See also:

Aging and Independent Living (KAR Title 910)
Behavioral Health, Developmental and Intellectual Disabilities (KAR Title 908)
Community-Based Services (KAR Titles 921 and 922)
Family Support (KAR Title 921)
Protection and Permanency (KAR Title 922)
Public Health (KAR Title 902)
Maternal and Child Health (902 KAR Chapter 4)
Public Health Protection and Safety (902 KAR Chapter 95)

Cabinet Administration

Client civil rights complaint process; 920 KAR 001:090
Employee access to federal tax information; 900 KAR 001:009

HORSE RACING AND GAMING CORPORATION

Flat and Steeplechase Racing

Entries, subscriptions and declarations; 810 KAR 004:030

General

Thoroughbred and other flat racing associations; 810 KAR 002:070

HOUSING

Housing Corporation

Rural Housing Trust Fund; 202 KAR 002:020

HOUSING, BUILDINGS AND CONSTRUCTION

Electrical

Licensing of electrical contractors, master electricians, and electricians; 815 KAR 035:060

INSURANCE

Agents, Consultants, Solicitors and Adjusters

Pharmacy benefit manager license; 806 KAR 009:360

Health Insurance Contracts

Medicare supplement policies, certificates; 806 KAR 017:570

SUBJECT INDEX

JUSTICE AND PUBLIC SAFETY

See also State Police (KAR Title 502)

Peace Officer Death Benefits

Definitions for 500 KAR Chapter 1; 500 KAR 001:010
Filing, processing of death benefit claims; 500 KAR 001:021
Hearing requests; 500 KAR 001:030

Criminal Justice Training

Telecommunications Academy trainee requirements, misconduct, penalties, discipline procedures; 503 KAR 003:140

Parole Board

Policies and procedures; 501 KAR 001:080

MEDICAL IMAGING AND RADIATION THERAPY

Continuing education requirements; 201 KAR 046:060
Licenses: Medical imaging technologist, advanced imaging professional, radiographer, nuclear medicine technologist, and radiation therapist; 201 KAR 046:040
Practice standards, scopes of practice, and ethical standards; 201 KAR 046:035
Scholarship and Continuing Education Fund; 201 KAR 046:100

MEDICAL LICENSURE

Professional standards for prescribing, dispensing or administering buprenorphine-mono-product/buprenorphine-combined-with-Naloxone; 201 KAR 009:270

MEDICAID SERVICES

Certified Provider Requirements

Reimbursement for home/community-based waiver services version 2; 907 KAR 007:015

Home and Community Based Services 1915(i) Initiatives

Definitions; 907 KAR 016:005
RISE Covered services; 907 KAR 016:020
RISE Participant eligibility; 907 KAR 016:010
RISE Program reimbursement provisions; requirements; 907 KAR 016:025
RISE Provider participation and enrollment; 907 KAR 016:015

Hospital Service Coverage and Reimbursement

Outpatient hospital services and payments; 907 KAR 010:015

Medicaid Eligibility

Requirements not related to a modified adjusted gross income standard or former foster care individuals; 907 KAR 020:005
Spousal impoverishment and nursing facility requirements; 907 KAR 020:035

Payments and Services

ABI long-term care waiver services and reimbursement; 907 KAR 003:210
ABI waiver services & reimbursement; 907 KAR 003:100

Services

Hearing program reimbursement provisions, requirements; 907 KAR 001:039
Independent laboratory service coverage and reimbursement; 907 KAR 001:028
Independent radiological service coverage and reimbursement; 907 KAR 001:028
Michelle P. waiver services & reimbursement; 907 KAR 001:835
Model Waiver II coverage, reimbursement policies and requirements; 907 KAR 001:595

Supports for Community Living Waiver Services

Reimbursement; 907 KAR 012:020

NATURAL RESOURCES

Bond and Insurance Requirements

Definitions; 405 KAR 010:001
General bonding provisions; 405 KAR 010:015

NURSING

APRN:

Licensure and certification requirements; 201 KAR 020:056
Scope and standards of practice; 201 KAR 020:057
Continuing competency requirements; 201 KAR 020:215

Licensure and Certification:

APRN requirements; 201 KAR 020:056

Renewals; 201 KAR 020:230

Nursing Incentive Scholarship Fund; 201 KAR 020:390

OCCUPATIONS AND PROFESSIONS

See Boards and Commissions

See listings for specific subject headings

OCCUPATIONAL SAFETY AND HEALTH COMPLIANCE

Occupational Safety and Health Education and Training

Employer and employee representatives; 803 KAR 002:110

OPTOMETRIC EXAMINERS

Application for licensure, endorsement; 201 KAR 005:010

Fines and fees; 201 KAR 005:005

Renewal fees, annual; 201 KAR 005:090

PAROLE BOARD

See Justice and Public Safety (501 KAR Chapter 001)

PEACE OFFICER

See Justice and Public Safety (500 KAR Chapter 001)

PERSONNEL

Board

Probationary periods; 101 KAR 001:325

Classified

2025 Plan Year Handbooks for Public Employee Health Insurance Program; 101 KAR 002:210

Compensation administrative regulations; 101 KAR 002:034

Internship interview preference; 101 KAR 002:086

Leave, general requirements; 101 KAR 002:102

Unclassified service

Compensation plan & pay incentives; 101 KAR 003:045

Leave requirements; 101 KAR 003:015

PHARMACY

License transfer; 201 KAR 002:030

Long-term care facility services; 201 KAR 002:370

Ownership; change of; 201 KAR 002:470

Records, drug regimen review, patient counseling and final product verification; 201 KAR 002:210

Reporting, annual cost of dispensing data; 201 KAR 002:416

Telework, electronic supervision for remote prescription processing; 201 KAR 002:480

POSTSECONDARY EDUCATION

Aviation Education Programs:

Equipment grants; 013 KAR 006:020

Training scholarships; 013 KAR 006:010

PROFESSIONAL COUNSELORS

Complaint management process; 201 KAR 036:050

PROTECTION AND PERMANENCY

Adult Services

Vulnerable adult maltreatment registry/appeals; 922 KAR 005:120

Child Welfare

Background checks for foster and adoptive parents and relative and fictive kin caregivers; 922 KAR 001:490

Central registry; 922 KAR 001:470

Federal Title IV-E adoption assistance; 922 KAR 001:060

Requirements for public child welfare agency foster parents, adoptive parents, respite care providers; 922 KAR 001:350

State funded adoption assistance; 922 KAR 001:050

PUBLIC HEALTH

Communicable diseases

Reportable disease surveillance; 902 KAR 002:020

Syndromic surveillance; 902 KAR 002:040

Kentucky Early Intervention System

Coverage and payment for services; 902 KAR 030:200

SUBJECT INDEX

- Maternal and Child Health
 - Newborn screening program; 902 KAR 004:030
 - Kentucky Lifeline for Moms Program; 902 KAR 004:105
- Trauma System
 - Definitions for 902 KAR Chapter 28; 902 KAR 028:010
 - Designation process; 902 KAR 028:020
 - Level IV criteria; 902 KAR 028:030
 - Registry and data bank system; 902 KAR 028:040
- Radon
 - Repeal of 902 KAR 095:040; 902 KAR 095:041
- Sanitation
 - Construction requirements; 902 KAR 010:123
 - Public beach requirements; 902 KAR 010:127
 - Public swimming, bathing facility:
 - Operations; 902 KAR 010:120
 - Safety requirements; 902 KAR 010:125
 - Repeal of 902 KAR 010:121 and 190; 902 KAR 010:122
- PUBLIC PENSIONS AUTHORITY**
- General Rules
 - Employer's administrative duties; 105 KAR 001:140
 - Hazardous position coverage; 105 KAR 001:130
 - Limitations and exclusions on creditable compensation in the last five years of fiscal service; 105 KAR 001:142
 - Quasi-governmental employer reports on independent contractors and leased employees; 105 KAR 001:451
 - Trustee elections; 105 KAR 001:445
- PUBLIC SERVICE COMMISSION**
- Utilities
 - Access; attachments - utility poles; facilities; 807 KAR 005:015E
- REVENUE**
- Ad Valorem Tax; Administration
 - Valuation of multi-unit rental housing; government restriction on; 103 KAR 005:200
- SECRETARY OF STATE**
- Elections
 - Repeal of 030 KAR 002:010; 030 KAR 002:011
- SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY**
- Audiology and speech-language pathology interstate compact; 201 KAR 017:120
- STATE POLICE**
- Driver Training
 - Hazardous materials endorsement requirements; 502 KAR 010:120
- Medical Examiner Protocols
 - Sexual assault forensic-medical examination protocol; 502 KAR 012:010
- TEACHERS' RETIREMENT SYSTEM**
- General Rules
 - Annuitization, disbursement from supplemental benefits; 102 KAR 001:370
 - Crediting of interest for TRS 4 members; 102 KAR 001:138
 - Employer reports; 102 KAR 001:195
 - Final average salary, calculation of; 102 KAR 001:340
 - Full actuarial cost purchase; 102 KAR 001:350
 - Qualified domestic relations orders; 102 KAR 001:320
 - Qualified domestic relations orders for TRS 4 members; 102 KAR 001:380
- TAX APPEALS**
- Crime Victims Claims
 - Additional award requests; 802 KAR 003:040
 - Compensation, definitions; 802 KAR 003:010
 - Compensation awards; 802 KAR 003:030
 - Emergency awards; 802 KAR 003:050
 - Offender debt collections; 802 KAR 003:060
 - Payment schedules, sexual assault exams; 802 KAR 003:020
- Negligence Claims
 - Negligence claims before the Board; 802 KAR 002:010
- Tax Appeals
 - Tax appeal procedures; 802 KAR 001:010
- TECHNICAL EDUCATION**
- Personnel System for Certified and Equivalent Employees
 - Attendance, comp time, leave; 780 KAR 003:072
 - Duration of school term, use of school days, extended employment; 780 KAR 003:080
- TRANSPORTATION**
- Minority Affairs Office
 - Disadvantaged business enterprises certification; 600 KAR 004:010
- Vehicle Regulation
 - Certificate of Title examination applications; 601 KAR 023:050
- Driver Licensing
 - Visual acuity testing, new or renewal applicants; 601 KAR 012:120
- Motor Vehicle Tax
 - Dealer plates; 601 KAR 009:220
- Traffic
 - Off-highway vehicles, safety and routes; 603 KAR 005:350
 - Uniform traffic control devices; 603 KAR 005:050
 - Weight (mass) limits for trucks; 603 KAR 005:066
- VETERANS AFFAIRS**
- Veterans Centers
 - Nurse loan repayment program; 017 KAR 001:030
- Veterans Services
 - Burial Honor Guard Program; 017 KAR 004:030
- VETERINARY EXAMINERS**
- AAHP (Allied Animal Health Professional):
 - Education requirements; programs; 201 KAR 016:730
 - Examination requirements for providers; 201 KAR 016:731
 - Permits:
 - Application, reinstatement; 201 KAR 016:732
 - Expiration; 201 KAR 016:735
 - Fees; 201 KAR 016:513
 - Renewal notice; 201 KAR 016:735
 - Providers:
 - Examination requirements; 201 KAR 016:731
 - Limitations on practice; 201 KAR 016:737
- AAHP facilities:
 - Application requirements; 201 KAR 016:772
 - Fees for registration; 201 KAR 016:517
 - Registered; duties of; 201 KAR 016:777
 - Reinstatement; 201 KAR 016:775
 - Renewal notice; 201 KAR 016:775
- Animal euthanasia specialist:
 - Duties and responsibilities; 201 KAR 016:562
- General:
 - Fines; 201 KAR 016:614
 - Violations; notices; 201 KAR 016:612
- Veterinarian/Veterinary technician:
 - Continuing education; 201 KAR 016:590
 - Fees; 201 KAR 016:510
 - Medical programs; 201 KAR 016:520
- Veterinary facilities:
 - Application requirements; 201 KAR 016:762
 - Fees for registration; 201 KAR 016:515
 - Registered; duties of; 201 KAR 016:767
 - Reinstatement; 201 KAR 016:765
 - Renewal; 201 KAR 016:765
- WASTE MANAGEMENT**
- See ENVIRONMENTAL PROTECTION*
- WORKFORCE DEVELOPMENT**
- Unemployment Insurance
 - Application for employer account, reports; 787 KAR 001:010
 - Overpayment waivers; 787 KAR 001:360

SUBJECT INDEX

Professional Employer Organizations (PEOs); 787 KAR 001:370

WORKPLACE STANDARDS

See also: Education and Labor Cabinet

Occupational Safety and Health Compliance

General agency information; 803 KAR 002:300

Toxic and hazardous substances; 803 KAR 002:320

SUBJECT INDEX