



# ADMINISTRATIVE REGISTER OF KENTUCKY

The submission deadline for this edition of the *Administrative Register of Kentucky* was noon, April 15, 2025

### MEETING NOTICES

The Administrative Regulation Review Subcommittee is tentatively scheduled to meet on May 13, 2025, at 1:00 p.m. in room 149 Capitol Annex. ARRS Tentative Agenda – 1835 [Online agenda updated as needed](#)

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

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

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The following agenda may not take into consideration regulations that may be added for informational review of regulations, removed to either complete the public comment process, or are deferred or withdrawn by promulgating agencies.



**Administrative Regulation Review Subcommittee**  
**TENTATIVE Meeting Agenda**  
**Tuesday, May 13, 2025 at 1 p.m.**  
**Annex Room 149**



- 1. CALL TO ORDER AND ROLL CALL**
- 2. REGULATIONS FOR INFORMATIONAL REVIEW**
- 3. REGULATIONS FOR FULL COMMITTEE REVIEW**

**DEPARTMENT OF LAW**

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**Board of Tax Appeals**  
**Tax Appeals**  
802 KAR 1:010. Tax appeal procedures. (Deferred from April)

**Negligence Claims**

802 KAR 2:010. Negligence claims before the Board of Claims. (Deferred from April)

**Crime Victims Claims**

802 KAR 3:010. Crime victims compensation. (Deferred from April)  
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**Department of Alcoholic Beverage Control**

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**Department of Insurance**

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

**CABINET FOR HEALTH AND FAMILY SERVICES**

**Department for Medicaid Services**

**Medicaid Services**  
907 KAR 001:039. Hearing program reimbursement provisions and requirements. (Deferred from April)

**Hospital Service Coverage and Reimbursement**

907 KAR 010:840E. Hospital Rate Improvement Program. (Filed with Ordinary) ("E" expires 11-21-2025)

**Home and Community Based Services 1915(i) State Plan Initiatives**

907 KAR 016:005. Definitions for 1915(i) Recovery, Independence, Support & Engagement (RISE) Initiative.  
907 KAR 016:010. 1915(i) RISE Initiative Home and Community-Based Services (HCBS); Participant Eligibility.  
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907 KAR 016:020. 1915(i) Home and Community-Based Services (HCBS) Recovery, Independence, Support & Engagement (RISE) Initiative; Covered Services.  
907 KAR 016:025. Recovery, Independence, Support & Engagement Initiative (RISE) Program reimbursement provisions and requirements.

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### Department for Community Based Services Child Welfare

922 KAR 001:360. Private child care placement, levels of care, and payment. (Filed with Emergency; "E" Expires 10-19-2025)

## 4. REGULATIONS REMOVED FROM FULL REVIEW

### PERSONNEL CABINET

#### Personnel Cabinet, Classified

101 KAR 002:034. Classified compensation administrative regulations. (Deferred from April)

101 KAR 002:102. Classified leave general requirements. (Comments Received; SOC ext., due 05-15-2025)

#### Personnel Cabinet, Unclassified

101 KAR 003:015. Leave requirements for unclassified service. (Comments Received; SOC ext., due 05-15-2025)

101 KAR 003:045. Compensation plan and pay incentives for unclassified service. (Deferred from April)

### BOARDS AND COMMISSIONS

#### Board of Pharmacy

201 KAR 002:416. Pharmacy annual reporting of cost of dispensing data. (Filed with Emergency; "E" expires 09-13-2025) (Amended After Comments) (Deferred from May)

### ENERGY AND ENVIRONMENT CABINET

#### Public Service Commission

##### Utilities

807 KAR 005:015E. Access and attachments to utility poles and facilities. (Filed with Ordinary) ("E" expires 11-22-2025) (Comments Received; SOC due 05-15-2025)

### CABINET FOR HEALTH AND FAMILY SERVICES

#### Department of Medicaid Services

##### Medicaid Services

907 KAR 001:835. Michelle P. waiver services and reimbursement. (Filed with Emergency; "E" expires 09-19-2025) (Comments Received; SOC ext., due 05-15-2025)

##### Payment and Services

907 KAR 003:100. Reimbursement for acquired brain injury waiver services. (Filed with Emergency; "E" expires 09-19-2025) (Comments Received; SOC ext., due 05-15-2025)

907 KAR 003:210. Acquired brain injury long-term care waiver services and reimbursement. (Filed with Emergency; "E" expires 09-19-2025) (Comments Received; SOC ext., due 05-15-2025)

##### Certified Provider Requirements

907 KAR 007:015. Reimbursement for home and community based waiver services version 2. (Filed with Emergency; "E" expires 09-19-2025) (Comments Received; SOC ext., due 05-15-2025)

#### Department for Behavioral Health, Developmental and Intellectual Disabilities

##### Substance Abuse

908 KAR 001:410. Recovery housing. (Comments Received; SOC ext., due 04-15-2025) (SOC not filed by deadline)

*\*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 note on state and local government; and, if applicable, a federal mandate comparison and any required incorporated material. Administrative regulations received by the deadline established in KRS 13A.050 shall be published in the Administrative Register. Emergency administrative regulations become effective upon filing.

**Public Hearing and Public Comment Period**

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

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

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

**Review Procedure**

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

EMERGENCY ADMINISTRATIVE REGULATIONS

NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. Other statutes or legislation may affect a regulation's actual end date.

STATEMENT OF EMERGENCY  
201 KAR 23:012E.

This administrative regulation is being promulgated in order to meet an imminent deadline for the promulgation of an administrative regulation that is established by state statute. KRS 335.135, Section 17B requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact 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 emergency regulation will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency regulation.

ANDY BESHEAR, Governor  
HANK CECIL, LCSW, Chair

BOARDS AND COMMISSIONS  
Board of Social Work  
(New Emergency Administrative Regulation)

201 KAR 23:012E. Social Work Licensure Compact.

EFFECTIVE: April 15, 2025  
RELATES TO: KRS 335.135  
STATUTORY AUTHORITY: KRS 335.070(3), 335.135  
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.135 Section 17B requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact 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. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out KRS Chapter 335. This administrative regulation incorporates by reference the rules adopted by the Social Work Licensure Compact.

Section 1. The Board of Social Work shall comply with all rules of the Social Work Licensure Compact, which includes the Social Work Licensure Compact Rules as of February 5, 2025.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Social Work Licensure Compact Rules", February 5, 2025, and as revised. Chapter 1 – Rulemaking, adopted February 5, 2025.

(2)

(a) This material may be inspected, copied or obtained, subject to applicable copyright law at 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Kentucky Board of Social Work's website at <https://bsw.ky.gov/Pages/index.aspx>.

(3) This material may also be obtained at:

(a) The Social Work Licensure Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://swcompact.org/rulemaking/>.

HANK CECIL, LCSW, Chair

APPROVED BY AGENCY: April 14, 2025

FILED WITH LRC: April 15, 2025 at 10:18 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on May 30, 2025 at 1:00 p.m., at the Kentucky Board of Social Work,

125 Holmes Street, Suite 310, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through May 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: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, phone (502) 564-2350, e-mail [marc.kelly@ky.gov](mailto:marc.kelly@ky.gov).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Kelly

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates by reference the rules adopted by the Social Work Licensure Compact.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with statutory requirements of KRS 335.135, Section 17B.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the content of KRS 335.135 Section 17B, which requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS Chapter 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out KRS Chapter 335.

(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 of KRS Chapter 335 by complying with statutory requirements for the Social Work Licensing Compact.

(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 affects the Kentucky Board of Social Work and its licensees.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated individuals will not have to take any actions to comply with the administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No new costs are associated with compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance will allow regulated entities to

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be in conformance with the provisions of KRS 335.135, the Social Work License Compact.

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

(a) Initially: No new costs are anticipated.

(b) On a continuing basis: No new costs are anticipated on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the Board comes from licensure and certification fees; the Board does not receive any 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: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated entities are subject to the same 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 335.135 Section 17 B requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS Chapter 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out KRS Chapter 335.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 335.135(17)(b) and KRS 335.070(3). (a) Estimate the following for the first year:

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Social Work is the promulgating agency. No other entities are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: No new expenditures are expected.

For subsequent years: No new expenditures are expected.

2. Revenues:

For the first year: This regulation does not generate revenue.

For subsequent years: This regulation does not generate revenue.

3. Cost Savings:

For the first year: There are no cost savings associated with this regulation.

For subsequent years: There are no cost savings associated with this regulation.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities will be affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no addition regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a): 1. Expenditures:

1. Expenditures:

For the first year: None

For subsequent years: None 2. Revenues:

2. Revenues:

For the first year: None

For subsequent years: None 3. Savings:

3. Cost Savings:

For the first year: None

For subsequent years: None (b) Methodology and resources used to determine the fiscal impact: This regulation conforms to Social Work Licensure Compact requirements and has no associated fiscal impact.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact.

(b) Methodology and resources used to reach this conclusion: This regulation conforms to Social Work Licensure Compact requirements and has no associated costs or savings. (7) Explain, as it relates to entities identified in (3)(a), (4)(a), and (5)(a):

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact on the entities identified.

(b) The methodology and resources used to reach this conclusion: This regulation conforms to Social Work Licensure Compact requirements and has no associated fiscal impact.

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.

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Community Based Services**  
**Division of Protection and Permanency**  
**(Emergency As Amended at ARRS, April 14, 2025)**

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

EFFECTIVE: April 14, 2025

Prior Versions:

Emergency Amendment – 51 Ky.R. 1636

RELATES TO: KRS 199.011, 199.640-199.680, 199.801, 600.020(25), 42 U.S.C. 622, 672, 675, 675a

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 ~~6~~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/dpbs/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.

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### 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;

(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", ~~04/25~~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/dcbs/Pages/default.aspx>.

FILED WITH LRC: April 14, 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](mailto:CHFSregs@ky.gov).

VOLUME 51, NUMBER 11– MAY 1, 2025

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY  
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee  
IJC = Interim Joint Committee

OFFICE OF THE GOVERNOR  
Department of Veterans Affairs  
Office of Kentucky Veterans Centers  
(As Amended at ARRS, April 14, 2025)

17 KAR 1:030. Nurse Loan Repayment Program.

RELATES TO: KRS 18A.190, 40.320, 314.011

STATUTORY AUTHORITY: KRS 40.325(2), 40.327

NECESSITY, FUNCTION, AND CONFORMITY: KRS 40.325(2) authorizes state veterans' nursing homes. KRS 40.327(1) and (5) requires the Department of Veterans Affairs (KDVA) and the Kentucky Higher Education Assistance Authority (KHEAA) to create a Veterans Affairs Nurse Loan Repayment Program (~~VANLRP~~)(~~VANLRPP~~) for registered nurses and licensed practical nurses within the Department's employ. KRS 40.327(6) requires administrative regulations necessary to operate this program. This administrative regulation establishes the eligibility requirements, the application process, the selection criteria, and the award process for the Nurse Loan Repayment Program.

Section 1. Definitions.

(1) "~~Full-time~~**Full-time**" means working at least a forty (40) hour work week every week of the year, except for authorized and approved leave and holidays as established in KRS 18A.190.

(2) "Licensed practical nurse" is defined by KRS 314.011(9).

(3) "Registered nurse" is defined by:

(a) KRS 314.011(5); and

(b) Does not include nurse practitioners.

(4) "Satisfactory employment" means employment in which the applicant does not have disciplinary or corrective actions during the year being certified and in which the applicant is not currently on a performance improvement plan at the time the application is submitted.

Section 2. Eligibility Requirements. To be eligible to apply for the program, an applicant shall:

(1) Have a current Kentucky license as a registered nurse (RN) or as a licensed practical nurse (LPN);

(2) Be currently employed as an RN or LPN on a full-time basis at a Kentucky Department of Veterans Affairs' state veteran nursing home;

(3) Be a classified employee with status under KRS Chapter 18A; and

(4) Have completed at least one (1) year of full-time, satisfactory employment performance as an RN or LPN at a KDVA's state veteran nursing home in the year preceding the application;~~[-and]~~

(5) If applying for loan repayment more than once, each application shall be consecutive to the prior application up to a maximum of four (4) consecutive applications and up to a maximum loan repayment for four (4) successful, consecutive applications of no more than \$40,000.

(6) An applicant shall not have other unsatisfied contractual service obligations upon completing the Contract Between Nurse Loan Repayment Applicant and the Kentucky Department of Veterans Affairs.

(7) An applicant shall not have an active military obligation.

Section 3. Application Process. Each eligible applicant shall complete a Veterans Affairs Nurse Loan Repayment Program (VANLRP) Application and submit:

(1) The Veterans Affairs Nurse Loan Repayment (VANLRP) Application~~[-between January 4 and March 31];~~

(2) Documentation required to be attached to the Veterans Affairs Nurse Loan Repayment (VANLRP) application, including:

- (a) A professional experience narrative;
  - (b) Educational loan debt information; and
  - (c) A copy of a current, valid Kentucky Nursing License;
- (3) One (1) copy of the KRS Chapter 18A annual performance evaluation, if any, which the applicant received for the immediate prior calendar year.

Section 4. Selection Process.

(1) The selection panel shall consist of the executive director of the Office of Kentucky Veterans Centers (OKVC), the deputy executive director of OKVC, and the administrator of the state veterans nursing home where the applicant is employed.

(2) Criteria for selection shall include:

(a) Availability of funding;

(b) The work performance of the applicant compared to other applicants; and

(c) The needs for additional nurses at the applicant's state veteran nursing home compared to the needs of the other state veterans nursing homes.

Section 5. Award Process.

(1) Upon the selection panel awarding an applicant a loan repayment, the Commissioner of the Kentucky Department of Veterans Affairs shall issue an Award Letter to the applicant.

(2) The Award Letter shall state the amount of loan repayment of up to twenty-five (25) percent of the applicant's loan balance up to a maximum of \$10,000 per application year.

(3) KDVA and the applicant shall enter into a binding contract stating the terms of the loan repayment on the Contract Between Nurse Loan Repayment Applicant and the Kentucky Department of Veterans Affairs document.

(4) OKVC shall notify the Kentucky Higher Education Assistance Authority to implement the repayment and the Personnel Cabinet to process the taxable amount through employee payroll.

Section 6. Appeals. Denial by the selection panel shall not be considered a sanction and shall not be appealable.

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Contract Between Nurse Loan Repayment Applicant and the Kentucky Department of Veterans Affairs", 2024[2020];

(b) "Veterans Affairs Nurse Loan Repayment Program (VANLRP) Application", 2024[2020]; and

(c) "Award Letter", 2024[2020].

(2) This material may be inspected, copied, or obtained at the Kentucky Department of Veterans Affairs, 1111[B] Louisville Road, Suite B, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the Executive Director of the Office of Kentucky Veteran Centers and the Commissioner of the Kentucky Department of Veterans Affairs have reviewed and recommended this administrative regulation prior to its adoption, as required by KRS 156.070(4).

FILED WITH LRC: April 14, 2025

CONTACT PERSON: Juan Renaud, Deputy Commissioner, Office of the Commissioner, or Mark Bowman, Executive Director, 1111 Louisville Rd., Suite B, Frankfort, Kentucky 40601; phone (502) 782.5721 or (502) 564.9203; fax (502) 564.9240; email: Juan.Renaud@ky.gov or Mark.Bowman@ky.gov.

**BOARDS AND COMMISSIONS**  
**Board of Optometric Examiners**  
**(As Amended at ARRS, April 14, 2025)**

**201 KAR 5:010. Application for licensure; endorsement.**

RELATES TO: KRS 218A.205(3)(g), 320.220, 320.250, 320.270, ~~320.280~~

STATUTORY AUTHORITY: KRS 218A.205(3)(g), 320.240(7), 320.270(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 320.220(1) requires all persons who practice optometry in this state to be licensed by the Kentucky Board of Optometric Examiners. KRS 320.250 establishes criteria for an applicant to apply for a license. KRS 320.270 grants the board the discretion to admit to practice in Kentucky persons licensed to practice optometry in other states. KRS 218A.205(3)(g) requires fingerprint-supported criminal record checks and queries to the National Practitioner Data Bank on applicants. This administrative regulation prescribes the procedures to be followed in making application to the board for a license.

Section 1.

(1) A person ~~applying~~~~wishing to apply~~ for a license to practice optometry shall submit to the board, within fifteen (15) days of board review, ~~the following items~~:

- (a) A completed Application for License to Practice Optometry;
- (b) ~~A~~ birth certificate;
- (c) A certified copy of college transcripts received directly from the registrar's office;
- (d) A certified copy of optometry school ~~transcripts~~~~transcripts~~ received directly from the registrar's office;
- (e) National Board ~~of Examiners in Optometry, "NBEO", results. The Optometry Examining Board of Canada, "OEBC", or Canadian-OBEO~~ written examination ~~results may be submitted in lieu of Part 1 of the NBEO results~~;
- (f) Therapeutic Management of Ocular Disease, "TMOD" results;

(g) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;

(h) Proof of successful completion of State Law Exam results;

(i) A ~~passport-sized,~~ recent photograph of head and shoulders, front view;

(j) ~~Payment~~~~[A money order or cashier's check payable to the Kentucky State Treasurer]~~ in the amount of \$500 ~~representing the non-refundable application fee~~; and

(k) ~~Payment~~~~[A money order or cashier's check]~~ in the amount of twenty-five (25) dollars ~~[made payable to the Kentucky State Treasurer]~~ for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services.

(2)

(a) Prior to approval for examination, the board shall ~~review~~~~[receive]~~ and consider:

1. A national and state, fingerprint-supported criminal record check conducted by the:

- a. Federal Bureau of Investigation; or
- b. Kentucky State Police; and

2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.

(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 2.

(1) A person ~~applying~~~~wishing to apply~~ for a license to practice optometry by endorsement shall submit to the board, within fifteen (15) days of board review, ~~the following items~~:

(a) A completed Application for License by Endorsement to Practice Optometry;

(b) Verification that the applicant has been licensed in optometry and in active practice the past five (5) years;

(c) Information regarding any resolved, pending, or unresolved board action or malpractice suit in any state or territory;

(d) A certified copy of college transcripts received directly from the registrar's office;

(e) A certified copy of optometry school transcripts received directly from the registrar's office;

(f) A certificate of good standing from the board where the applicant is currently licensed and from all state boards where the applicant has held a license in the past;

(g) A copy of the credential that proves the applicant is therapeutically licensed;

(h) Two (2) letters of recommendation, one (1) of which shall be from a licensed optometrist;

(i) Proof of successful completion of Kentucky State Law Exam;

(j) A ~~passport-sized,~~ recent photograph of head and shoulders, front view;

(k) ~~Payment~~~~[A certified check or money order made payable to the Kentucky State Treasurer]~~ in the amount of \$700 ~~representing the non-refundable application fee~~;

(l) A notarized statement explaining why the applicant wishes to be admitted to practice in Kentucky; and

(m) ~~Payment~~~~[A money order or cashier's check]~~ in the amount of twenty-five (25) dollars ~~[made payable to the Kentucky State Treasurer]~~ for the purpose of submitting a query on the applicant to the National Practitioner Data Bank of the United States Department of Health and Human Services to retrieve any relevant data on the applicant.

(2)

(a) Prior to approval for licensure, the board shall receive and consider:

1. A national and state, fingerprint-supported criminal record check conducted by the:

- a. Federal Bureau of Investigation; or
- b. Kentucky State Police; and

2. A query for any relevant data from the National Practitioner Data Bank of the U.S. Department of Health and Human Services.

(b) Both of the items required to be furnished by this subsection shall be less than sixty (60) days old when reviewed by the board.

Section 3.

(1) A person whose license has been revoked pursuant to KRS 320.280(3) may apply for reinstatement of his or her license.

(2) Except as provided in subsection (3) of this section, a person applying for reinstatement shall submit to the board:

(a) Evidence of completion of the continuing education requirements established in 201 KAR 5:030; and

(b) Payment of the ~~reinstatement~~~~[annual renewal]~~ fee established in 201 KAR ~~5:005~~~~[5:090]~~, Section ~~7~~~~[2]~~.

(3) To apply for reinstatement, an optometrist whose license has been revoked pursuant to KRS 320.280(3) shall submit to the board:

(a) Evidence of completion of the annual continuing education requirement for each year, or any portion of a year, that the license was not renewed ~~up~~~~[up]~~ to a maximum of sixty (60) hours; and

(b) Payment of the ~~reinstatement~~~~[renewal]~~ fee established in ~~201 KAR 5:005~~~~[5:090]~~, Section ~~7~~~~[2]~~~~[of \$200]~~ for each year, or any portion of a year, that the license was not renewed.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for License to Practice Optometry", ~~June 2024~~~~[August 2012]~~; and

(b) "Application for License by Endorsement to Practice Optometry", ~~June 2024~~~~[August 2012]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Optometric Examiners, 100 Consumer Lane, Frankfort, Kentucky 40601~~[2365 Harrodsburg Road, Suite A240, Lexington, Kentucky 40504-3333]~~~~[2624 Research Park Drive, Suite 305, Lexington, Kentucky 40511]~~, phone ~~(502) 234-2114~~~~[(859) 246-2744]~~, Monday through Friday, 9:00 a.m. to 4:30 p.m.~~[8:30 a.m. to 5 p.m.]~~. This material may also be viewed on the board's Web site at: <https://optometry.ky.gov/applicants/Pages/default.aspx>.

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CONTACT PERSON: Christi LeMay, Executive Director, 2365 Harrodsburg Road, Lexington Kentucky 40504, (859) 246-2744, email [christi.lemay@ky.gov](mailto:christi.lemay@ky.gov).

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES  
(As Amended at ARRS, April 14, 2025)

202 KAR 7:410. Advanced Practice Paramedics.

RELATES TO: KRS 12.355, ~~[72.020, 311A.025, ]~~311A.050-311A.100, ~~[311A.120-311A.135, 311A.142, ]~~311A.170~~[, 311A.185, 311A.190, 446.400]~~

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.120, 311A.125, 311A.135, 311A.170~~(3)~~  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.170~~(3)~~~~[311A.025(2)]~~ requires the Kentucky Board of Emergency Medical Services to promulgate administrative regulations establishing the educational requirements, testing requirements, credentialing, and licensure requirements of advanced practice paramedics. This administrative regulation establishes those requirements.

Section 1. Licensure of Advanced Practice Paramedics. In accordance with this administrative regulation, the board office shall issue an advanced practice paramedic license to an individual certified as a community paramedic,~~or~~ wilderness paramedic, critical care paramedic, flight paramedic, or tactical paramedic.

Section 2. Certification of Community Paramedics.

~~[(1)] [An individual shall be eligible to enroll as a student in a community paramedic education and training program if the applicant:]~~

~~[(a)] [Holds a current unrestricted license as a paramedic in Kentucky or holds a current unrestricted certification with the NREMT as a Nationally Registered Paramedic (NRP);]~~

~~[(b)] [Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and]~~

~~[(e)] [Meets all additional requirements established by the EMS-TEI.]~~

~~(1)~~~~(2)~~ Individuals desiring initial board certification as a community paramedic shall:

(a) Hold a current unrestricted license as a paramedic in Kentucky;

(b) Not currently be subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification;

~~[(b)] [Successfully complete all EMS-TEI requirements for the community paramedic education and training program, which shall include all requirements of the International Board of Specialty Certification (IBSC) to test for IBSC certification as a community paramedic (CP-C);]~~

~~(c) Submit a course completion certification from an education and training program that which minimally meets the International Board of Specialty Certification (IBSC) Community Paramedicine Content Outline topic areas;~~

~~(d)~~~~(e)~~ Submit proof of current~~(Obtain)~~ certification as a community paramedic (CP-C) by the International Board of Specialty Certification (IBSC);

~~[(d)] [If operating under a board-approved community paramedic pilot program, obtain IBSC certification as a community paramedic by no later than January 1, 2026; and]~~

(e) Submit a completed Initial Advanced Practice Paramedic~~[-Community Paramedic]~~License~~[Certification]~~ Application in KEMSIS; ~~and[-]~~

(f) Pay the fee required by~~pursuant to~~ 202 KAR 7:030.

~~(2)~~~~(3)~~ To be eligible for renewal of a community paramedic certification, a community paramedic shall:

(a) Meet the requirements for paramedic licensure renewal in accordance with 202 KAR 7:401;

(b) Submit a completed EMS Clinician~~Advanced Practice Paramedic~~~~[-Community Paramedic Certification]~~ Renewal~~[Application]~~ in KEMSIS;

(c) Pay the renewal fee required by~~pursuant to~~ 202 KAR 7:030, Section 3; and

(d) Maintain~~Submit to the board~~ written evidence of:

1. Current certification by the International Board of Specialty Certification (IBSC) as a community paramedic (CP-C); or

2. At least fifty (50) hours of continuing education in the International Board of Specialty Certification (IBSC) Community Paramedic Content Outline topic areas.

~~[(2)] [At least fifteen (15) hours of continuing education on the following subject areas unique to community paramedicine:]~~

~~[a.] [Community based needs;]~~

~~[b.] [Interdisciplinary collaboration;]~~

~~[c.] [Patient centric care;]~~

~~[d.] [Wellness and safety;]~~

~~[e.] [Preventative care and education for patient or client and caregiver; or]~~

~~[f.] [Ethical and legal consideration preventative care and patient education.]~~

~~(3)~~~~(4)~~ An application for renewal of community paramedic certification shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

~~[(5)] [An individual seeking reciprocity as a community paramedic shall:]~~

~~[(a)] [Meet the requirements for paramedic reciprocity in accordance with 202 KAR 7:401;]~~

~~[(b)] [Have a current certification from the International Board of Specialty Certification (IBSC) as a community paramedic (CP-C); and]~~

~~[(c)] [Submit to the board a completed Advanced Practice Paramedic-Community Paramedic Certification Application in KEMSIS.]~~

Section 3. Certification of Wilderness Paramedics.

~~[(1)] [An individual shall be eligible to enroll as a student in a wilderness paramedic education and training program if the applicant:]~~

~~[(a)] [Holds a current unrestricted license as a paramedic in Kentucky or holds a current unrestricted certification with the NREMT as a Nationally Registered Paramedic (NRP);]~~

~~[(b)] [Is not currently subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification; and]~~

~~[(e)] [Meets all additional requirements established by the EMS-TEI.]~~

~~(1)~~~~(2)~~ Individuals desiring initial board certification as a wilderness paramedic shall:

(a) Hold a current unrestricted license as a paramedic in Kentucky;

(b) Not currently be subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification;

~~[(b)] [Successfully complete all EMS-TEI requirements for the wilderness paramedic education and training program, which shall include all requirements of the International Board of Specialty Certification (IBSC) to test for IBSC certification as a wilderness paramedic (WC-P), or, successfully complete a wilderness medicine upgrade course equivalent to Wilderness First Responder or higher from an organization approved by the board that provides certification in wilderness medicine;]~~

~~(c) Submit a course completion certificate from an education and training program that which minimally meets the International Board of Specialty Certification (IBSC) Wilderness Paramedic Content Outline topic areas;~~

~~(d)~~~~(e)~~ Submit proof of current~~(Obtain a)~~ certification as a wilderness paramedic (WP-C) from the International Board of Specialty Certification (IBSC);~~[-and]~~

~~(e)~~~~(d)~~ Submit a completed Initial Advanced Practice Paramedic~~[-Wilderness Paramedic]~~License~~[Certification]~~ Application in KEMSIS; ~~and[-]~~

(f) Pay the fee required by~~pursuant to~~ 202 KAR 7:030.

~~(2)~~~~(3)~~ To be eligible for renewal of a wilderness paramedic certification, a wilderness paramedic shall:

(a) Meet the requirements for paramedic licensure renewal in accordance with 202 KAR 7:401;

(b) Submit a completed EMS Clinician~~Advanced Practice Paramedic~~~~[-Wilderness Paramedic Certification]~~ Renewal~~[Application]~~ in KEMSIS;

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(c) Pay the renewal fee ~~required by~~pursuant to 202 KAR 7:030, ~~Section 3~~; and

(d) ~~Maintain~~Submit to the board written evidence of:

1. ~~Current~~current certification by the International Board of Specialty Certification (IBSC) as a wilderness paramedic (WP-C); or

2. At least fifty (50) hours of continuing education in the International Board of Specialty Certification (IBSC) Wilderness Paramedic Content Outline topic areas.

~~(3)~~(4) An application for renewal of a wilderness paramedic certification shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

~~[(5)] [An individual seeking reciprocity as a wilderness paramedic shall:]~~

~~[(a)] [Meet the requirements for paramedic reciprocity in accordance with 202 KAR 7:401:]~~

~~[(b)] [Have a current certification from the International Board of Specialty Certification (IBSC) as a wilderness paramedic (WP-C):]~~

~~[(e)] [Satisfy the requirements of subsection (2) of this section; and]~~

~~[(d)] [Submit to the board a completed Advanced Practice Paramedic-Wilderness Paramedic Certification Application in KEMSIS:]~~

Section 4. Certification of Critical Care Paramedics.

(1) Individuals desiring initial board certification as a critical care paramedic shall:

(a) Hold a current unrestricted license as a paramedic in Kentucky;

(b) Not currently be subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification;

(c) Submit a course completion certificate from an education and training program ~~that~~which minimally meets the International Board of Specialty Certification (IBSC) Critical Care Paramedic Content Outline topic areas;

(d) Submit proof of current certification as a critical care paramedic (CCP-C) from the International Board of Specialty Certification (IBSC);

(e) Submit a completed ~~Initial~~Advanced Practice Paramedic License~~Certification~~ Application in KEMSIS; and

(f) Pay the fee ~~required by~~pursuant to 202 KAR 7:030.

(2) To be eligible for renewal of a critical care paramedic certification, a critical care paramedic shall:

(a) Meet the requirements for paramedic licensure renewal in accordance with 202 KAR 7:401;

(b) Submit a completed ~~EMS Clinician~~Advanced Practice Paramedic Renewal~~Application~~ in KEMSIS;

(c) Pay the renewal fee ~~required by~~pursuant to 202 KAR 7:030, ~~Section 3~~; and

(d) Maintain written evidence of:

1. Current certification by the International Board of Specialty Certification (IBSC) as a critical care paramedic (CCP-C); or

2. At least fifty (50) hours of continuing education in the International Board of Specialty Certification (IBSC) Critical Care Paramedic Content Outline topic areas.

(3) An application for renewal of a critical care paramedic certification shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification at the time of application.

Section 5. Certification of Flight Paramedics.

(1) Individuals desiring initial board certification as a flight paramedic shall:

(a) Hold a current unrestricted license as a paramedic in Kentucky;

(b) Not currently be subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification;

(c) Submit a course completion certificate from an education and training program ~~that~~which minimally meets the International

Board of Specialty Certification (IBSC) Flight Paramedic Content Outline topic areas;

(d) Submit proof of current certification as a flight paramedic (FP-C) from the International Board of Specialty Certification (IBSC);

(e) Submit a completed ~~Initial~~Advanced Practice Paramedic License~~Certification~~ Application in KEMSIS; and

(f) Pay the fee ~~required by~~pursuant to 202 KAR 7:030.

(2) To be eligible for renewal of a flight paramedic certification, a flight paramedic shall:

(a) Meet the requirements for paramedic licensure renewal in accordance with 202 KAR 7:401;

(b) Submit a completed ~~EMS Clinician~~Advanced Practice Paramedic Renewal~~Application~~ in KEMSIS;

(c) Pay the renewal fee ~~required by~~pursuant to 202 KAR 7:030, ~~Section 3~~; and

(d) Maintain written evidence of:

1. Current certification by the International Board of Specialty Certification (IBSC) as a flight paramedic (FP-C); or

2. At least fifty (50) hours of continuing education in the International Board of Specialty Certification (IBSC) Flight Paramedic Content Outline topic areas.

(3) An applicant for renewal of a flight paramedic certification shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

Section 6. Certification of Tactical Paramedics.

(1) Individuals desiring initial board certification as a tactical paramedic shall:

(a) Hold a current unrestricted license as a paramedic in Kentucky;

(b) Not currently be subject to disciplinary action pursuant to KRS Chapter 311A that would prevent certification;

(c) Submit a course completion certificate from an education and training program ~~that~~which minimally meets the International Board of Specialty Certification (IBSC) Tactical Paramedic Content Outline topic areas;

(d) Submit proof of current certification as a tactical paramedic (TP-C) from the International Board of Specialty Certification (IBSC);

(e) Submit a completed ~~Initial~~Advanced Practice Paramedic License~~Certification~~ Application in KEMSIS; and

(f) Pay the fee pursuant to 202 KAR 7:030.

(2) To be eligible for renewal of a tactical paramedic certification, a tactical paramedic shall:

(a) Meet the requirements for paramedic licensure renewal in accordance with 202 KAR 7:401;

(b) Submit a completed ~~EMS Clinician~~Advanced Practice Paramedic Renewal~~Application~~ in KEMSIS;

(c) Pay the renewal fee pursuant to 202 KAR 7:030; and

(d) Maintain written evidence of:

1. Current certification by the International Board of Specialty Certification (IBSC) as a tactical paramedic (TP-C); or

2. At least fifty (50) hours of continuing education in the International Board of Specialty Certification (IBSC) Tactical Paramedic Content Outline topic areas.

(3) An application for renewal of a tactical paramedic certification shall be denied if:

(a) Prior to the certification expiration date, the applicant has not met the requirements of this section; or

(b) The applicant has been subjected to disciplinary action that prevents certification renewal at the time of application.

Section 7. Transition for Currently Certified Providers.

(1) ~~[Notwithstanding sections 2(1)(c), 3(1)(c), 4(1)(c), 5(1)(c), or 6(1)(c) of this administrative regulation,]~~ Proof of a successful course completion certification shall not be required for initial licensure and certification if:

(a) At the time of application, the applicant is certified as a community paramedic, wilderness paramedic, critical care paramedic, flight paramedic, or tactical paramedic by the International Board of Specialty Certification (IBSC); and

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(b) The application is submitted on or before September 30, 2026.

(2) [Notwithstanding section 2(1)(d) of this administrative regulation,] Proof of current certification as a community paramedic (CP-C) by the International Board of Specialty Certification (IBSC) shall not be required for initial licensure and certification as a community paramedic if:

(a) At the time of application, the applicant is operating under a board-approved community paramedic pilot program; and

(b) The application is submitted on or before September 30, 2026.

(3) [Notwithstanding section 4(1)(d) of this administrative regulation,] Proof of current certification as a critical care paramedic (CCP-C) from the International Board of Specialty Certification (IBSC) shall not be required for initial licensure and certification as a critical care paramedic if:

(a) At the time of application, the applicant has a board-issued critical care paramedic endorsement; and

(b) The application is submitted on or before September 30, 2026.

Section 8. Advanced Practice Paramedic License and Certification Renewal for Active-Duty Members of the Armed Forces. A licensed advanced practice paramedic[,] in good standing, who is a member of the Armed Forces of the United States and called to active duty by presidential order pursuant to 10 U.S.C. 121 and 12304, shall have his or her advanced practice paramedic license and certification renewed in accordance with KRS 12.355 upon submission of the Military Extension Application.

Section 9. Certification and Continuing Education Validation and Audits.

(1) All continuing education for advanced practice paramedics shall be validated by entities authorized to conduct continuing education pursuant to 202 KAR 7:601.

(2) The board office may audit an advanced practice paramedic's continuing education record and IBSC certification. Upon request, the advanced practice paramedic shall submit the requested documentation [requested] within ten (10) business days of receipt of the board office's request.

(3) If documentation of IBSC certification or continuing education hours ~~required by consistent with~~ this administrative regulation are not received using the board-approved submission process within ten (10) business days ~~of upon~~ receipt of the board's request, the advanced practice paramedic license and certification shall be deemed to have lapsed and the individual shall reapply for licensure and certification through reinstatement, if eligible.

(4) The ten (10) business days for submission shall not apply to investigations ~~conducted~~ pursuant to KRS Chapter 311A.

(5) Each advanced practice paramedic shall maintain documentation of all IBSC certifications and all continuing education for three (3) years from the date of completion.

Section 10.[Section 4.] Expiration of Advanced Practice Paramedic License and Certification.

(1) A board-issued advanced practice paramedic license and a board-issued certification as a community paramedic, [or] wilderness paramedic, critical care paramedic, flight paramedic, or tactical paramedic shall lapse or expire upon lapse or expiration of the individual's board-issued paramedic license pursuant to KRS 311A.095.

(2) An individual whose board-issued advanced practice paramedic license and board-issued certification as a community paramedic, [or] wilderness paramedic, critical care paramedic, flight paramedic, or tactical paramedic has lapsed or expired shall cease providing the specialty care authorized by the lapsed or expired license and certification.

Section 11.[Section 5.] Scope of Practice.

(1) An advanced practice paramedic may perform [shall provide] care consistent with the skills, procedures, and techniques established in the current board-approved EMS Advanced Practice Paramedic Scope of Practice document.

(2) Assessment of techniques, skills, and procedures of an advanced practice paramedic shall be subject to the board-approved agency medical protocols adopted by the advanced practice paramedic's agency.

(3) Each agency that adopts skills, procedures, and techniques established in the current board-approved EMS Advanced Practice Paramedic Scope of Practice document shall implement and maintain a policy requiring annual clinical competency assessments for employees licensed as advanced practice paramedics.

Section 12.[Section 6.] Exemptions to this Administrative Regulation. The advanced practice paramedic licensure and certification requirements established by this administrative regulation shall not apply to [:] United States military members, National Guard personnel, or employees of the United States government if the individual provides services:

(1) On land owned by the United States government;

(2) In facilities owned by the United States government;

(3) In the performance of official duties under federal law; or

(4) As part of assistance for a mass casualty or disaster incident pursuant to federal law or an official state assistance request.

Section 13.[Section 7.] Public Notice of Negative Action. The board office shall cause to be published on the board's Web site the name of an advanced practice paramedic who:

(1) Is fined;

(2) Is placed on probationary status;

(3) Is placed on restricted status;

(4) Is suspended; or

(5) Has had their license or certification revoked.

Section 14.[Section 8.] Surrender of Advanced Practice Paramedic License and Certification.

(1) An advanced practice paramedic surrendering his or her license as an advanced practice paramedic and certification as a community paramedic, [or] wilderness paramedic, critical care paramedic, flight paramedic, or tactical paramedic shall:

(a) Submit [submit] a completed [Advanced Practice Paramedic] License [and] Certification Surrender [Application] in KEMSIS; and [.]

(b) Pay the fee pursuant to 202 KAR 7:030.

(2) Upon surrendering an advanced practice paramedic license and applicable certification, the surrendering individual shall immediately give notice to his or her agency's chief operations or service director.

Section 15. Reinstatement of Advanced Practice Paramedic License and Certification.

(1) An advanced practice paramedic whose license and certification has lapsed or expired may reinstate his or her advanced practice paramedic license and certification by submitting to the board:

(a) A completed [Advanced Practice Paramedic License and Certification] Reinstatement Certification/License Application in KEMSIS;

(b) The reinstatement fee pursuant to 202 KAR 7:030, Section 4;

(c) Proof of current unrestricted license as a paramedic in Kentucky;

(d) Proof of previous licensure as an advanced practice paramedic in Kentucky; and

(e) Proof of current IBSC certification as a community paramedic, wilderness paramedic, critical care paramedic, flight paramedic, or tactical paramedic.

(2) The applicant for reinstatement shall undergo a background check pursuant to KRS 311A.100, which shall be:

(a) Statewide in scope for an applicant with a current license or certification in Kentucky;

(b) Less than six (6) months old when the applicant submits to the board all requirements for certification; and

(c) Provided by a vendor approved by the board.

(3) The applicant for reinstatement shall bear the burden of proof of previous licensure and certification in Kentucky if previous certification or licensure is in dispute.

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(4) An applicant who is ineligible for certification pursuant to KRS 311A.050 through 311A.090 shall be ineligible for reinstatement.

Section 16.[Section 9.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Initial Advanced Practice Paramedic License Certification" Application", (12/2024), ~~in KEMSIS, http://kemsis.ky.gov;~~

(b) "Reinstatement Advanced Practice Paramedic License and Certification/Reinstatement" Application", (12/2024), ~~in KEMSIS, http://kemsis.ky.gov;~~

(c) "Advanced Practice Paramedic License and Certification Surrender Application", (12/2024), ~~in KEMSIS, http://kemsis.ky.gov;~~

(d) "EMS Clinician Advanced Practice Paramedic Renewal Application", (04/2025)(12/2024), ~~in KEMSIS, http://kemsis.ky.gov;~~

(a) ["Advanced Practice Paramedic – Community Paramedic Certification Application", in KEMSIS, http://kemsis.ky.gov;]

(b) ["Advanced Practice Paramedic – Community Paramedic Certification Renewal Application", in KEMSIS, http://kemsis.ky.gov;]

(c) ["Advanced Practice Paramedic License and Certification Surrender Application", in KEMSIS, http://kemsis.ky.gov;]

(d) ["Advanced Practice Paramedic – Wilderness Paramedic Certification Application", in KEMSIS, http://kemsis.ky.gov;]

(e) ["Advanced Practice Paramedic – Wilderness Paramedic Certification Renewal Application", in KEMSIS, http://kemsis.ky.gov; and]

(f) ["EMS Advanced Practice Paramedic Scope of Practice", document, (10/2024), ~~in kbems.ky.gov;~~]

(g) "International Board of Specialty Certification (IBSC) Community Paramedicine Content Outline", (2019);

(h) "International Board of Specialty Certification (IBSC) Critical Care Paramedic Content Outline", (2016);

(i) "International Board of Specialty Certification (IBSC) Flight Paramedic Content Outline", (2020);

(j) "International Board of Specialty Certification (IBSC) Tactical Paramedic Content Outline", (2016);

(k) "International Board of Specialty Certification (IBSC) Wilderness Paramedic Content Outline", (2022).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's Web site at http://kbems.ky.gov or in KEMSIS at http://kemsis.ky.gov.

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TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Driver Licensing  
(As Amended at ARRS, April 14, 2025)

601 KAR 12:120. Visual acuity and visual field testing [applicants]for initial application or renewal of instruction permit, initial application or renewal of operator's license, or reinstatement.

RELATES TO: KRS 186.412, 186.4121, 186.415, 186.416, 186.417, 186.419, 186.435, 186.442, 186.450, 186.480, 186.578, 186.579, 186.580, 186.635, Chapter 311, 320 601 KAR-12-020.

STATUTORY AUTHORITY: KRS 186.4101, 186.444, 186.570, 186.577

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186.577 requires the Kentucky State Police to submit test persons applying for an initial operator's license or an initial instruction permit to submit to a test of visual acuity and visual field at the time of application.

KRS 186.577 also requires the Kentucky Transportation Cabinet, Department of Vehicle Regulation, Division of Driver Licensing, to submit test persons applying for a renewal operator's license, a renewal instruction permit, or reinstatement to submit to a test of visual acuity and visual field at the time of application. KRS 186.577 also requires that persons whose visual acuity is 20/60 or better in one (1) eye and who meet or exceed the visual field standard established by this administrative regulation with corrective lenses shall have their driving privileges restricted to mandate the use of the corrective lenses. KRS 186.577 also requires the Transportation Cabinet to promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of the section, including establishing visual field standards, the creation of a driver vision testing form, and establishing a credentialing process for osteopaths, physicians, and advanced practice registered nurses to conduct vision testing under the section.

Section 1. Definitions.

(1) "Corrective lens" means an ophthalmic lens, whether an eyeglass, contact lens, or single lens system, that corrects the refraction error or other optically correctable deficiency of the eye.

(2) "Credentialed medical specialist" means an osteopath, physician, or advanced practice registered nurse who is credentialed by the cabinet to perform vision testing under this administrative regulation.

(3) "Field of vision" means the entire horizontal and vertical planes a person has for each eye without shifting the gaze.

(4) "Licensing action" means any action by the Transportation Cabinet involving the denial, cancellation, restriction, or issuance of a motor vehicle operator's license pursuant to KRS Chapter 186.

(5) "Medical Review Board" means the Medical Review Board established pursuant to KRS 186.444 and 186.570(1)(c).

(6) "Visual field" is defined by KRS 186.576(13).

(7) "Vision specialist" means a person licensed to practice optometry as established in KRS Chapter 320 or its out-of-state equivalent, or an ophthalmologist who is a medical or osteopathic physician specializing in eye and vision care and licensed pursuant to KRS Chapter 311 or its out-of-state equivalent.

(8) "Vision testing" means the:

(a) Initial vision screening for visual acuity and visual field conducted by the Kentucky State Police, a credentialed medical specialist, or a vision specialist to test persons applying for an initial operator's license or an initial instruction permit, or the vision screening conducted by the Division of Driver Licensing, a credentialed medical specialist, or a vision specialist to test persons applying for a renewal operator's license, a renewal instruction permit, or reinstatement; and;

(b) It also means the Further examination vision testing for visual acuity and visual field conducted by a vision specialist after a failed initial vision screening.

(8) "Visual field" is defined by KRS 186.576(13).

(9) "Visual field standards" means the driver's horizontal field of vision is shall be at least thirty (30) degrees to both the left and the right without interruption and their vertical field of vision is shall be at least twenty-five (25) degrees above and below fixation without interruption.

Section 2. Procedures for Testing Applicants for Initial or Renewal Instruction Permit, Initial or Renewal License, or Reinstatement.

(1) The following persons shall submit to a test of visual acuity and visual field at the time of application or renewal:

(a) All persons applying for an initial or renewal operator's license;

(b) All persons applying for an initial or renewal instruction permit; and

(c) Any person required to complete an examination under KRS 186.635.

(2) Vision testing under this section shall be administered to any person:

(a) Applying for an initial operator's license, an initial instruction permit, or reinstatement of a license when vision shall be tested as required in KRS 186.480:

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1. Prior to the time of application under subsection (5) of this section; or

2. By Kentucky State Police at the time of application;

(b) Applying for operator's license renewal or instruction permit renewal:

1. Prior to the time of application under subsection (5) of this section; or

2. By the Transportation Cabinet at the time of application; or Identified in Kentucky administrative regulations promulgated by the

(c) Transportation Cabinet as being required to undergo the exam required by KRS 186.480.

(3) Visual acuity and visual field.

(a) Persons whose visual acuity is 20/40 or better in one (1) eye and who meet or exceed the visual field standard established by the Transportation Cabinet without corrective lenses shall not have a restriction placed on their driving privileges.

(b) Persons whose visual acuity is 20/40 or better in one (1) eye and who meet or exceed the visual field standard established by the Transportation Cabinet with corrective lenses shall have their driving privileges restricted to mandate the use of the corrective lenses.

(c) Persons with a horizontal visual field in the person's better eye of at least thirty (30) degrees to the left and right side of fixation without interruption and a vertical visual field in the person's better eye of at least twenty-five (25) degrees above and below fixation without interruption shall be eligible to test for an instruction permit or operator's license or shall be eligible for an instruction permit or operator's license renewal or reinstatement.

(d) If a person fails to meet a 20/40 visual acuity standard or the visual field standard established by this administrative regulation in an initial screening by the Kentucky State Police, the Division of Driver Licensing, or a credentialed medical specialist, the person shall be referred to a vision specialist for further examination. If a vision specialist performs the initial screening and the person does not meet the visual standards, the vision specialist may conduct any further examination necessary to complete the ~~[TC 94-202,]Driver Vision Testing Certification, TC 94-202.~~

(e) Any further examination visual field test conducted by a vision specialist after a failed initial vision screening under this administrative regulation shall test the entire field of vision for interruption.

(4) A person referred to a vision specialist under subsection (3)~~(d)~~ of this section whose visual acuity is 20/60 or better in one ~~(1)~~ eye and who meets or exceeds the visual field standard established by this administrative regulation, shall be eligible to test for an instruction permit or operator's license or shall be eligible for operator's license renewal or reinstatement. If corrective lenses were prescribed by a vision specialist, the person's driving privileges shall be restricted to mandate the use of the corrective lenses.

(5) Vision tests administered under subsection (2)(a) of this section shall be deemed to meet the testing provisions ~~established~~outlined in subsection (3) or (4) of this section, if the person submits a ~~[TC 94-202,]Driver Vision Testing Certification, TC 94-202,~~ and the form has been completed by:

(a) A vision specialist; or

(b) An osteopath, physician, or advanced practice registered nurse who is credentialed by the department to perform vision testing pursuant to KRS 186.577 and this administrative regulation.

(6) All driver vision testing forms completed under subsection (5) of this section shall:

(a) Attest that the applicant meets or exceeds the visual acuity standard and visual field standard established by KRS 186.577 and the department in this administrative regulation;

(b) Only be valid if the vision specialist or the credentialed osteopath, credentialed physician, or credentialed advanced practice registered nurse signed and completed the ~~[TC 94-202,]Driver Vision Testing Certification, TC 94-202,~~ vision testing form less than twelve (12) months prior to the date of application or renewal;

(c) State ~~if whether~~ the driving privileges of the applicant shall be restricted to mandate the use of corrective lenses; and

(d) Clearly indicate that the vision testing under this section is a screening for minimum vision standards established in this section and is not a complete eye examination.~~[7]~~

~~[(e)] [After any examination requested pursuant to KRS 186.577 and this administrative regulation, the examining vision specialist or credentialed medical specialist shall complete and report the findings of an examination on the TC 94-202, Driver Vision Testing Certification, and shall submit it directly to the department if the person's visual acuity or visual field do not meet the standards in this administrative regulation; and]~~

~~[(f)] [If the department learns that a person applying for an initial or renewal instruction permit, initial or renewal license, or reinstatement, could have a medical condition that might affect safe driving, the department may, pursuant to 601-KAR 13:090, 601-KAR 13:100, and this administrative regulation require the person to provide the Medical Review Board with information about the person's medical condition and may thereafter take an appropriate licensing action.]~~

(7) Any person seeking application or permit under subsection (1) of this section shall attest that he or she has submitted to and passed the visual acuity and visual field tests required under KRS 186.577 and this administrative regulation.

(8) Any person renewing an operator's license under KRS 186.416 shall be exempt from the vision testing requirements outlined in this administrative regulation.

(9) Persons who meet the requirements of KRS 186.578 and are issued operator's licenses under KRS 186.579 shall:

(a) Have their driving privileges restricted to the use of a bioptic telescopic device; and

(b) Be otherwise exempt from this section.

(10) Pursuant to KRS 186.480, the provisions of KRS 186.577 and of this administrative regulation shall not apply to an applicant who:

(a) At the time of application, holds a valid operator's license from another state, provided that state affords a reciprocal exemption to a Kentucky resident;

(b) At the time of application for a motorcycle instruction permit or motorcycle operator's license, presents evidence of successful completion of an approved rider training course under KRS 176.5062; or

(c) Is a citizen of the Commonwealth who has been serving in the United States military and has allowed his or her operator's license to expire.

(11) A credentialed medical specialist or a vision specialist shall complete the ~~[TC 94-202,]Driver Vision Testing Certification, TC 94-202,~~ after any examination requested pursuant to KRS 186.577 and this administrative regulation and shall submit a copy of the certification of any examination failures to the Division of Driver Licensing. Unless the Division of Driver Licensing or the Kentucky State Police is conducting the initial screening at the time of application, the Kentucky State Police or the department shall require a person to submit a completed original copy of Driver Vision Testing Certification, TC 94-202, this form for that person to be eligible for an initial operator's license, an initial instruction permit, license renewal, permit renewal, or reinstatement.

(12) After any examination requested pursuant to KRS 186.577 and this administrative regulation, the examining vision specialist or credentialed medical specialist shall complete and report the findings of an examination on the Driver Vision Testing Certification, TC 94-202, and shall submit it directly to the department if the person's visual acuity or visual field do not meet the standards in this administrative regulation

(13) If the department learns that a person applying for an initial or renewal instruction permit, initial or renewal license, or reinstatement, could have a medical condition that might affect safe driving, the department may, pursuant to 601 KAR 13:090, 13:100, and this administrative regulation, require the person to provide the Medical Review Board with information about the person's medical condition and may thereafter take an appropriate licensing action.

Section 3. Appeal of a Denial of Initial Instruction Permit, Operator's License, Renewal, or Reinstatement for Vision Standards.

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(1) After any further examination by a vision specialist requested pursuant to KRS 186.577 and this administrative regulation, an applicant who is deemed ineligible for an initial instruction permit, operator's license, renewal, or reinstatement because their visual acuity or visual field do not meet the applicable standards may appeal their denial to the Division of Driver Licensing, Medical Review Board.

(2) ~~[An applicant may file]~~ An appeal shall be made by submitting a copy of the ~~[TC 94-202]~~ Driver Vision Testing Certification, TC 94-202, certified by a vision specialist to the Medical Review Board within twenty (20) days of the date the further examination was completed.

Section 4. Credentialing of a Medical Specialist.

(1) A licensed osteopath, physician, or advanced practice registered nurse shall become credentialed by the Department of Vehicle Regulation before they may perform the initial vision testing required under KRS 186.577 and this administrative regulation. To become credentialed, the medical professional shall submit to the department a completed ~~[TC 94-203]~~ Medical Specialist Credentialing Certification, TC 94-203.

(2) The applicant medical specialist shall thereafter receive an approved copy of the ~~[TC 94-203]~~ Medical Specialist Credentialing Certification, TC 94-203, from the Division of Driver Licensing credentialing them to perform the initial vision screening required under KRS 186.577 and this administrative regulation prior to completing any driver vision examination, and prior to completing a ~~[TC 94-202]~~ Driver Vision Testing Certification, TC 94-202.

(3) The credentialed medical professional shall include their Medical Specialist Credential certification number on any completed ~~[TC 94-202]~~ Driver Vision Testing Certification, TC 94-202.

Section 5. Incorporated by Reference.

(1) The following material is incorporated by reference:

(a) "TC 94-202, Driver Vision Testing Certification," ~~December~~ November 2024.

(b) "TC 94-203, Medical Specialist Credentialing Certification," ~~December~~ November 2024.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Driver Licensing, 2nd Floor, Transportation Cabinet Office Building, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the Transportation Cabinet's website at [https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-\(TC-94\).aspx](https://transportation.ky.gov/Organizational-Resources/Pages/Forms-Library-(TC-94).aspx).

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**PUBLIC PROTECTION CABINET  
Department of Alcoholic Beverage Control  
(As Amended at ARRS, April 14, 2025)**

**804 KAR 4:212. In-state distilled spirits supplier license.**

RELATES TO: KRS 243.030(35)  
STATUTORY AUTHORITY: KRS 241.060, ~~[KRS]~~ 243.030(35)  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060 authorizes the board to promulgate reasonable administrative regulations governing procedures relative to the applications for and revocations of licenses, and the supervision and control of the use, manufacture, sale, transportation, storage, advertising, and trafficking of alcoholic beverages. KRS 243.030(35) authorizes the board to promulgate administrative regulations to provide for special licenses that the board finds necessary for the proper regulation and control of the traffic in distilled spirits and wine. This administrative regulation provides for the creation of an in-state distilled spirits supplier license to regulate the traffic in distilled spirits by resident owners and suppliers of distilled spirits brands.

Section 1. Definition. "In-state distilled spirits supplier" means a resident brand owner and supplier of distilled spirits products who does not operate a distillery, but through other legal means creates distilled spirits products to sell under its own brand name.

Section 2. License.

(1) An in-state distilled spirits supplier license shall authorize the licensee to:

(a) Sell distilled spirits under brands that the licensee owns, for which the licensee is the primary source of supply, or in which the licensee has an exclusive interest, at wholesale to wholesalers in the Commonwealth; and

(b) Advertise distilled spirits brands that the licensee is authorized to sell in accordance with KRS 244.130.

(2) An in-state distilled spirits supplier license shall not authorize the licensee to purchase, transport, store, or possess distilled spirits for the purposes of sale.

Section 3. Qualifications.

(1) To qualify for an in-state distilled spirits supplier license, the applicant shall:

(a) Reside in Kentucky;

(b) Be the owner, the primary source of supply, or have an exclusive interest in a particular brand of distilled spirits;

(c) Obtain a federal wholesaler's basic permit;

(d) Register with the Kentucky Department of Revenue; and

(e) Comply with all federal and state laws and regulations.

(2) An applicant that wishes to sell 50,000 or more gallons of distilled spirits shall:

(a) Complete the New License Application pursuant to 804 KAR 4:400 for an in-state distilled spirits supplier license through/via the department's Online portal at <https://abcportal.ky.gov/BELLEExternal>; and ~~[Online In-State Distilled Spirits Supplier License Application for an in-state distilled spirits supplier license via the department's Online Portal at: <https://abc-portal.ky.gov/s/> following the Kentucky Alcoholic Beverage Control Licensing Portal Applicant/Licensee User Guide (Request or Apply) that depicts the application process through the department's online portal; and]~~

(b) Pay an annual fee equal to the amount of the fee for the out-of-state distilled spirits and wine supplier's license under KRS 243.030(30).

(3) An applicant that wishes to sell less than 50,000 gallons of distilled spirits shall:

(a) Complete the New License Application pursuant to 804 KAR 4:400 for a limited in-state distilled spirits supplier license ~~license~~ through/via the department's Online portal at: <https://abcportal.ky.gov/BELLEExternal>; and ~~Complete the Online In-State Distilled Spirits Supplier License Application for a limited in-state distilled spirits supplier license via the department's Online Portal at: <https://abc-portal.ky.gov/s/> following the Kentucky Alcoholic Beverage Control Licensing Portal Applicant/Licensee User Guide (Request or Apply) that depicts the application process through the department's online portal; and]~~

(b) Pay an annual fee equal to the amount of the fee for the limited out-of-state distilled spirits and wine supplier's license under KRS 243.030(31).

(b) Pay an annual fee equal to the amount of the fee for the limited out-of-state distilled spirits and wine supplier's license under KRS 243.030(31).

Section 4. Prohibited Substantial Interests. An in-state distilled spirits supplier license applicant and in-state distilled spirits supplier licensee shall comply with 804 KAR 4:015 and ~~[for that purpose]~~ shall be considered a ~~[a]~~ manufacturer ~~[a]~~ as defined in 804 KAR 4:015.

Section 5. Brand Registration. In accordance with 804 KAR 4:410 and KRS 244.440, an in-state distilled spirits supplier licensee shall register with the department all brands the licensee intends to sell in Kentucky.

Section 6. Taxes. An in-state distilled spirits supplier licensee shall pay all applicable taxes for the sales of its products.

Section 7. Direct Shipper Licenses. This administrative regulation shall not be interpreted to relate to direct shipper licenses.

~~[Section 8.] [Incorporation by Reference.]~~

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

[(a)] ["Online In-State Distilled Spirits Supplier License Application", December 2021; and]

[(b)] ["Kentucky Alcoholic Beverage Control Licensing Portal Applicant/Licensee User Guide (Request or Apply)", September 2021, depicting the application process through the department's online portal.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE 33, Frankfort, Kentucky][40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the department's Web site at [https://abc.ky.gov/newstatic\\_Info.aspx?static\\_ID=652-](https://abc.ky.gov/newstatic_Info.aspx?static_ID=652-)]

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**PUBLIC PROTECTION CABINET  
Department of Alcoholic Beverage Control  
(As Amended at ARRS, April 14, 2025)**

**804 KAR 4:251. Special temporary licenses.**

RELATES TO: KRS 243.260

STATUTORY AUTHORITY: KRS 241.060

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate reasonable administrative regulations governing procedures relative to applications for licensure. KRS 243.260 ~~authorizes~~~~[provides for]~~ the issuance of a special temporary license in wet territory to any regularly organized fair, exposition, racing association, or other party, when, in the opinion of the board a necessity for the license exists. This administrative regulation establishes application procedures and requirements for special temporary licenses.

Section 1. Definition. "Organized civic or community-sponsored event" means a public gathering of broad appeal where citizens are invited and encouraged to attend without significant cost of admission that is sponsored or acknowledged by the city or county government in which the event is conducted, including any convention, conference, celebration, pageant, parade, festival, fair, public display, commemoration, or other type of public assemblage conducted for the benefit and enjoyment of the general public.

Section 2. An applicant for a special temporary license pursuant to KRS 243.260 shall complete the ~~[online application process and submit their Online Special-]Temporary License Application electronically in accordance with 804 KAR 4:400 through/via[at] the department's Online[Kentucky Alcoholic Beverage Control] portal~~[: <https://abcportal.ky.gov/BELLEExternal>]. The applicant shall complete and submit their application no later than five (5) working days prior to the date for which the license is requested.

Section 3. An applicant for a special temporary license pursuant to KRS 243.260 shall provide supplemental information as the ~~administrator~~[board] shall ~~deem~~[find] necessary for proper review of the application.

Section 4. For purposes of the issuance of special temporary licenses pursuant to KRS 243.260, ~~[i]n~~necessity,~~[i]n~~in the opinion of the board, shall limit applicants to:

(1) A regularly organized fair, exposition, racing association, nonprofit organization, or political campaign function; or

(2) A for-profit individual, corporation, or organization if the license will be used in conjunction with an organized civic or community-sponsored event.

Section 5. For-profit individual, corporate, or organizational applicants for a temporary license in conjunction with an organized civic or community-sponsored event shall submit written or

documentary evidence of the civic nature of the event, including promotional materials or news articles evidencing the local government's knowledge of, and support for, the event for which the applicant seeks a temporary license.

[Section 6.] [Incorporation by Reference.]

[(1)] ["Online Special Temporary License Application", February 2021, is incorporated by reference.]

[(2)] [This material may be inspected, copied, or obtained, subject to applicable copyright law, at Department of Alcoholic Beverage Control, 500 Mero Street, 2 NE 33, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m.]

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**PUBLIC PROTECTION CABINET  
Department of Alcoholic Beverage Control  
(As Amended at ARRS, April 14, 2025)**

**804 KAR 4:410. Product registration and forms.**

RELATES TO: KRS 13A.110, 241.060(1), 243.380, 243.390

STATUTORY AUTHORITY: KRS 241.060(1), 243.380, 243.390, 244.440, 244.585

NECESSITY, FUNCTION, AND CONFORMITY: KRS 241.060(1) authorizes the board to promulgate administrative regulations regarding matters over which the board has jurisdiction.

Section 1. Product Registration. Licensees required to register product brands and flavors shall use the Online Product Registration Portal to complete the online registration process at: <https://www.productregistrationonline.com/GetStarted/Ky#selectPermit>.

Section 2. Forms. A person shall complete and submit the following additional forms as needed or requested by the department:

- (1) Dormancy Request Form;
- (2) Non-Transfer Affidavit Form; and
- (3) ~~[Credit/Debit Payment Form;]~~
- [(4)] Refund Request Form[:];
- [(5)] ~~[Law Book Order Form;]~~
- [(6)] ~~[Speaker Request Form;]~~
- [(7)] ~~[Minors on Premises Request Form; and]~~
- [(8)] ~~[Private Event Request Form].~~

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Online Product Registration Portal", June 2017;
- (b) "Dormancy Request Form", November 2024~~[June 2017];~~
- (c) "Non-Transfer Affidavit Form", June 2017; and
- [(d)] ~~["Credit/Debit Payment Form", June 2017;]~~
- [(d)][(e)] "Refund Request Form", November 2024~~[June 2017];]~~
- [(f)] ~~["Law Book Order Form", June 2017;]~~
- [(g)] ~~["Speaker Request Form", June 2017;]~~
- [(h)] ~~["Minors on Premises Request Form", June 2017; and]~~
- [(t)] ~~["Private Event Request Form", June 2017].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Alcoholic Beverage Control, 500 Mero St 2NE33, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website~~[Web site]~~: <http://www.abc.ky.gov>.

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**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Medicaid Services**  
**Division of Fiscal Management**  
**(As Amended at ARRS, April 14, 2025)**

**907 KAR 12:020. Reimbursement for New Supports for Community Living Waiver Services.**

RELATES TO: KRS 205.520, 42 C.F.R. 441, Subpart G, 447.272, 42 U.S.C. 1396a, b, d, n

STATUTORY AUTHORITY: KRS 142.363, 194A.030(3), 194A.050(1), 205.520(3), 205.5606, 205.6317

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, is required 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 policies for SCL waiver services provided to individuals pursuant to the new Supports for Community Living (SCL) waiver program established by 907 KAR 12:010.

Section 1. Definitions.

(1) "DBHDID" means the Department for Behavioral Health, Developmental and Intellectual Disabilities.

(2) "Department" means the Department for Medicaid Services or its designee.

(3) "Developmental disability" means a disability that:

(a) Is manifested prior to the age of twenty-two (22);

(b) Constitutes a substantial disability to the affected individual; and

(c) Is attributable either to an intellectual disability or a condition related to an intellectual disability that:

1. Results in an impairment of general intellectual functioning and adaptive behavior similar to that of a person with an intellectual disability; and

2. Is a direct result of, or is influenced by, the person's cognitive deficits.

(4) "Exceptional support" means a service:

(a) 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 upper payment limit for the service for a specified amount of time; and

2. Meet the assessed needs of the participant.

(5) "Immediate family member" is defined by KRS 205.8451(3).

(6) "Intellectual disability" or "ID" means:

(a) A demonstration:

1. Of significantly sub-average intellectual functioning and an intelligence quotient (IQ) of seventy (70) plus or minus five (5); and

2. Of concurrent deficits or impairments in present adaptive functioning in at least two (2) of the following areas:

- a. Communication;
- b. Self-care;
- c. Home living;
- d. Social or interpersonal skills;
- e. Use of community resources;
- f. Self-direction;
- g. Functional academic skills;
- h. Work;
- i. Leisure; or
- j. Health and safety; and

(b) An intellectual disability that had an onset before eighteen (18) years of age.

(7) "Legally responsible individual" means an individual who has a duty under state law to care for another person and includes:

(a) A parent (biological, adoptive, or foster) who provides care to the parent's minor child;

(b) A guardian who provides care to the guardian's minor child;

or

(c) A spouse of a participant.

(8) "Participant" means a Medicaid recipient who:

(a) Meets patient status criteria for an intermediate care facility for individuals with intellectual disabilities as established in 907 KAR 1:022;

(b) Is authorized by the department to receive SCL waiver services; and

(c) Utilizes SCL waiver services and supports in accordance with a person-centered service plan.

(9) "Participant-directed service" means an option established by KRS 205.5606 within the 1915(c) home and community based service waiver programs that allows recipients to receive non-medical services in which the individual:

(a) Assists with the design of the program;

(b) Chooses the providers of services; and

(c) Directs the delivery of services to meet his or her needs.

(10) "State plan" is defined by 42 C.F.R. 430.10.

(11) "Supports for community living services" or "SCL services" means community-based waiver services for a participant who has an intellectual or developmental disability.

Section 2. Coverage.

(1) The department shall reimburse a participating SCL provider for a covered service provided to a participant.

(2) In order to be reimbursable by the department, a service shall be:

(a) Provided in accordance with the terms and conditions **established specified** in 907 KAR 12:010; and

(b) Prior authorized by the department.

(3) Funding for the SCL waiver program shall be associated with and generated through SCL waiver program participants rather than SCL waiver service providers.

Section 3. SCL Reimbursement and Limits.

(1) Except as established in Section 4 of this administrative regulation, the department shall reimburse for an SCL service provided in accordance with 907 KAR 12:010 to a participant an amount:

(a) Equal to the charge billed by the provider; and

(b) Not to exceed the fixed upper payment limit for the service.

(2) The unit amounts and ~~base payment rate~~**fixed upper payment limits** listed in the following table shall apply:

<u>Service</u>	<u>Unit</u>	<u>Base Rate Effective January 1, 2025</u>
Case Management	Per Month	\$425.92
Community Access, Individual	15-minute	\$10.65
Community Access, Individual - PDS	15-minute	\$10.65
Community Access, Group	15-minute	\$5.32
Community Access, Group - PDS	15-minute	\$5.32
Community Guide	15-minute	\$10.65
Community Guide - PDS	15-minute	\$10.65
Community Transition	Per Transition	Up to \$2,420
Consultative Clinical and Therapeutic Services (Behavioral)	15-minute	\$29.95
Consultative Clinical and Therapeutic Services (Dietary)	15-minute	\$29.95
Consultative Clinical and Therapeutic Services (Psychological)	15-minute	\$29.95

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Consultative Clinical and Therapeutic Services (Functional analysis)	15-minute	\$29.95
Day Training	15-minute	\$3.62
Day Training - PDS	15-minute	\$3.62
Day Training at an ADHC	15-minute	\$3.99
Environmental Accessibility Adaptation Services	Lifetime	Up to \$9,680
Environmental Accessibility Adaptation Services - PDS	Lifetime	Up to \$9,680
Financial Management Services	Per month	\$121.00
Goods and Services	Per Year	Up to \$2,178
Goods and Service - PDS	Per Year	Up to \$2,178
Natural Supports Training	Per Year	Up to \$1,210
Natural Supports Training - PDS	Per Year	Up to \$1,210
Person-Centered Coaching	15-minute	\$7.66
Personal Assistance	15-minute	\$7.37
Personal Assistance - PDS	15-minute	\$7.37
Positive Behavior Support Plan	Per Plan	\$885.12
Residential Support Level I - 3 residents or fewer	Per Day	\$284.57
Residential Support Level I - 4 to 8 residents	Per Day	\$215.09
Residential Support Level II	Per Day	\$129.91
Residential Support Level II - 12+ hours of supervision	Per Day	\$198.70
Respite	15-minute	\$5.92
Respite - PDS	15-minute	\$5.92
Shared Living	Per Day	\$726.00
Supported Employment	15-minute	\$13.65
Supported Employment - PDS	15-minute	\$13.65
Technology Assisted Residential	Per Day	\$105.15
Transportation	Per Month	\$320.65
Vehicle Adaptations	Every Five Years	Up to \$7,260
[Service]	[Unit of Service]	[Upper Payment Limit]
[Case Management]	[1 month]	[\$320.00]
[Community Access-Individual]	[15 minutes]	[\$8.00]
[Community Access-Group]	[15 minutes]	[\$4.00]
[Community Guide]	[15 minutes]	[\$8.00]
[Consultative, Clinical and Therapeutic]	[15 minutes]	[\$22.50]

[Day Training]	[15 minutes]	[\$2.20]
[Day Training (Licensed Adult Day Health Center)]	[15 minutes]	[\$3.00]
[Person-Centered Coach]	[15 minutes]	[\$5.75]
[Personal Assistance]	[15 minutes]	[\$5.54]
[Positive Behavior Support]	[1 positive behavior support plan]	[\$665.00]
[Residential Level I (4 to 8 residents)]	[24 hours]	[\$130.35]
[Residential Level I (3 or less residents)]	[24 hours]	[\$172.46]
[Residential Technology Assisted]	[24 hours]	[\$79.00]
[Residential Level II -12 or more hours of supervision]	[24 hours]	[\$141.69]
[Residential Level II-fewer than 12 hours of supervision]	[24 hours]	[\$79.00]
[Respite]	[15 minutes]	[\$2.77]
[Supported Employment]	[15 minutes]	[\$10.25]

(3) Any combination of day training, community access, personal assistance, or any hours of paid community employment or on-site supported employment service shall not exceed sixteen (16) hours per day.

(4) Community access services shall not exceed 160 units per week.

(5) Community guide services shall not exceed 576 units per one (1) year authorized person-centered service plan period.

(6) Community transition shall be based on prior authorized cost not to exceed ~~\$2,420~~[\$2,000] per approved transition.

(7) Consultative clinical and therapeutic services shall not exceed 160 units per one (1) year authorized person-centered service plan period.

(8) Day training alone or in combination with any hours of paid community employment or on-site supported employment service shall not exceed 160 units per week.

(9) An environmental accessibility adaptation service shall be:

(a) Based on a prior authorized, estimated cost; and

(b) Limited to an ~~\$9,680~~[\$8,000] lifetime maximum.

(10) Goods and services shall not exceed ~~\$2,178~~[\$1,800] per one (1) year authorized person-centered service plan period.

(11) Natural support training shall be based on a prior authorized, estimated cost not to exceed ~~\$1,210~~[\$1,000] per one (1) year authorized person-centered service plan period.

(12) Person centered coaching shall not exceed 1,320 units per year.

(13) Respite shall be limited to 3,320 units (830 hours) per one (1) year authorized person-centered service plan period.

(14) Shared living shall be based on a prior authorized amount not to exceed ~~\$726~~[\$600] per month.

(15) A vehicle adaptation shall be limited to ~~\$7,260~~[\$6,000] per five (5) years per participant.

(16) Transportation shall be reimbursed:

(a)

1. If provided as a participant directed service:

a. Based on the mileage; and

b. At two thirds of the rate established in 200 KAR 2:006, Section 8(2)(d), if provided by an individual. The rate shall be adjusted quarterly in accordance with 200 KAR 2:006, Section 8(2)(d); or

2. If provided by a public transportation service provider, at the cost per trip as documented by the receipt for the specific trip; and

(b) A maximum of ~~\$320.65~~[\$265] per calendar month.

(17) An estimate for a supply item requested under specialized medical equipment or goods and services shall be based on the

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actual price to be charged to the provider, participant, or individual by a retailer or manufacturer.

(18) Specialized medical equipment or goods and services shall not include equipment and supplies covered under the Kentucky Medicaid program's state plan including:

- (a) Durable medical equipment;
- (b) Early and Periodic Screening, Diagnosis, and Treatment Services;
- (c) Orthotics and prosthetics; or
- (d) Hearing services.

(19) A participant shall not receive multiple SCL services during the same segment of time except in the case of the following collateral services that shall be allowed to overlap other SCL services:

- (a) Community guide services;
- (b) Consultative clinical and therapeutic services; or
- (c) Person centered coaching.

Section 4. Exceptional Supports.

(1) A service listed in subsection (2) or (3) of this section, regardless of delivery method, shall qualify as an exceptional support:

- (a) Based on the needs of the participant for whom the exceptional support is requested;
- (b) For a limited period of time not to exceed a full person-centered service plan year;
- (c) If the service meets the requirements for an exceptional support in accordance with the Kentucky Exceptional Supports Protocol; and
- (d) If approved by DBHDID to be an exceptional support.

(2)

(a) The following shall qualify as an exceptional support and be reimbursed at a rate higher than the base payment rate~~[upper payment limit]~~ established in Section 3 of this administrative regulation if meeting the criteria established in subsection (1) of this section:

- 1. Community access services;
- 2. Day training that is not provided in an adult day health care center;
- 3. Personal assistance;
- 4. Respite;
- 5. Residential Level I – three (3) or fewer residents;
- 6. Residential Level I – four (4) to eight (8) residents; or
- 7. Residential Level II – twelve (12) or more hours.

(b) A rate increase for a service authorized as an exceptional support shall:

- 1. Be based on the actual cost of providing the service; and
- 2. Not exceed twice the upper payment limit established for the service in Section 3 of this administrative regulation.

(3) The following shall qualify as an exceptional support and be provided in excess of the unit limits established in Section 3 of this administrative regulation if meeting the criteria established in subsection (1) of this section:

- (a) Consultative clinical and therapeutic services;
- (b) Person centered coaching;
- (c) Personal assistance; or
- (d) Respite.

(4) A service that qualifies as an exceptional support shall:

(a) Either be authorized to be:

1. ~~[Be authorized to be]~~Reimbursed at a rate higher than the base payment rate~~[upper payment limit]~~ established for the service in Section 3 of this administrative regulation; or

2. ~~[Be authorized to be]~~Provided in excess of the unit limit established for the service in Section 3 of this administrative regulation; and

(b) Not be authorized to be reimbursed at both a higher rate than the base payment rate~~[upper payment limit]~~ and in excess of the service limit established for the service in Section 3 of this administrative regulation.

Section 5. Participant Directed Services.

(1) A reimbursement rate for a participant directed service shall:

(a) Not exceed the base payment rate~~[upper payment limit]~~ established for the service in Section 3 of this administrative

regulation unless the service qualifies as an exceptional support in accordance with Section 4(2)(a) of this administrative regulation; and

(b) Include:

1. All applicable local, state, and federal withholdings; and  
2. Any applicable employment related administrative costs, which shall be the responsibility of the participant who is directing the service.

(2) An employee who provides a participant directed service shall not be approved to provide more than forty (40) hours of service per week unless authorized to do so by the department.

(3) A legally responsible individual or immediate family member shall not be authorized to be reimbursed for more than forty (40) hours of participant directed services per week.

Section 6. Auditing and Reporting. An SCL provider shall maintain fiscal records and incident reports in accordance with the requirements established in 907 KAR 12:010.

Section 7. Appeal Rights. A provider may appeal a department decision regarding the application of this administrative regulation. An appeal shall be in accordance with 907 KAR 1:671.

Section 8. Federal Approval and Federal Financial Participation. The department's reimbursement of 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 9. Incorporation by Reference.

(1) The "Kentucky Exceptional Supports Protocol", April 2016, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law;[-]

(a) At the Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) Online at the department's website~~[Web site]~~ at: <https://www.chfs.ky.gov/agencies/dms/dca/Pages/scl-waiver.aspx>.

FILED WITH LRC: April 14, 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.

**CABINET FOR HEALTH AND FAMILY SERVICES  
Department for Medicaid Services  
Division of Policy and Operations  
(As Amended at ARRS, April 14, 2025)**

**907 KAR 20:005. Medicaid technical eligibility requirements not related to a modified adjusted gross income standard or former foster care individuals.**

RELATES TO: KRS 205.520, 205.6481-205.6497, 341.360, 42 C.F.R. ~~435.403~~~~435, 403~~, 45 C.F.R. 233.100, 8 U.S.C. 1101, 1153(a)(7), 1157, 1158, 1182(d)(5), 1231(b)(3), 1253(h), 1522, 1612, 1613, 1622, 1641, 38 U.S.C. 101, 107, 1101, 1301, 1304, 5303A, 42 U.S.C. 402, 416, 423, 1382c, 1383c, 1395i, 1396a, 9902(2)

STATUTORY AUTHORITY: KRS 194A.010(1), 194A.030(2), 194A.050(1), 205.520(3), 42 U.S.C. 1396a(1)(a)(84)(D), 1396a(a)(10), (r)(2), ~~[1396b(f)]~~1396d(q)(2)(B), 1397aa, 1397bb

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 technical eligibility requirements of the

Medicaid Program, except for individuals whose Medicaid eligibility standard is a modified adjusted gross income or for former foster care individuals between the ages of nineteen (19) and twenty-six (26) who aged out of foster care while receiving Medicaid coverage. Individuals to whom the technical eligibility requirements in this administrative regulation apply include children in foster care; aged, blind, or disabled individuals; and individuals who receive supplemental security income benefits.

Section 1. The Categorically Needy.

(1) An individual receiving Title IV-E benefits, SSI benefits, or an optional or a mandatory state supplement shall be eligible for Medicaid as a categorically-needy individual.

(2) The following classifications of persons shall be considered categorically needy and eligible for Medicaid participation as categorically needy:

(a) A child in a foster family home or private child-caring facility dependent on a governmental or private agency;

(b) A child in a psychiatric hospital, psychiatric residential treatment facility, or intermediate care facility for individuals with an intellectual disability beginning with day thirty-one (31) of the child's stay in the psychiatric hospital, psychiatric residential treatment facility, or intermediate care facility for individuals with an intellectual disability;

(c) A child in a subsidized adoption dependent on a governmental agency;

(d) A qualified severely impaired individual as **established specified** in 42 U.S.C. 1396a(a)(10)(A)(i)(II) and 1396d(q), to the extent the coverage is mandatory in **Kentucky [this state]**;

(e) An individual who loses SSI benefit eligibility but would be eligible for SSI benefits except for entitlement to or an increase in his or her child's insurance benefits based on disability as **established specified** in 42 U.S.C. 1383c;

(f) An individual **established specified** in 42 U.S.C. 1383c who:

1. Loses SSI benefits or state supplement payments as a result of receipt of benefits pursuant to 42 U.S.C. 402(e) or (f);

2. Would be eligible for SSI benefits or state supplement payments except for these benefits; and

3. Is not entitled to Medicare Part A benefits;

(g) A disabled widow, widower, or disabled surviving divorced spouse, who would be eligible for SSI benefits except for entitlement to an OASDI benefit resulting from a change in the definition of disability;

(h) A child who:

1. Was receiving SSI benefits on August 22, 1996; and

2. Except for the change in definition of childhood disability, would continue to receive SSI benefits; or

(i) A person with hemophilia who would be eligible for SSI benefits except that the individual received a settlement in a class action lawsuit entitled "Factor VIII or IX Concentrate Blood Products Litigation."[-]

(3) The classifications of persons listed in this subsection shall be considered categorically-needy and eligible for Medicaid participation as limited by the provisions of this subsection.

(a) A family **who/which** correctly received Medicaid for three (3) of the last six (6) calendar months[-] and would have been terminated from receipt of AFDC using AFDC methodologies in effect on July 16, 1996 as a result of new or increased collection of child or spousal support, shall be eligible for extended Medicaid coverage for four (4) consecutive calendar months beginning with the first month the family would have been ineligible for AFDC.

(b) A family **who/which** would have been terminated from AFDC assistance using the AFDC methodologies in effect on July 16, 1996 because of increased earnings, hours of employment, or loss of earnings disregards shall be eligible for up to four (4) months of extended Medicaid.

(c)

1. Except as **established provided** in subparagraph 3 of this paragraph, an individual in an institution meeting appropriate patient status criteria who, if not institutionalized, would not be eligible for SSI benefits or optional state supplement benefits due to income

shall be eligible under a special income level [**which is**]-set at 300 percent of the SSI benefit amount payable for an individual with no income.

2. Except as **established provided** in subparagraph 3 of this paragraph, eligibility for a similar hospice participant or similar participant in a 1915(c) home and community based waiver program for individuals with an intellectual disability or the aged, blind, or disabled shall be determined using the method established in subparagraph 1 of this subsection.

3. Eligibility of an individual in an intermediate care facility for individuals with an intellectual disability (ICF IID) or supports for community living for an individual with an intellectual disability or a developmental disability waiver meeting appropriate patient status criteria whose gross income exceeds 300 percent of the SSI benefit amount shall be determined by comparing the cost of the individual's care to the individual's income.

Section 2. Citizenship and Residency Requirements.

(1) The citizenship requirements established in 42 C.F.R. 435.406 shall apply.

(2) Except as established in subsection (3) or (4) of this section, to satisfy the Medicaid:

(a) Citizenship requirement, an applicant or recipient shall be:

1. A citizen of the United States as verified through satisfactory documentary evidence of citizenship or nationality presented during initial application or if a current recipient, upon next redetermination of continued eligibility;

2. A qualified alien who entered the United States before August 22, 1996, and is:

a. Lawfully admitted for permanent residence pursuant to 8 U.S.C. 1101;

b. Granted asylum pursuant to 8 U.S.C. 1158;

c. A refugee admitted to the United States pursuant to 8 U.S.C. 1157;

d. Paroled into the United States pursuant to 8 U.S.C. 1182(d)(5) for a period of at least one (1) year;

e. An alien whose deportation is being withheld pursuant to 8 U.S.C. 1253(h), as in effect prior to April 1, 1997, or 8 U.S.C. 1231(b)(3);

f. Granted conditional entry pursuant to 8 U.S.C. 1153(a)(7), as in effect prior to April 1, 1980;

g. An alien who is granted status as a Cuban or Haitian entrant pursuant to 8 U.S.C. 1522;

h. A battered alien pursuant to 8 U.S.C. 1641(c);

i. A veteran pursuant to 38 U.S.C. 101, 107, 1101, or 1301 with a discharge characterized as an honorable discharge and not on account of alienage;

j. On active duty, other than active duty for training in the Armed Forces of the United States, and who fulfills the minimum active duty service requirements established in 38 U.S.C. 5303A(d);

k. The spouse or unmarried dependent child of an individual **established described** in clause i. or j. of this subparagraph or the unremarried surviving spouse of an individual

**established described** in clause i. or j. of this subparagraph if the marriage fulfills the requirements established in 38 U.S.C. 1304; or

l. An Amerasian immigrant pursuant to 8 U.S.C. 1612(a)(2)(A)(v); or

3. A qualified alien who entered the United States on or after August 22, 1996 and is:

a. Granted asylum pursuant to 8 U.S.C. 1158;

b. A refugee admitted to the United States pursuant to 8 U.S.C. 1157;

c. An alien whose deportation is being withheld pursuant to 8 U.S.C. 1253(h), as in effect prior to April 1, 1997, or 8 U.S.C. 1231(b)(3);

d. An alien who is granted status as a Cuban or Haitian entrant pursuant to 8 U.S.C. 1522;

e. A veteran pursuant to 38 U.S.C. 101, 107, 1101, or 1301 with a discharge characterized as an honorable discharge and not on account of alienage;

f. On active duty, other than active duty for training in the Armed Forces of the United States, and who fulfills the minimum active duty service requirements established in 38 U.S.C. 5303A(d);

g. The spouse or unmarried dependent child of an individual ~~established~~~~described~~ in clause e. or f. of this subparagraph or the unmarried surviving spouse of an individual ~~established~~~~described~~ in clause e. or f. of this subparagraph if the marriage fulfills the requirements established in 38 U.S.C. 1304;

h. An Amerasian immigrant pursuant to 8 U.S.C. 1612(a)(2)(A)(v); or

i. An individual lawfully admitted for permanent residence pursuant to 8 U.S.C. 1101 who has earned forty (40) quarters of Social Security coverage; and

(b) Residency requirements, the applicant or recipient shall be a resident of Kentucky who meets the conditions for determining state residency pursuant to 42 C.F.R. 435.403.

(3) A qualified or nonqualified alien shall be eligible for medical assistance as ~~established~~~~provided~~ in this paragraph.

(a) The individual shall meet the income, resource, and categorical requirements of the Medicaid Program.

(b) The individual shall have, or have had within at least one (1) of the three (3) months prior to the month of application, an emergency medical condition:

1. Not related to an organ transplant procedure; and

2. Which shall be a medical condition, including severe pain, in which the absence of immediate medical attention could reasonably be expected to result in placing the individual's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part.

(c)

1. Approval of eligibility shall be for a ~~time-limited~~~~time-limited~~ period, ~~which shall include~~~~which includes~~, except as established in subparagraph 2 of this paragraph, the month in which the medical emergency began and the next following month.

2. The eligibility period shall be extended for an appropriate period of time upon presentation to the department of written documentation from the medical provider that the medical emergency will exist for a more extended period of time than is allowed for in the ~~time-limited~~~~time-limited~~ eligibility period.

(d) The Medicaid benefits to which the individual is entitled shall be limited to the medical care and services, including limited follow-up[,] necessary for the treatment of the emergency medical condition of the individual.

(4)

(a) The satisfactory documentary evidence of citizenship or nationality requirement in subsection (2)(a)1 of this section shall not apply to an individual who:

1. Is receiving SSI benefits;

2. Previously received SSI benefits but is no longer receiving them;

3. Is entitled to or enrolled in any part of Medicare;

4. Previously received Medicare benefits but is no longer receiving them;

5. Is receiving:

a. Disability insurance benefits under 42 U.S.C. 423; or

b. Monthly benefits under 42 U.S.C. 402 based on the individual's disability pursuant to 42 U.S.C. 423(d);

6. Is in foster care and who is assisted under Title IV-B of the Social Security Act, which is codified as 42 U.S.C. 621 through 628b; or

7. Receives foster care maintenance or adoption assistance payments under Title IV-E of the Social Security Act, which is codified as 42 U.S.C. 670 through 679c.

(b) The department's documentation requirements shall be in accordance with the requirements established in 42 U.S.C. 1396b(x).

(5) The department shall assist an applicant or recipient who is unable to secure satisfactory documentary evidence of citizenship or nationality in a timely manner because of incapacity of mind or body and lack of a representative to act on the applicant's or recipient's behalf.

(6) An individual shall be determined eligible for Medicaid for up to three (3) months prior to the month of application if all conditions of eligibility are met.

Section 3. The Medically Needy Who Qualify Via Spenddown. A medically needy individual who has sufficient income to meet the individual's basic maintenance needs may apply for Medicaid with need determined in accordance with the income and resource standards established in 907 KAR 20:020 through 907 KAR 20:045, if the individual meets:

(1) The income and resource standards of the medically needy program established in 907 KAR 20:020 and 907 KAR 20:025; and

(2) The technical requirements of the appropriate categorically needy group identified in Section 1 of this administrative regulation.

Section 4. Qualified Medicare Beneficiaries, Qualified Disabled and Working Individuals, Specified Low-Income Medicare Beneficiaries, and Medicare Qualified Individuals Group 1 (QI-1).

(1) Coverage shall be extended to a qualified Medicare beneficiary as ~~established~~~~specified~~ in 42 U.S.C. 1396a(a)(10)(E):

(a) ~~Based on~~~~Subject to~~ the income limits established in 907 KAR 20:020;

(b) ~~Based on~~~~Subject to~~ the resource limits established in 907 KAR 20:025; and

(c) For the scope of benefits ~~established~~~~specified~~ for a QMB in 907 KAR 1:006.

(2) A QMB shall:

(a) Be eligible for or receive Medicare Part A and Part B benefits;

(b) Be determined to be eligible for QMB benefits effective for the month after the month in which the eligibility determination has been made; and

(c) Not be eligible for QMB benefits:

1. Retroactively; or

2. For the month in which the eligibility determination was made.

(3) A qualified disabled and working individual shall be eligible under Medicaid for payment of the individual's Medicare Part A premiums as established in 907 KAR 1:006.

(4) A ~~specified low-income~~ Medicare beneficiary, who has been established as a low-income beneficiary, shall be eligible under Medicaid for payment of the Medicare Part B premiums.

(5) A Medicare qualified individual group 1 (QI-1) shall be eligible for payment of all of the Medicare Part B premium.

Section 5. Technical Eligibility Requirements. The technical eligibility factors for an individual included as categorically needy under Section 1 of this administrative regulation shall be as established in this section.

(1) The ~~following shall meet the~~ requirements of 907 KAR 20:001, Section 1(19), shall apply to a child in a child in accordance with 907 KAR 20:001, Section 1(19):

(a) ~~A child in~~ Foster care;

(b) ~~A child in~~ A private institution;

(c) ~~A child in~~ A psychiatric hospital;

(d) ~~A child in~~ A psychiatric residential treatment facility; or

(e) ~~A child in~~ An intermediate care facility for individuals with an intellectual disability.

(2) An aged individual shall be at least sixty-five (65) years of age.

(3) A blind individual shall meet the definition for "blindness" as established of blindness as contained in 42 U.S.C. 416 and 42 U.S.C. 1382c relating to Retirement, Survivors, and Disability Insurance or SSI benefits.

(4) A disabled individual shall meet the definition for "of ]permanent and total disability," as established in 42 U.S.C. 423(d) and 42 U.S.C. 1382c(a)(3) relating to RSDI and SSI benefits.

(5)

(a) Using AFDC methodologies in effect on July 16, 1996, a family who loses Medicaid eligibility solely because of increased earnings or hours of employment of the caretaker relative or loss of earnings disregards may receive up to four (4) months of extended medical assistance for family members included in the medical assistance unit prior to losing Medicaid eligibility.

(b) The family shall meet the eligibility and reporting requirements for the benefit period established in this subsection.

(c) The benefit period shall begin with the month the family would have become ineligible for AFDC using AFDC methodologies in effect on July 16, 1996.

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1. To be eligible for this transitional benefit period, the family shall:

a. Have correctly received Medicaid assistance in three (3) of the six (6) months immediately preceding the month the family would have become ineligible for AFDC using AFDC methodologies in effect on July 16, 1996;

b. Have a dependent child living in the home; and

c. Report earnings and child care costs no later than the 21st day of the fourth month.

2. If the family no longer has a dependent child living in the home, medical assistance shall be terminated the last day of the month the family no longer includes a dependent child.

(6) An applicant who is deceased shall have eligibility determined in the same manner as if the applicant were alive to cover medical expenditures during the terminal illness.

(7)

(a) An individual shall be determined eligible for Medicaid for up to three (3) months prior to the month of application if all conditions of eligibility are met and the applicant is not enrolled in a managed care organization.

(b) The effective date of Medicaid shall be the first day of the month of eligibility.

(8)

(a) Benefits shall be denied to a family for a month in which a parent with whom the child is living is, on the last day of the month, participating in a strike, and the individual's needs shall not be considered in determining eligibility for Medicaid for the family if, on the last day of the month, the individual is participating in a strike.

(b) A strike shall include a concerted stoppage of work by employees (including a stoppage by reason of expiration of a collective bargaining agreement) or any concerted slowdown or other concerted interruption of operations by employees.

Section 6. Institutional Status.

(1) An individual shall not be eligible for Medicaid if the individual is a:

(a) Resident or inmate of a nonmedical public institution except as established provided in Section 7 of this administrative regulation;

(b) Patient in a state tuberculosis hospital, unless he or she has reached age sixty-five (65);

(c) Patient in a mental hospital or psychiatric facility, unless the individual is:

1. Under twenty-one (21) years of age;

2. Under age twenty-two (22) if the individual was receiving inpatient services on his or her 21st birthday; or

3. Sixty-five (65) years of age or over; or

(d) Patient in an institution for mental diseases, unless the individual has reached age sixty-five (65).

(2) In accordance with subsection (1)(c) of this section, if an individual is receiving services in a mental hospital or psychiatric facility at the time the individual reaches twenty-one (21) years of age and the services remain medically necessary for the individual, the individual shall remain eligible for the services until the individual reaches age twenty-two (22) years of age.

Section 7. Emergency Shelters or Incarceration Status.

(1) An individual or family group who is in an emergency shelter for a temporary period of time shall be eligible for medical assistance, even if though the shelter is considered a public institution, as established in paragraphs (a) and (b) of this subsection, under the following conditions:

(a) The individual or family group shall:

1. Be a resident of an emergency shelter no more than six (6) months in any nine (9) month period; and

2. Not be in the facility serving a sentence imposed by the court, or awaiting trial, and

(b) Eligibility for Medicaid shall have existed immediately prior to admittance to the shelter or eligibility it shall exist immediately after leaving the shelter.

(2) An inmate shall be eligible for Medicaid during the period of time the inmate is admitted to a hospital if the inmate:

(a) Has been admitted to a hospital;

(b) Has been an inpatient at the hospital for at least twenty-four (24) consecutive hours; and

(c) Meets the Medicaid eligibility criteria established in this administrative regulation.

Section 8. Justice Involved Children or Youth.

(1) A justice involved child or youth who is within thirty (30) days of their scheduled release date shall be eligible for Medicaid as established pursuant to 42 U.S.C. 1396a(1)(a)(84)(D) and 1397bb.

(2) Covered services for justice involved youth shall be provided by reentry organizations that meet Medicaid criteria negotiated with the federal government and that are authorized and approved by the department. Reentry organizations include, for example, and may include:

(a) The Department for Juvenile Justice;

(b) The Department of Corrections; or

(c) Local jails; or

(d) An approved and Medicaid-enrolled third-party contractor that assists one (1) of the entities in paragraphs (a) through (c) of this subsection in delivering services pursuant to this section.

Section 9. Application for Other Benefits.

(1) Except as established provided in subsection (2) of this section or for good cause shown, as a condition of eligibility for Medicaid, an applicant or recipient shall apply for each annuity, pension, retirement, and disability benefit to which the applicant or recipient is entitled, unless the applicant or recipient can show good cause for not doing so.

(a) Good cause shall be considered to exist if other benefits have previously been denied with no change of circumstances or the individual does not meet all eligibility conditions.

(b) Annuities, pensions, retirement, and disability benefits shall include:

1. Veterans' compensations and pensions;

2. Retirement and survivors disability insurance benefits;

3. Railroad retirement benefits;

4. Unemployment compensation; and

5. Individual retirement accounts.

(2) An applicant or recipient shall not be required to apply for federal benefits if:

(a) The federal law governing that benefit establishes specifies that the benefit is optional; and

(b) The applicant or recipient believes that applying for the benefit would be to the applicant's or recipient's disadvantage.

(3) An individual who would be eligible for SSI benefits but who has not made application shall not be eligible for Medicaid.

~~Section 9.~~ Section 10. Assignment of Rights to Medical Support. By accepting assistance for or on behalf of a child, a recipient shall be deemed to have made an assignment to the cabinet of any medical support owed for the child, not to exceed the amount of Medicaid payments made on behalf of the recipient.

~~Section 10.~~ Section 11. Third-party Liability as a Condition of Eligibility.

(1)

(a) Except as established provided in subsection (3) of this section or for good cause shown, an individual applying for or receiving Medicaid shall be required as a condition of eligibility to cooperate with the cabinet in identifying, and providing information to assist the cabinet in pursuing, any third party who may be liable to pay for care or services available under the Medicaid Program unless the individual has good cause for refusing to cooperate.

(b) Good cause for failing to cooperate shall exist if cooperation:

1. Could result in physical or emotional harm of a serious nature to a child or custodial parent;

2. Is not in a child's best interest because the child was conceived as a result of rape or incest; or

3. May interfere with adoption considerations or proceedings.

(2) A failure of the individual to cooperate without good cause shall result in ineligibility of the individual.

(3) A pregnant woman with income up to 195 percent of the federal poverty level established annually by the United States Department of Health and Human Services pursuant to 42 U.S.C.

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9902(2) shall not be required to cooperate in establishing paternity or securing support for her unborn child.

Section 12.~~[Section 11.]~~ Provision of Social Security Numbers.

(1) Except as ~~established~~ **provided** in subsections (2) and (3) of this section, an applicant or recipient of Medicaid shall provide a Social Security number as a condition of eligibility.

(2) An individual shall not be denied eligibility or discontinued from eligibility due to a delay in receipt of a Social Security number from the United States Social Security Administration if appropriate application for the number has been made.

(3) An individual who refuses to obtain a Social Security number due to a well-established religious objection shall not be required to provide a Social Security number as a condition of eligibility.

Section 13.~~[Section 12.]~~ Applicability. The provisions and requirements of this administrative regulation shall:

(1) Apply to:

(a) Children in foster care;

(b) Aged, blind, or disabled individuals; and

(c) Individuals who receive supplemental security income benefits; and

(2) Not apply to an individual whose Medicaid eligibility is determined:

(a) Using the modified adjusted gross income standard pursuant to 907 KAR 20:100; or

(b) Pursuant to 907 KAR 20:075.

FILED WITH LRC: April 14, 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 Pharmacy  
(Amended After Comments)

**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)

CERTIFICATION STATEMENT: **This is to certify that the administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Pharmacy is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.**

NECESSITY, FUNCTION, AND CONFORMITY: **KRS 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 **(30)** 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 year **which shall remain confidential and only be shared with the Department of Insurance as required by KRS 315.038.**

- (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. **If the pharmacy shares a building with retail space, the proportion of the square footage that is permitted for pharmacy operations shall be applied to the total rent for the building;**
  - 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. **Data may be submitted in the aggregate for pharmacies with multiple locations.**

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;

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- 3. Generic effective rates;
- 4. In-network fees;
- 5. Performance fees;
- 6. Point-of-sale fees; and
- 7. Pre and post adjudication fees.

(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. **Only board staff will have access to the data submitted. Board of Pharmacy members will not have access to the data submitted.**

Section 4. **Enforcement discretion will be exercised if a pharmacy fails to submit mandatory data under Section 1 of this administrative regulation if they do not bill third parties.**

**Section 5.** 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: April 13, 2025

FILED WITH LRC: April 14, 2025 at 12:20 p.m.

CONTACT PERSON: Christopher Harlow, Executive Director, Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, State Office Building Annex, Frankfort, Kentucky 40601, phone (502) 564-7910, fax (502) 696-3806, email Christopher.harlow@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation 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 to implement this administrative regulation:

(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) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: SB188 during the 2024 legislative session of the General Assembly.

(3)(a) 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.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: This amendment does not create further expenditures outside of what is already allocated for licensing.

For subsequent years:

2. Revenues:

For the first year: This amendment does not create revenue.

For subsequent years: This amendment does not create revenue.

3. Cost Savings:

For the first year: This regulation does not generate any cost savings over the first year of implementation.

For subsequent years: This regulation will not generate cost savings over subsequent years. (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.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: none.

For subsequent years: none.

2. Revenues:

For the first year: none

For subsequent years: none.

3. Cost Savings:

For the first year: none.

For subsequent years: none.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): All ambulatory pharmacies permitted by the Board.

(b) Estimate the following for each regulated entity identified in

(5)(a):

1. Expenditures:

For the first year: If the data isn't readily retrievable, there could be a cost for time compiling the data. It is anticipated that the bulk of the data required to be submitted is found in the tax return filing for each regulated entity.

For subsequent years: If the data isn't readily retrievable, there could be a cost for time compiling the data. It is anticipated that the bulk of the data required to be submitted is found in the tax return filing for each regulated entity.

2. Revenues:

For the first year: none

For subsequent years: none.

3. Cost Savings:

For the first year: none.

For subsequent years: none.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: The Board will not generate any expenditures not already expended in our licensing software. The Board will not generate any revenue or cost-savings from this rulemaking either. No local entities are impacted. However, all ambulatory pharmacies are required to submit the data per SB188 from the 2024 session of the General Assembly. If this data is not readily available, it could take considerable time to compile which could equate to a cost. That cost however would only be speculative. Most likely, the tax return of the pharmacy will contain the data that is required to be submitted per this regulation.

(b) Methodology and resources used to reach this conclusion: Reviewing our contract with our licensing software and speaking to regulated pharmacists.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): 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.

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*.

**FINANCE AND ADMINISTRATION CABINET**  
**Kentucky Public Pensions Authority**  
**(Amendment)**

**105 KAR 1:200. Retirement procedures[and forms].**

RELATES TO: KRS 16.505-16.652, 61.505, 61.510-61.705, 78.510-78.852[16.576, 16.577, 16.645, 61.590, 61.595, 61.623, 61.637, 61.680, 61.705, 78.545, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, 1.401(a)-1]  
 STATUTORY AUTHORITY: KRS 61.505(1)(g), 61.590(1), 78.545[61.645(9)(e)]  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority[KRS 61.645(9)(e) requires the Board of Trustees of Kentucky Retirement Systems] to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505, 61.510 to 61.705,[46.505 to 46.652,] and 78.510 to 78.852. KRS 61.590(1) and 78.545 require[requires] that all forms and information[a member or beneficiary eligible to receive retirement benefits have on file at the retirement office each form] required by the board are on file to receive retirement benefits. This administrative regulation establishes the procedures and forms required to apply[for application] for and receive[receipt of] retirement benefits[by members of the Kentucky Retirement Systems].

Section 1. Definitions.

(1) "Applicant" means a participant who has:

(a) Applied or is applying for retirement in accordance with KRS 61.590 and 78.545; or

(b) Been approved for retirement but has not yet received a retirement allowance.

(2) "Disability retirement" means a retirement allowance a member is eligible to receive based on an incapacity as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.

(3) "Early Retirement date" means a retirement date prior to a member's normal retirement date that is not a disability retirement.

(4) "Effective retirement date" means the date upon which a member's service retirement allowance or disability retirement allowance began or will begin, which may be a different date than the date the payments are initiated.

(5) "Service retirement" means a retirement allowance a participant is eligible to receive as prescribed by KRS 16.576, 16.577, 16.583, 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516.

(6) "Termination Date" means the date in which the member has ceased or will cease his or her employment relationship with all participating employers.

(7) "Unsubstantiated service" means:

(a) For school board employees, the actual days worked averages, or appears will average, less than eighty (80) hours per month in a fiscal year, or is incomplete; or

(b) For non-school board employees, the actual worked time averages, or appears will average, less than 100 hours per month in a fiscal or calendar year, or is incomplete.

Section 2. Form 6000. The use of the Form 6000, Notification of Retirement, in this administrative regulation, is incorporated by reference in 105 KAR 1:202.

Section 3. Retirement Eligibility Requirements.

(1) Service retirement eligibility shall be determined in accordance with:

(a) KRS 16.576(1)(a), 61.559(1) and (2), 61.592(4), 78.5510(2), and 78.5514(2) for applicants with a participation date prior to September 1, 2008;

(b) KRS 16.576(1)(b), 61.559(3), 61.592(4), 78.5510(3), and 78.5514(3) for applicants with a participation date on or after September 1, 2008, but prior to January 1, 2014; and

(c) KRS 16.583(6), 61.592(4), 61.597(6), 78.5512(6), and 78.5516(6) for applicants with a participation date on or after January 1, 2014.

(2) Disability retirement eligibility shall be determined in accordance with KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 1:210.

Section 4. Application for Retirement.

(1)

[(a)] The applicant[member] shall file[submit] a valid Form 6000, Notification of Retirement,[to the retirement systems] no earlier than six (6) months prior to his or her[the member's] desired effective retirement date.

(2)

[(a)] The agency[retirement systems] shall not process an invalid Form 6000, Notification of Retirement. The Form 6000 shall be invalid if it:

1. Is incomplete;

2. Does not include all indicated required documentation;

3. Is not signed by the applicant and a spouse or other witness on the indicated place in the Certification of Bona Fide Separation from Service and Notification of Retirement Section; and

4. It is not signed by the applicant and a witness on the indicated place in the Member's Statement of Disability section if the applicant is applying for disability retirement.

[(b)] If the agency finds the[member submits a] Form 6000 to be invalid, it shall provide notification to the applicant[. Notification of Retirement, that is incomplete or is incorrect, the retirement systems shall find the Form 6000, Notification of Retirement, to be invalid and shall notify the member] of the actions necessary for completion or correction.

[(b)] [The retirement systems shall not process a Form 6000, Notification of Retirement, until the member certifies on the Form 6000 that there is no prearranged agreement for reemployment with a participating employer after the member's initial retirement date as required by KRS 61.637, 26 U.S.C. 401(a), 26 C.F.R. 1.401-1, and 1.401(a)-1.]

[(2)] [The member shall designate the beneficiary of the member's retirement allowance on the Form 6000, Notification of Retirement.]

[(3)] [The Form 6000, Notification of Retirement, shall be dated and the member's signature shall be witnessed.]

[(4)]

[(a)] If the applicant indicates[The member shall designate] on the Form 6000, Notification of Retirement, that he or she[all other state administered retirement systems from which the member] is simultaneously retiring with reciprocity,[-]

[(b)] and he or she[if the member] fails to retire from all state administered retirement systems indicated on the Form 6000 either simultaneously or with an effective retirement date within one (1) month of the applicant's[member's] effective retirement date with the systems[in the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System], the applicant[member] shall not be eligible to retire with reciprocity[after the member's effective retirement date].

[(4)][(5)]

[(a)] [The member may designate a federal tax withholding preference on the Form 6000, Notification of Retirement.]

~~[(b)] If the applicant[member] fails to designate a federal tax withholding preference, the agency[retirement systems] shall withhold federal tax based on the default withholding provided by the Internal Revenue Service[married status with three (3) exemptions].~~

~~[(b)] [(e)] Once the applicant begins receiving a [A recipient of a monthly] retirement allowance, he or she may establish or change his or her federal tax withholding preference through the Self Service Web site or by filing[submit] a valid Form 6017, Federal Income Tax Withholding Preference for Periodic Payments[to establish or change the recipient's federal tax withholding preference].~~

~~[(d)] [A recipient of a monthly retirement allowance may establish or change the recipient's tax withholding preference via Retiree Self Service on the Web site maintained by Kentucky Retirement Systems.]~~

~~(5) [(6)]~~

~~(a) The applicant's estate shall be the [member may designate a] beneficiary of the \$5,000 death benefit if the applicant fails to:~~

~~1. Designate a beneficiary of the \$5,000 death benefit; or~~

~~2. Accurately fill out the \$5,000 Death Benefit Section of the Form 6000, Application for Retirement, designating a single beneficiary [Death Benefit on the Form 6000, Notification of Retirement].~~

~~(b) Once the applicant begins receiving a retirement allowance, he or she [A retired member] may [file a Form 6030, Death Benefit Designation, to] designate or change the beneficiary of the \$5,000 death benefit through the Self Service Web site or by filing a valid Form 6030, Death Benefit Designation [at any time after the retired member begins receiving a monthly retirement allowance].~~

~~[(c)] [If the member does not designate a beneficiary of the \$5,000 death benefit, the member's estate shall be the beneficiary.]~~

~~[(d)] [If the member files a Form 6030, Death Benefit Designation, to change the beneficiary of the \$5,000 death benefit that is incomplete or incorrect, the member's beneficiary designation on file at the retirement office shall remain in effect.]~~

~~(6) [(7)]~~

~~[(a)] The applicant[member] shall authorize the direct deposit of his or her [the member's] retirement allowance on the Form 6000, Notification of Retirement.~~

~~[(b)] [The member shall attach to the Form 6000, Notification of Retirement:]~~

~~[1.] [A voided personalized check for the account to which the retirement allowance is being deposited; or]~~

~~[2.] [Verification from the financial institution receiving the electronic fund transfer.]~~

~~[(c)] [A recipient of a monthly retirement allowance may change the designated financial institution or account by filing a Form 6130, Authorization for Deposit of Retirement Payment, at the retirement office in Frankfort.]~~

~~[(d)] [A recipient of a monthly retirement allowance may establish or change the recipient's designated financial institution or account via Retiree Self Service on the Web site maintained by Kentucky Retirement Systems.]~~

~~(7)~~

~~[(a)] [(e)] If the applicant does not have an account with a financial institution or the applicant's financial institution does not participate in the electronic funds transfer program, the applicant [The member] shall file[submit] a valid Form 6135, Request for Payment by Check, simultaneously with the Form 6000, Notification of Retirement [if the member does not currently have an account with a financial institution or the member's financial institution does not participate in the electronic funds transfer program].~~

~~(b) Once a member begins receiving a retirement allowance, he or she may change the designated financial institution or account through the Self Service Web site or by filing a valid Form 6130, Authorization for Deposit of Retirement Payment.~~

~~(8)~~

~~(a) Only applicants applying for disability retirement shall complete the Member's Statement of Disability section of the Form 6000, Notification of Retirement. These applicants shall also comply with the requirements of 105 KAR 1:210.~~

~~(b) Applicant who are not applying for disability retirement shall not complete the Member's Statement of Disability section of the Form 6000, Notification of Retirement.~~

~~(9) [(8)]~~

~~(a) The applicant's [member's] current employer shall complete the Employer Certification of Leave Balances and Final Salary section [Section H] of the Form 6000, Notification of Retirement, as provided in 105 KAR 1:140, Section 15. If the employer does not submit a complete Employer Certification of Leave Balances and Final Salary section [Section H] of the Form 6000, no later than thirty (30) days prior to the applicant's effective retirement date as indicated on the Form 6000 [Notification of Retirement,] the agency [retirement systems] shall [only] utilize the information reported to the agency by the applicant's [member's] employer and former employers [to the retirement systems] in accordance with KRS 61.675 and 78.625, and shall not include [any additional] sick leave, compensatory time, [or] projected salary, projected service, or unsubstantiated service [increases] in its initial calculations of the applicant's [member's] retirement allowance or eligibility to retire, except as provided in paragraph (b) of this subsection.~~

~~(b) If the application is for disability retirement, the employer shall comply with the requirements of 105 KAR 1:210.~~

~~(c) The Employer Certification of Leave Balances and Final Salary section [Section H] of the Form 6000, Notification of Retirement, shall be signed by a person designated by the employer on file at the retirement office.~~

~~Section 5. [Section 2.] Verification of Date of Birth.~~

~~(1)~~

~~(a) The applicant [member] shall file verification of his or her [provide the retirement systems with a copy of the member's birth certificate or other verification of] date of birth [of the member] and, if a survivorship payment option is selected, a copy of the birth certificate or other verification of the date of birth of the beneficiary named on the applicant's [member's] Form 6000, Notification of Retirement [.]~~

~~1. Prior to the agency processing the application; and~~

~~2. For disability retirement or retirement at an early retirement date, by the end of day six (6) months following the date the valid Form 6000 was filed, or the Form 6000 shall be invalid.~~

~~(b) [If the member's or beneficiary's name is no longer the same as the name listed on the birth certificate or other verification of date of birth, the systems shall require the member or beneficiary to submit a marriage license, court order, or legally binding documentation of the name change.]~~

~~[(2)] The agency [retirement systems] shall accept one (1) or more of the following as verification [proof] of date of birth of the applicant [member] or beneficiary:~~

~~1. [(a)] Age record from [of] the Social Security Administration;~~

~~2. [(b)] Immigration and naturalization service records;~~

~~3. [(c)] Birth certificate;~~

~~4. [(d)] Military discharge;~~

~~5. [(e)] U.S. passport;~~

~~6. [(f)] Driver's license or state issued identification that requires birth verification [issued by the Commonwealth of Kentucky]; or~~

~~7. [(g)] Other reliable proof of date of birth that may be used by the courts to verify the person's date of birth.~~

~~(2) If the applicant's or beneficiary's name is no longer the same as the name listed on the verification of date of birth, the applicant or beneficiary shall file a social security card, driver's license, marriage certificate, court order, passport, or legally binding documentation verifying the name change.~~

~~Section 6. [Section 3.] Additional Requirements.~~

~~(1) Based on the salary reported to the agency and information provided by the applicant's employer, the agency [The retirement systems] shall provide an estimate of the applicant's [member's] retirement allowance on the Form 6010, Estimated Retirement Allowance, which shall include: [based on the salary reported to the systems and information provided by the member's employer.]~~

~~[(a)] [(2)] The payment options and amounts available to the applicant;~~

~~(b) [A] [member shall be printed on the Form 6010, Estimated Retirement Allowance, and provided to the member with a] place to designate the applicant's [member's] choice of payment option [.]~~

~~[(c)] [(3)]~~

~~[(a)] A place for the applicant to [The member shall designate a desired payment option and] sign and date; and [the Form 6010, Estimated Retirement Allowance.]~~

~~[(d)] [(b)] A place for the spouse or other witness' signature [The member's signature on the Form 6010, Estimated Retirement Allowance, shall be witnessed and the Form 6010, Estimated Retirement Allowance, returned to the retirement office as required by subsection (4)(b) or (5) of this section].~~

~~(2)~~

~~(a)~~

~~1. The applicant shall complete and file a valid Form 6010, Estimated Retirement Allowance:~~

~~a. For disability retirement, in accordance with 105 KAR 1:210; or~~

~~b. For retirement at an early retirement date, by the end of day six (6) months following his or her effective retirement date.~~

~~2. A Form 6010 shall not be valid if it is not completed in its entirety and signed by the applicant and a spouse or other witness.~~

~~(b)~~

~~1. If the applicant for retirement at an early retirement date fails to comply with paragraph (2)(a)2. of this subsection, the Form 6000, shall be void.~~

~~2. The applicant may file a new valid Form 6000 to re-apply for retirement benefits. If the applicant files a new valid Form 6000, he or she shall select a new effective retirement date that shall not be prior to the date the new Form 6000 is filed.~~

~~(3) If an applicant is approved for disability retirement, he or she shall comply with the requirements of 105 KAR 1:210 prior to receiving the approved disability retirement allowance.~~

~~(4) If the applicant selects a monthly retirement allowance or a partial lump-sum payment option and is eligible for hospital and medical insurance in accordance with KRS 16.645, 61.702, and 78.5536, he or she shall be provided with information on how to apply for hospital and medical insurance in accordance with 105 KAR 1:411.~~

~~(5)~~

~~(a) If the applicant selects an actuarial equivalent refund, lump-sum refund, or partial lump-sum payment option, he or she shall complete and file a valid Form 6025, Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution, selecting the option for payment.~~

~~(b) If the applicant intends to have the funds rolled over directly into an IRA or other qualified plan, the applicant shall have the trustee or institution relevant to the IRA or other qualified plan complete the applicable section of the Form 6025 certifying that the rollover will be accepted.~~

Section 7. Voiding the Form 6000.

(1) The Form 6000, Notification of Retirement, shall be void if:

(a) The Form 6000 is invalid, and the applicant fails to comply with Section 4(2) and Section 5 of this administrative regulation;

(b) The Form 6000 is withdrawn;

(c) The applicant is applying for disability retirement and meets the requirements to void the Form 6000 in accordance with 105 KAR 1:210 Section 20;

(d) The applicant is approved for retirement but fails to complete the requirements of Section 6 of this administrative regulation;

(e) The applicant died while the application is being processed and the beneficiary, representative of the deceased applicant's estate, or trustee fails to complete the requirements of Section 10 of this administrative regulation; or

(f) The applicant did not indicate on the Form 6000 that he or she was applying for disability retirement, and the applicant is not eligible for service retirement.

(2)

(a) If an applicant's Form 6000, Notification of Retirement, is void, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the most recently filed valid Form 2035, Beneficiary Designation, shall remain in full force and effect, except as provided in paragraph (b) of this subsection.

(b) This subsection shall not apply to a retirement account from which the applicant was already receiving a retirement allowance.

Section 8. Administration of the Retirement Allowance.

(1)

(a) The agency shall not process a monthly retirement allowance until the applicant has completed and filed all requirements of this administrative regulation.

(b) If an applicant is retiring from any other state-administered retirement system with reciprocity, the agency shall hold the retirement allowance payment until the other state-administered retirement system finalizes the applicant's retirement from its retirement system in accordance with KRS 61.680(8) and 78.5542.

(2) The agency shall not process an actuarial equivalent refund or lump sum refund until the applicant has filed all requirements of this administrative regulation, and the applicant's employer has submitted proof of the applicant's employment termination, and reported all creditable compensation and accumulated sick leave.

(3) [(4)]

(a) [The member shall terminate employment with all employers participating in the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System no later than the month before the member's effective retirement date if the member is retiring pursuant to KRS 61.590(5)(a) or (c).]

[(b)] The agency [retirement office] shall not process the first retirement allowance payment earlier than [in] the month of the applicant's [following the month in which the completed Form 6010, Estimated Retirement Allowance, and all other applicable forms and documents as provided in this administrative regulation, have been filed at the retirement office but not before the member's] effective retirement date as indicated on the Form 6010, Estimated Retirement Allowance.

[(5)] [If the member is retiring pursuant to KRS 61.590(5)(c), the member shall return the Form 6010, Estimated Retirement Allowance, within six (6) months of the member's effective retirement date as provided on the member's Form 6000, Notification of Retirement to retain the effective date of retirement shown on the form.]

[(6)] [If the member fails to return the Form 6010, Estimated Retirement Allowance, within six (6) months of the member's effective retirement date, the member's Form 6000, Notification of Retirement, shall be void and the member shall be required to submit a new Form 6000, Notification of Retirement and select a new effective retirement date. The member shall not select an effective retirement date prior to the date the Form 6000, Notification of Retirement is submitted.]

[(7)] [If a member who is approved for disability retirement benefits fails to return the member's Form 6010, Estimated Retirement Allowance within six (6) months of the date the member is notified that the member's disability application has been approved, then the member's Form 6000, Notification of Retirement, and the approval of the member's application for disability retirement benefits shall be considered void. The member may file a subsequent Form 6000, Notification of Retirement, to re-apply for disability retirement benefits.]

[(8)] [If a member's Form 6000, Notification of Retirement, is withdrawn, invalid, or voided, the beneficiary or beneficiaries and contingent beneficiary or beneficiaries designated on the last Form 2035, Beneficiary Designation, on file at the retirement office shall remain in full force and effect.]

[Section 4.]

[(1)] The agency [retirement office] shall [not] process the first service [a monthly] retirement allowance payment the month following the month:

1. Of the applicant's last termination date; and

2. All applicable forms and documents as established by this administrative regulation are on file.

(c) The agency shall process the disability retirement allowance payment in accordance with 105 KAR 1:210. [until the member has filed at the retirement office:]

[(a)] [A properly signed, witnessed, and dated Form 6010, Estimated Retirement Allowance;]

[(b)] [A copy of the member's birth verification;]

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~~[(c) [A copy of the birth verification for the beneficiary if selecting a survivorship option; and]~~

~~[(d)]~~

~~[1.] [A completed Form 6130, Authorization for Deposit of Retirement Payment; or]~~

~~[2.] [A completed Form 6135, Request for Payment by Check.]~~

~~[(2)] [The retirement office shall not process a lump sum retirement benefit until:]~~

~~[(a)] [The member has filed at the retirement office:]~~

~~[1.] [A properly signed, witnessed, and dated Form 6010, Estimated Retirement Allowance; and]~~

~~[2.] [A Form 6025, Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution; and]~~

~~[(b)] [The member's employer has filed at the retirement office proof of the member's employment termination and reported all creditable compensation and accumulated sick leave.]~~

Section 9. Subsequent Application for Retirement While a Prior Application is Pending. If a valid subsequent application for retirement that complies with Section 4 of this administrative regulation is filed while a prior application is pending:

(1) If the subsequent application is filed by 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall supersede the prior application on file; or

(2) If the subsequent application is filed after 11:59 p.m. Eastern Time on the last day of the month prior to the month of the applicant's initial retirement allowance payment, the subsequent application shall not be valid.

Section 10. Death During the Retirement Application Process.

(1) Except as provided in subsection (2) of this section, if the applicant dies prior to the first day of the month in which the applicant would have received his or her first retirement payment, any benefits payable to a beneficiary or estate shall be determined pursuant to KRS 16.578, 61.640, 78.5532, and 105 KAR 1:180.

(2) If an applicant for disability retirement dies prior to receiving his or her first retirement payment, eligibility for a disability retirement allowance that may be payable to a beneficiary, surviving spouse, dependent child, or estate shall be determined pursuant to KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, 78.5524, and 105 KAR 1:210.

Section 11. Exceptions to Changing the Beneficiary After Retirement.

(1) Except as provided in this section, the beneficiary indicated on the Form 6000 shall not be changed on or after the first day of the month in which a recipient receives his or her first retirement allowance payment.

(2)

(a) In accordance with KRS 61.542(5)(a) and 78.545, a beneficiary may be changed at any time by a recipient receiving a monthly retirement allowance under:

1. The basic payment option;

2. A period certain option as provided by KRS 61.635(5) to (7) and 78.545; or

3. The Social Security adjustment option without survivor rights as provided by KRS 61.635(8)(a) and 78.545.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6036, Beneficiary Designation Change. The newly designated beneficiary shall be effective the date the valid Form 6036 is on file.

(c) The recipient shall not change the payment option selected at retirement.

(3)

(a) In accordance with KRS 61.542(5)(b) and 78.545, a beneficiary may be changed only once by the end of day 120 calendar days following the date of a recipient's marriage or remarriage.

(b) To change the beneficiary as provided in this subsection, the recipient shall file a valid Form 6035, Beneficiary and Payment

Option Change, by the end of day 100 calendar days following the date of a recipient's marriage or remarriage that includes:

1. Verification of the date of birth of the new beneficiary as provided in Section 5 of this administrative regulation;

2. The recipient and new beneficiary's marriage certificate; and

3. If a prior spouse was the beneficiary, a divorce decree or death certificate.

(c) Once a valid Form 6035 is on file, the agency shall provide the recipient with a Form 6050 Payment Option Change Designation. The recipient shall complete and file a valid Form 6050 selecting his or her new payment option as established in KRS 61.542(5)(b)2. And 78.545 by the end of day 120 calendar days following the date of his or her marriage or remarriage.

(d) A change in payment option pursuant to this subsection shall not affect payments to an alternate payee under a Qualified Domestic Relations Order.

(e) If the recipient fails to timely complete all requirements of this subsection, the beneficiary previously on file will remain the beneficiary. If no beneficiary was previously on file, the beneficiary shall be the estate.

Section 12.[Section 5.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) Form 2035, "Beneficiary Designation", December 2024[Form 6000, "Notification of Retirement", May 2019];

(b) Form 6010, "Estimated Retirement Allowance", April 2024[May 2015];

(c) Form 6017, "Federal Income Tax Withholding Preference for Periodic Payments", January 2024[Form 6130, "Authorization for Deposit of Retirement Payment", July 2015];

(d) Form 6025, "Direct Rollover/Direct Payment Election Form for a Member, Beneficiary, or Alternate Payee Regarding an Eligible Rollover Distribution", June 2023[Form 6017, "Federal Income Tax Withholding Preference for Periodic Payments", May 2018];

(e) Form 6030, "Death Benefit Designation", November 2024[May 2015];

(f) Form 6035, "Beneficiary and Payment Option Change", April 2024[Form 6135, "Request for Payment by Check", July 2015];

(g) Form 6036, "Beneficiary Designation Change", April 2024[Form 2035, "Beneficiary Designation", May 2015];[and]

(h) Form 6050 "Estimated Retirement Allowance", April 2022;

(i) Form 6130, "Authorization for Deposit of Retirement Payment", November 2024; and

(j) Form 6135, "Request for Payment by Check", April 2024.[Form 6025, "Direct Rollover/Direct Payment Election Form for a Member or a Spouse Beneficiary of an Eligible Rollover Distribution", May 2015.]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority[Retirement Systems], 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's Web site at <https://kyret.ky.gov>.

RYAN BARROW, Executive Director

APPROVED BY AGENCY: March 27, 2025

FILED WITH LRC: March 28, 2025 at 9:09 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing to allow for public comment on this administrative regulation shall be held on Wednesday, June 25, 2025 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until June 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.

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CONTACT PERSON: Nathan Goodrich, Staff Attorney Supervisor, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, KY 40601, email Legal.Non-Advocacy@kyret.ky.gov, telephone (502) 696-8800 ext. 8570, facsimile (502) 696-8615.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goodrich

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the procedures and forms required to apply for and receive retirement benefits.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the procedures and forms required to apply for and receive retirement benefits.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits.

(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 procedures and forms required to apply for and receive retirement benefits.

(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 adds details to the procedures and requirements for applying for service retirement and disability retirement.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary in order to add requirement and procedures not previously found in the administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. KRS 61.590(1) and 78.545 require that all forms and information required by the board are on file to receive retirement benefits.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist with the effective administration of the statutes by detailing the procedures and forms required to apply for and receive retirement benefits.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 420,609 participants in the Kentucky Employees Retirement System (KERS), the State Police Retirement System (SPRS), and the County Employees Retirement System (CERS). This administrative regulation will affect approximately 1,453 employers that participate in KERS, SPRS, and CERS. This administration will also affect the Kentucky Public Pensions Authority.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will be minimally impacted by these changes as this administrative regulation is already being administered as written.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The cost of compliance with this administrative regulation should be

negligible, as this administrative regulation is already being administered as written.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefits should be negligible, as this administrative regulation is already being administered as written.

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

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

(a) Initially: The cost associated with the implementation of this amendment should be negligible.

(b) On a continuing basis: The continuing cost associated with this amendment should be negligible.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.

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

(9) TIERING: Is tiering applied? Tiering is not applied. All participants and entities are subject to the same processes and procedures.

### 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 61.505.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency for this administrative regulation is the Kentucky Public Pensions Authority (KPPA). This administrative regulation will affect the KPPA, and approximately 349 state government employers that participate in the Kentucky Employees Retirement System (KERS) and 872 employers that participate in the State Police Retirement System (SPRS).

(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 should be no expenditures, revenues, or cost saving for this administrative regulation in subsequent years because this administrative regulation is being administered as written.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): The County Employees Retirement System (CERS) and 1,120 county and local employers that participate in CERS.

(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 should be no expenditures, revenues, or cost saving for this administrative regulation in subsequent years because this administrative regulation is being administered as written.

(4) Identify additional regulated entities not listed in questions (2) or (3): None.

(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 should be negligible because this administrative regulation is already being administered as written.
- (b) Methodology and resources used to determine the fiscal impact: This administrative regulation is already being administered as written.
- (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 a major economic impact because this administrative regulation is already being administered as written.
- (b) The methodology and resources used to reach this conclusion: This administrative regulation is already being administered as written.

**BOARDS AND COMMISSIONS**  
**Board of Pharmacy**  
**(Amendment)**

**201 KAR 2:480. Telework and electronic supervision for remote prescription processing.**

RELATES TO: KRS 315.020(5), 315.310  
 STATUTORY AUTHORITY: KRS 315.191(1)(a)  
 CERTIFICATION STATEMENT: This is to certify that the administrative regulation complies with the requirements of 2025 RS HB 6, Section 8. The Board of Pharmacy is not one of the agencies that is directed by House Bill 6, Section 8(3) to include a certification by the Governor.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations to regulate and control all matters prescribed in KRS Chapter 315. KRS 315.020(5) authorizes order entry, order entry verification, and drug regimen review as tasks that may be performed outside of the permitted space of the pharmacy by a pharmacist licensed in Kentucky, or a pharmacy technician registered in Kentucky or a pharmacy intern certified in Kentucky. This administrative regulation establishes the minimum requirements for pharmacies located in Kentucky engaged in remote prescription processing ~~conducted via telework~~ and the requirements for electronic supervision.

Section 1. Definitions.

- (1) "Electronic Supervision" means the oversight provided by a pharmacist licensed in Kentucky and supervising, by means of a real-time electronic communication system, a pharmacist intern or registered pharmacy technician who is working for a permitted pharmacy.
- (2) "Telework" means the practice or assistance in the practice of pharmacy by a pharmacist licensed in Kentucky or a pharmacy technician registered in Kentucky or a pharmacy intern certified in Kentucky ~~contractor or an employee of the pharmacy~~ from a remote location outside of the permitted pharmacy.
- (3) "Telework Functions" means:
- (a) For a pharmacist includes:
1. Receiving, interpreting, or clarifying medical orders or prescription drug orders;
  2. Order entry and order entry verification;
  3. Transfer of prescription information;
  4. Prospective drug utilization reviews;
  5. Interpretation of clinical data;
  6. Refill authorizations;
  7. Performing therapeutic intervention; and
  8. Patient counseling; and
- (b) For a pharmacy technician are limited to tasks authorized under KRS 315.020(5).
- (4) "Telework Site" means a location within the United States where a Kentucky-registered pharmacy technician assists in the practice of pharmacy, or a Kentucky-licensed pharmacist or Kentucky-certified pharmacist intern engages in the practice of

pharmacy ~~as a contractor or an employee~~ outside of the pharmacy that is located and permitted in Kentucky.

Section 2. ~~Registration. The pharmacy and the pharmacist in charge of the pharmacy shall ensure individuals at telework sites are licensed or registered with the board.~~

~~[Section 3.] Requirements.~~

- ~~(1) [The pharmacy and pharmacist in charge, or the designee appointed by the pharmacist in charge shall ensure that interns and pharmacy technicians working under electronic supervision are supervised by a Kentucky licensed pharmacist.]~~
- ~~[(2)] [A pharmacist or intern that engages in the practice of pharmacy and a pharmacy technician that assists in the practice of pharmacy at a telework site shall be licensed or registered by the board and shall comply with all applicable federal and state law.]~~
- ~~[(3)] Prescription drugs and related devices shall not be at a telework site.~~

~~(2) [(4)] The pharmacy utilizing telework functions shall:~~

- ~~(a) Possess a written agreement with the licensee or registrant that includes all conditions, duties, and policies governing the licensee or registrant engaged in telework activities;~~
- ~~(b) Maintain a continuously updated, readily retrievable, list of all licensees and registrants engaged in telework and the:~~
1. Address and phone number for each telework site;
  2. Functions being performed by licensees or registrants engaged in telework; and
  3. The name of the pharmacist providing supervision for each non-pharmacist registrant.

~~(3) [(5)] The pharmacist-in-charge or the designee appointed by the pharmacist in charge of a pharmacy utilizing telework functions shall:~~

- ~~(a) Develop, implement, and enforce a continuous quality improvement program designed to objectively and systematically:~~
1. Monitor, evaluate, and document the quality and appropriateness of patient care;
  2. Improve patient care;
  3. Identify, resolve, and establish the root cause of dispensing and drug utilization review errors; and
  4. Implement measures to prevent recurrence;
- ~~(b) Develop, implement, and enforce a procedure for identifying the pharmacist, intern, and pharmacy technician responsible for telework functions; and~~
- ~~(c) Develop, implement, and enforce a process for a virtual inspection of each telework site where a pharmacist technician is assisting in the practice of pharmacy or a pharmacist intern is engaged in the practice of pharmacy by a pharmacist at least once every twelve (12) months or more frequently as determined necessary by the pharmacist. The inspection shall be documented and records retained. Board staff may request and participate in virtual inspections.~~

~~Section 3. [Section 4.] Electronic Supervision Requirements. The pharmacy, pharmacist-in-charge, or the designee appointed by the pharmacist in charge and the supervising pharmacist from the pharmacy shall:~~

- ~~(1) Utilize an electronic communication system and have appropriate technology or interface to allow access to information required to complete assigned duties;~~
- ~~(2) Ensure a pharmacist is supervising and directing each intern and pharmacy technician and that the electronic communication system is operational;~~
- ~~(3) Ensure that a pharmacist, using professional judgment, determines the frequency of check-ins with registrants to ensure patient safety, competent practice, and compliance with federal and state laws.~~
- ~~(4) Ensure that a pharmacist is readily available to answer questions and be fully responsible for the practice and accuracy of the registrant; and~~
- ~~(5) Ensure the intern or pharmacy technician knows the identity of the pharmacist who is providing supervision and direction.~~

~~Section 4. [Section 5.] Confidentiality. The [Kentucky-permitted] pharmacy, pharmacist-in-charge of the pharmacy, or the designee~~

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appointed by the pharmacist in charge, and the pharmacist, intern, and pharmacy technician shall:

- (1) Ensure patient and prescription information is managed in compliance with current state and federal law;
- (2) Ensure the security and confidentiality of patient information and pharmacy records;
- (3) Document in writing and report to the board within ten (10) days of discovery any confirmed breach in the security of the system or breach of confidentiality; and
- (4) Report any breach of security or confidentiality to the Kentucky permitted pharmacy within twenty-four (24) hours of discovery and to the board within ten (10) days.

Section 5. ~~[Section 6.]~~ Technology. The pharmacist-in-charge or the designee appointed by the pharmacist in charge shall:

- (1) Test the electronic communication system with the telework site and document that it operates properly before the intern or pharmacy technician engages in telework at the telework site;
- (2) Develop, implement, and enforce a plan for responding to and recovering from an interruption of service which prevents a pharmacist from supervising and directing the intern and pharmacy technician at the telework site;
- (3) Ensure access to appropriate and current pharmaceutical references based on the services offered and shall include Kentucky Revised Statutes, Kentucky Administrative Regulations, United States Code, Code of Federal Regulations, standards adopted by reference, and the Board of Pharmacy quarterly newsletters; and
- (4) Train the pharmacists, interns, and pharmacy technicians in the operation of the electronic communication system.

Section 6. ~~[Section 7.]~~ Security.

- (1) The pharmacist-in-charge or the designee appointed by the pharmacist in charge and each pharmacist supervising a telework site shall ensure the telework site has a designated work area that is secure and has been approved by a pharmacist prior to utilization.
- (2) Confidentiality shall be maintained so that patient information cannot be viewed or overheard by anyone other than the pharmacist, intern, or pharmacy technician.
- (3) All computer equipment used for telework shall:
  - (a) Establish and maintain a secure connection to the pharmacy and patient information;
  - (b) Utilize a program that prevents unauthorized access to the pharmacy and patient information; and
  - (c) Ensure the pharmacy and patient information is not accessed if:
    1. There is not a pharmacist actively supervising the intern or pharmacy technician at a telework site;
    2. There is not an intern or pharmacy technician present at the electronically supervised telework site; or
    3. Any component of the electronic communication system is not functioning; or
  - (d) Be configured so information from any patient or pharmacy records are not duplicated, downloaded, or removed from the electronic database if an electronic database is accessed remotely.
- (4) A record shall be maintained with the date, time, and identification of the licensee or registrant accessing patient or pharmacy records at a telework site.
- (5) All records shall be stored in a secure manner that prevents access by unauthorized persons.

Section 7. ~~[Section 8.]~~ Policies and Procedures.

- (1) The pharmacy and the pharmacist-in-charge, or the designee appointed by the pharmacist in charge shall be accountable for establishing, maintaining, and enforcing written policies and procedures for the licensees working via telework. The written policies and procedures shall be maintained at the pharmacy and shall be available to the board upon request.
- (2) The written policies and procedures shall include the services and responsibilities of the licensee or registrant engaging in telework including:
  - (a) Security;
  - (b) Operation, testing, training, and maintenance of the electronic communication system;

- (c) Detailed description of work performed;
- (d) Pharmacist supervision and direction of interns and pharmacy technicians;
- (e) Recordkeeping;
- (f) Patient confidentiality;
- (g) Continuous quality improvement;
- (h) Plan for discontinuing and recovering services if the electronic communication system is disrupted;
- (i) Confirmation of secure telework sites;
- (j) Documenting the identity, function, location, date, and time of the licensees engaging in telework at a telework site;
- (k) Written agreement with contracted licensees engaging in telework outlining the specific functions performed and requirement to comply with telework policies and procedures; and
- (l) Equipment.

Section 8. ~~[Section 9.]~~ Records.

- (1) The recordkeeping requirements of this administrative regulation shall be in addition to 201 KAR 2:171.
- (2) A pharmacy utilizing registrants or licensees via telework shall be able to produce a record of each pharmacist, pharmacist intern, or pharmacy technician involved in each order entry function. The record shall include the date and time when each step function was completed.
- (3) Physical records shall not be stored at the telework site.
- (4) Records shall not be duplicated, downloaded, or removed if accessed via telework.
- (5) Records shall be stored in a manner that prevents unauthorized access.
- (6) Records shall include items such as:
  - (a) Patient profiles and records;
  - (b) Patient contact and services provided;
  - (c) Date, time, and identification of the licensee or registrant accessing patient or pharmacy records;
  - (d) If processing prescriptions, date, time, and identification of the licensee or registrant and the specific activity or function of the person performing each step in the process;
  - (e) Training records;
  - (f) Virtual inspections;
  - (g) List of employees performing telework that includes:
    1. Name;
    2. License or registration number and expiration date;
    3. Address of telework site; and
    4. Name of the ~~[Kentucky-licensed]~~ pharmacist who:
      - a. Supervised the intern or pharmacy technician;
      - b. Approved licensee to telework; and
      - c. Approved each telework site; and
    - (h) Electronic communication system testing and training.

Section 9. ~~[Section 10.]~~ Prohibited Practices. Final product verification and dispensing from a location outside of or other than a permitted pharmacy shall not occur in telework.

CHRISTOPHER HARLOW, Pharm.D., Executive Director

APPROVED BY AGENCY: April 14, 2025

FILED WITH LRC: April 14, 2025 at 12:20 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 25, 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 June 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.

## VOLUME 51, NUMBER 11– MAY 1, 2025

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: The purpose is to provide minimum requirements for pharmacies located in Kentucky engaged in remote prescription processing conducted via telework and to establish rules for electronic supervision.

(b) The necessity of this administrative regulation: To codify the process referenced in KRS 315.020(5) regarding remote order entry and electronic supervision.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes rules regarding telework and electronic supervision for remote prescription processing as KRS 315.020(5) authorizes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 315.191(1) authorizes the board to promulgate administrative regulations to regulate pharmacists, pharmacies, wholesalers and manufacturers. KRS 315.020(5) authorized remote prescription processing under electronic supervision. This regulation outlines what electronic supervision is and how it is to be utilized.

(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 ensures that the amendment the regulation is not interpreted to exceed what is required by KRS 315.020(5).

(b) The necessity of the amendment to this administrative regulation: To ensure that the Board's statutory grant of authority is not exceeded.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment mirrors the language found in KRS 315.020(5) to ensure conformance to the authorizing statute.

(d) How the amendment will assist in the effective administration of the statutes: This amendment makes it clear that the Board is not attempting to require something beyond what is statutorily authorized.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Pharmacies, pharmacists, technicians, and interns are affected by this regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will need to familiarize themselves with this regulation and ensure compliance with the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): nothing unless they have to modify internal processes to ensure compliance.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will have greater clarity about the rules concerning telework and remote prescription processing, including electronic supervision. (5) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: There is no cost.

(b) On a continuing basis: There is no 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: No fee increase will be needed.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established directly or indirectly by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies equally.

### 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 315.191(1)(a) and KRS 315.020(5).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 315.191(1)(a) and KRS 315.020(5).

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: none.

For subsequent years: none.

2. Revenues:

For the first year: none.

For subsequent years: none.

3. Cost Savings:

For the first year: none.

For subsequent years: none.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: n/a

For subsequent years: n/a

2. Revenues:

For the first year: n/a

For subsequent years: n/a

3. Cost Savings:

For the first year: n/a

For subsequent years: n/a

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): pharmacies, pharmacists and technicians participating in telework as authorized in KRS 315.020(5).

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: none.

For subsequent years: none.

2. Revenues:

For the first year: none.

For subsequent years: none.

3. Cost Savings:

For the first year: This could be substantial because a pharmacy can have a smaller footprint since some staff can work remotely.

For subsequent years: This could be substantial because a pharmacy can have a smaller footprint since some staff can work remotely.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: There is no fiscal impact from this regulation but there is potential cost-savings for pharmacies.

(b) Methodology and resources used to reach this conclusion: Consultation with regulated entities.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): 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: Consultation with regulated entities and reviewing the Board's own budget and expenditures to enforce the regulation.

**BOARDS AND COMMISSIONS**  
**Kentucky Board of Medical Licensure**  
**(Amendment)**

**201 KAR 9:270. Professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.**

RELATES TO: KRS 218A.205, 311.530-311.620, 311.840-311.862, 311.990

STATUTORY AUTHORITY: KRS 311.565(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.565(1)(a) authorizes the board to promulgate administrative regulations to regulate the conduct of its licensees. KRS 218A.205(3)(a) and (b) require the board to establish mandatory prescribing and dispensing standards related to controlled substances. KRS 311.842(1)(b) requires that the board promulgate administrative regulations establishing professional standards for prescribing and administering controlled substances by physician assistants. This administrative regulation establishes the professional standards for any board licensee who prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone in the Commonwealth of Kentucky. Nothing within this administrative regulation shall be interpreted to grant physician assistants authority to dispense Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone, unless otherwise authorized by KRS 311.842.

Section 1. Applicability.

(1) Any licensee who prescribes, dispenses or administers, dispenses Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall comply with the standards of acceptable and prevailing medical practices established in this administrative regulation.

(2) A physician assistant shall only prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to the extent delegated by the supervising physician in the applications required under KRS 311.854 and 311.858. This administrative regulation, including any exemptions stated herein, shall not alter the prescribing limits established in KRS 311.858 or the requirement for delegation from a supervising physician established in KRS 311.854.

(a) Any change in the supervising physician application, including changes in practice address, scope of practice, or scope of delegated prescriptive authority, required under KRS 311.854 and 311.858 shall be reported in writing to the board within ten (10) days of the change.

(b) If the physician assistant's supervising physician changes or the supervising physician become restricted or suspended from the practice of medicine or osteopathy, the physician assistant shall cease prescribing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone until the restriction or suspension is terminated or a new supervising physician is approved.

(c) Prescribing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone without the applications required under KRS 311.854 and 311.858 shall constitute a violation of this administrative regulation and shall be grounds for an emergency order of restriction or suspension.

(3) The professional standards established in this administrative regulation shall not apply to prescribing or dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone:

(a) To a patient as part of the patient's hospice or end-of-life treatment;

(b) To a patient admitted to a hospital-based or hospital-affiliated emergency department while the patient is admitted therein;

(c) To a patient admitted to a licensed hospital, during and as part of a normal and expected part of the patient's course of care at that hospital;

(d) To a patient who is admitted to a level 3.5 or higher inpatient residential treatment facility with an on-sight medical director who is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine in addiction medicine, the American Board of Medical Specialties (ABMS) in addiction medicine, or an American Osteopathic Association (AOA) certifying board in addiction medicine, during and as part of a normal and expected part of the patient's course of care at that facility;

(e) To a patient who is a registered resident of a long-term care facility as defined in KRS 216.510; and

(f) For up to fourteen (14) days, to a patient who has undergone a major surgery, being any operative or invasive procedure or delivery, or has suffered a significant physical trauma, being any acute, blunt, blast or penetrating bodily injury that has a risk of death, physical disability or impairment.

Section 2. Minimum Qualifications.

(1) [~~for Prescribing, Dispensing, or Administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone. Except as provided in Section 3 of this administrative regulation,~~] A licensee shall not prescribe, dispense, or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone unless that licensee possesses the minimum qualifications established in this section.

[(1)] [The licensee shall obtain and maintain in good standing a waiver and license as issued by the Drug Enforcement Administration (DEA) to prescribe Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for the treatment of opioid use disorder in the Commonwealth of Kentucky.]

(2) The licensee shall successfully complete the approved educational programs required by this subsection.

(a) The prescribing licensee shall be a DEA-licensed prescriber of controlled substances, including Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, and shall have completed any and all courses deemed necessary by the DEA [obtained Buprenorphine certification through completion of a Substance Abuse and Mental Health Services Administration ("SAMHSA") certified course].

(b) For each three (3) year continuing education cycle, each DEA-licensed prescriber of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall complete at least twelve (12) hours of continuing medical education certified in Category I specific to addiction medicine as part of the required continuing medical education hours set forth in 201 KAR 9:310 and 201 KAR 9:360.

[(3)] [The licensee shall enroll in the Kentucky Health Information Exchange to the extent necessary to query and pull information from the Kentucky Health Information Exchange. The licensee shall not report the prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for medically-supervised withdrawal or as maintenance treatment for a patient diagnosed with opioid use disorder into the Kentucky Health Information Exchange unless otherwise required by law.]

Section 3.[Section 2.] Professional Standards for Prescribing, Dispensing, or Administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for Medically-Supervised Withdrawal or the Treatment of Opioid Use Disorder.

(1)

(a) Except as provided in paragraph (b) of this subsection, transmucosal Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall only be prescribed, dispensed, or administered for medically-supervised withdrawal or as a maintenance treatment for a patient diagnosed with opioid use disorder.

(b) Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone shall not be used for the treatment of pain or any other condition, unless delivered in a Federal Drug Administration (FDA) approved form and for an FDA approved purpose.

(2) Buprenorphine-Mono-Product shall not be prescribed, dispensed, or administered for medically-supervised withdrawal or

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as a maintenance treatment for a patient diagnosed with opioid use disorder, except:

- (a) To a pregnant patient;
- (b) To a patient with demonstrated hypersensitivity to naloxone;

or

(c) As administered under supervision in a physician's office or other healthcare facility, including hospitals, urgent care settings, surgical care centers, residential treatment facilities, and correctional facilities[; or]

~~[(d)] [To a patient transitioning from methadone to buprenorphine, limited to a period of no longer than one week].~~

(3)

~~[(a)] [If [Except as provided in paragraph (b) of this section,] Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone is [shall not be] prescribed, dispensed, or administered to a patient who is also being prescribed other controlled substances or other substances subject to abuse or misuse beyond a period of three (3) months, then the licensee shall obtain and document a formal provider-to-provider or patient-to-provider [benzodiazepines, other sedative hypnotics, stimulants or other opioids, without] consultation of a physician who is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine in addiction medicine, the American Board of Medical Specialties (ABMS) in addiction medicine [psychiatry], or an American Osteopathic Association (AOA) certifying board in addiction medicine or a physician who has completed an addiction psychiatry fellowship [psychiatry].~~

~~[(b)] [A licensee may prescribe, dispense, or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to a patient who is also being prescribed benzodiazepines, other sedative hypnotics, stimulants, or other opioids, without consultation in order to address an extraordinary and acute medical need not to exceed a combined period of thirty (30) days.]~~

~~(4) [Except as provided in Section 3 of this administrative regulation,] Each licensee who prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for medically-supervised withdrawal or for the treatment of opioid use disorder shall fully comply with the professional standards established in this subsection.~~

~~(a) Prior to or at least within two (2) weeks of initiating treatment, the prescribing, dispensing, or administering licensee shall:~~

~~1. Obtain and record a complete and appropriate evaluation of the patient which shall at a minimum include:~~

- a. The patient's history of present illness;
- b. The patient's history of substance use;
- c. The patient's social and family history;
- d. The patient's past medical and psychiatric histories;
- e. A focused physical examination of the patient;
- f. Offer screening with counseling for HIV and hepatitis serology;

and

~~g. Arranging appropriate laboratory tests, which shall include a CBC, a drug screen, and a CMP;~~

~~2. Obtain the patient's consent and authorizations in order to obtain the patient's prior medical records.~~

~~a. Upon receipt of the medical records, the prescribing, dispensing, or administering licensee shall review and incorporate the information from the records into the evaluation and treatment of the patient.~~

~~b. If the prescribing, dispensing, or administering licensee is unable, despite best efforts, to obtain the patient's prior medical records, the licensee shall document those efforts in the patient's chart;~~

~~3. Obtain and review a KASPER report for that patient for the twelve (12) month period immediately preceding the initial patient encounter and appropriately utilize that information in the evaluation and treatment of the patient;~~

~~4. Explain treatment alternatives and the risks and the benefits of treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to the patient;~~

~~5. Obtain written informed consent from the patient in a manner that meets professional standards; and~~

~~6. If the patient is a female of child-bearing age and ability, [meet the requirements of paragraph (b) of this subsection.]~~

~~[(b)] [Except as provided in Section 3 of this administrative regulation, the requirements of this paragraph shall apply to the treatment of a female of child-bearing age and ability.]~~

~~[1.] [Prior to initiating treatment, the licensee shall require that the patient submit to a pregnancy test and, if pregnant,] the licensee shall offer to screen for pregnancy and provide counseling as to the risk of neonatal abstinence syndrome which shall be consistent with current SAMHSA guidance. If the patient is pregnant, the prescribing, dispensing, or administering licensee shall refer the patient to an obstetrician or maternal-fetal medicine specialist for prenatal care, unless the licensee assumes management of the prenatal care.~~

~~[2.]~~

~~[a.] [Unless the licensee is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in] [addiction medicine or psychiatry or an obstetrician or maternal-fetal medicine specialist, a licensee who prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone to a patient who is pregnant or breastfeeding shall first obtain and document consultation with another independent physician that the potential benefit of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone use outweighs the potential risk of use.]~~

~~[b.] [The consultation shall be obtained from a physician who is certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry or from an obstetrician or maternal-fetal medicine specialist.]~~

~~[(b)] [(e)] Except as provided by paragraph (d) of this subsection, while initiating treatment with Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall comply with the requirements of this paragraph.~~

~~1. The licensee shall recommend to the patient an in-office observed initiation [induction] protocol, particularly if the patient is on fentanyl or methadone.~~

~~a. Except as provided in clause b. of this subparagraph, the licensee shall supervise the in-office observed initiation [induction] protocol and shall ensure that resources are available to manage precipitated withdrawal.~~

~~b. If an in-office observed initiation [induction] does not occur, the licensee shall appropriately record the circumstances in the patient chart and shall educate the patient about the potential for precipitated withdrawal. The licensee shall be responsible for the coordination and implementation of a plan to manage precipitated withdrawal outside of an in-office observed initiation.~~

~~2. The licensee shall assess for and document the presence or absence of opioid withdrawal before the first dose is given by using a standardized instrument, such as the clinic opioid withdrawal scale (COWS) or other similarly recognized instrument.~~

~~3. The licensee shall initiate treatment with a dose not to exceed the dose equivalency of four (4) milligrams buprenorphine generic tablet, which:~~

~~a. May be followed by subsequent doses [if withdrawal persists]; and~~

~~b. Shall not exceed the dose equivalency of sixteen (16) milligrams buprenorphine generic tablet on the first day of treatment.~~

~~[(c)] [(4)] If the patient is transferred from another treatment provider and has previously experienced withdrawal without a relapse and has not had a lapse in treatment, the licensee shall:~~

~~1. Not rely solely on the patient's self-reported history but shall comply with the standards set forth in Section 2(4) of this administrative regulation [Document that fact];~~

~~2. Make reasonable attempts to obtain records from the prior treatment provider;~~

~~3. Educate the patient about the potential for precipitated withdrawal; and~~

~~4. [(3)] Make an informed and independent clinical decision to continue maintenance treatment of the patient on the same or less~~

dosage as established by the previous treatment provider and then as provided in paragraph (e) of this subsection.

~~(d)(e)~~ After initial ~~initiation~~~~[induction]~~ of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall meet the requirements established in this paragraph.

1. If the licensee prescribes, dispenses, or administers Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone medication, the licensee shall implement a treatment plan that requires objective behavioral modification by the patient. The behavioral modification shall include the patient's participation in a behavioral modification program that may include counseling or a twelve (12) step facilitation.

2. The licensee shall prescribe, dispense, or administer to the patient an amount of Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone that:

- a. Is necessary to minimize craving and opiate withdrawal;
- b. Does not produce opiate sedation; and

~~c. [Except as provided in subclauses (i) through (iv) of this clause,] Is to be taken no more frequently than twice~~[once]~~ daily;~~

~~[(i)] [If the patient is pregnant, is to be taken no more than twice daily;]~~

~~[(ii)] [If the patient is receiving a daily dosage of less than 16mg, is to be taken no more than twice daily;]~~

~~[(iii)] [If the patient is simultaneously engaged in cancer treatment, hospice or palliative care, is to be taken bid or tid; or]~~

~~[(iv)] [If the patient is undergoing a major surgery, being any operative or invasive procedure or delivery, or has suffered a significant physical trauma, being any acute, blunt, blast or penetrating bodily injury that has a risk of death, physical disability or impairment, is to be taken bid or tid for up to fourteen (14) days;] and~~

d. Is able only to supply the patient until the next licensee visit, which shall be scheduled as required by subparagraph 3. of this paragraph.

3.

a. The licensee shall ensure that the patient is seen by a licensed clinical healthcare professional with prescribing authority:

(i) No later than ten (10) days after ~~initiation~~~~[induction]~~ and then at intervals of no more than ten (10) days for the first month after ~~initiation~~~~[induction]~~; and

(ii) At intervals of no more than fourteen (14) days for the second month after ~~initiation~~~~[induction]~~.

b.

(i) If the patient demonstrates objective signs of ~~[positive]~~ treatment progress, the licensee shall ensure that the patient is seen at least once monthly thereafter.

(ii) If two (2) years after initiation of treatment, the patient is being prescribed Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone for opioid use disorder and the patient has demonstrated objective signs of ~~[positive]~~ treatment progress, including documented evidence that the patient has been compliant with the treatment plan and all treatment directives for at least two (2) years, then the licensee may require that the patient be seen only by the licensee at least once every three (3) months.

(iii) The licensee shall see the patient in shorter intervals if the patient demonstrates any noncompliance with the treatment plan.

c. If extenuating circumstances arise that require a patient to unexpectedly reschedule a physician visit, the licensee shall make best efforts to see the patient as soon as possible and document the circumstances in the patient chart.

4. At least every three (3) months after initiation of treatment, the licensee shall evaluate the patient to determine whether the patient's dosage should be continued or modified and shall appropriately document that evaluation and clinical reasoning in the patient's chart.

5. At least once every three (3) months, the licensee shall obtain KASPER reports to help guide the treatment plan.

a. If the KASPER indicates any ~~unexpected~~~~[abnormal]~~ findings, the licensee shall incorporate those findings into appropriate clinical reasoning to support the continuation or modification of treatment and shall accurately document the same in the patient record.

b. Appropriate clinical reasoning may include adjustment of dose strength, adjustment of frequency of visits, increased drug

screening, a consultation with a specialist, or an alternative treatment.

c. Every twelve (12) months following initiation of treatment, if a patient's prescribed daily therapeutic dosage exceeds the dose equivalency of sixteen (16) milligrams buprenorphine generic tablet per day and the licensee is not certified by the American Board of Addiction Medicine, the American Board of Preventive Medicine in addiction medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or psychiatry, then the licensee shall ~~obtain~~~~refer the patient for a formal consultation with~~~~[from]~~ a physician who is certified by the American Board of Addiction Medicine, the American Board of Medical Specialties (ABMS) in psychiatry, or an American Osteopathic Association (AOA) certifying board in addiction medicine or a physician who has completed an addiction psychiatry fellowship for an opinion as to whether continued treatment and dosage is appropriate and shall accurately document the results of that consultation in the patient chart. The formal consultation may occur via telehealth if it would meet the same standards of acceptable and prevailing evaluative practices of a physical in-person evaluation.

d. The licensee shall adjust dosages according to the individual patient's condition and within acceptable and prevailing medical standards, with the goal of improving the patient's quality of life and ability to function in the community.

e. Every twelve (12) months following initiation of treatment, the licensee shall evaluate for and document the medical necessity for continued treatment at the established dose.

f. The licensee shall ensure that the patient is drug tested. A patient in early stages of treatment shall be tested at least once weekly and as the patient becomes more stable in treatment, the frequency of drug testing may be decreased, but shall be performed at least on a monthly basis. Individual consideration may be given for less frequent testing if a patient is in sustained remission. If the patient returns to substance use after a period of abstinence, the licensee shall resume the early treatment testing schedule, in conjunction with an adapted or intensified treatment plan.

(i) Except as in this subclause, each drug screen shall at a minimum screen for buprenorphine, methadone, opioids, THC, benzodiazepines, amphetamines, and cocaine. On intake and at least once a year thereafter, the licensee shall obtain a random and unannounced comprehensive drug screen that shall also screen for gabapentin and illicit substances commonly used in the geographical region.

(ii) If a drug screen indicates any ~~unexpected~~~~[abnormal]~~ findings, the licensee shall incorporate those findings into appropriate clinical reasoning to support the continuation or modification of treatment and shall accurately document the same in the patient record.

(iii) Appropriate clinical reasoning may include adjustment of dose strength, adjustment of frequency of visits, increased drug screening with urine confirmation, a consultation with a specialist, or an alternative treatment.

6. If at any time during treatment, the licensee observes patterns of unexpected results in the patient's urine drug screens or KASPER data, then the licensee shall:

a. Refer the patient out to a higher level of care; or

b. Increase the intensity of treatment and continue to monitor for unexpected urine drug screen results and KASPER data.

~~Z.[6.]~~ The licensee shall document a plan for handling any lost or stolen medication, which shall not provide for the automatic replacement of medication prior to the specified interval date.

~~[Section 3.] [Use of transmucosal buprenorphine mono-product or buprenorphine combined with naloxone for treatment of opioid use disorder in an emergency situation or inpatient setting.]~~

~~[(1)] [In an emergency, including in a hospital emergency department or similar outpatient urgent care setting, or in an inpatient setting, licensees may offer and initiate buprenorphine treatment to patients who present with opioid use disorder, without meeting the requirements established in Sections 1 and 2 of this administrative regulation and to the extent permitted by federal law, if:]~~

~~[(a)] [The licensee has determined that the use of buprenorphine mono-product or buprenorphine combined with naloxone will not result in a harmful interaction with other medications or substances in the patient's system, including benzodiazepines, sedative hypnotics, carisoprodol, or tramadol.]~~

~~[(b)] [The licensee obtains and documents written informed consent from the patient specific to risks and benefits of buprenorphine treatment; and]~~

~~[(c)] [The licensee provides the patient with written instructions and contact information for appropriate follow up care, including bridge-provider services, residential treatment providers, and outpatient treatment providers.]~~

~~[(2)] [The licensee shall initiate buprenorphine treatment under an observed induction protocol with an initial dose not to exceed the dose equivalency of four (4) milligrams buprenorphine generic tablet, which may be followed by subsequent doses, up to a maximum of twenty-four (24) milligrams buprenorphine generic tablet, if withdrawal persists and is not improving.]~~

Section 4. Professional Standards for Documentation of Patient Assessment, Education, Treatment Agreement and Informed Consent, Action Plans, Outcomes, and Monitoring.

(1) Each licensee prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone shall obtain and document all relevant information in a patient's medical record in a legible manner and in sufficient detail to enable the board to determine whether the licensee is conforming to professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone and other relevant professional standards set forth in this administrative regulation.

(2) If a licensee is unable to conform to professional standards for prescribing, dispensing, or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone as set forth in this administrative regulation due to circumstances beyond the licensee's control, or the licensee makes a professional determination that it is not appropriate to comply with a specific standard, based upon the individual facts applicable to a specific patient's diagnosis and treatment, the licensee shall document those circumstances in the patient's record and only prescribe, dispense, or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone to the patient if the patient record appropriately justifies the prescribing, dispensing, or administering of Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone under the circumstances and in accordance with SAMHSA guidelines as set forth in: Substance Abuse and Mental Health Services Administration, Medications for Opioid Use Disorder, Treatment Improvement Protocol (TIP) Series 63, Publication No. PEP21-01-002[PEP20-02-01-006], Rockville, MD: Substance Abuse and Mental Health Services Administration, 2021[2020].

Section 5. Violations. Failure to comply with or a violation of the professional standards established in Sections 2, 3, and 4 of this administrative regulation shall constitute a "departure from, or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky," in violation of KRS 311.850(1)(p) and (s), KRS 311.595(12) and (9), as illustrated by KRS 311.597(4), and may constitute a violation of KRS 311.595(9), as illustrated by KRS 311.597(3), subjecting the licensee to sanctions authorized by KRS 311.595 and 311.850.

Section 6. Incorporation by Reference.

(1) Substance Abuse and Mental Health Services Administration, "Medications for Opioid Use Disorder, Treatment Improvement Protocol (TIP) Series 63, Publication No. PEP21-01-002[PEP20-02-01-006]", 2021[2020].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material may also be obtained on the board's website[Web site] at [kbml.ky.gov](http://kbml.ky.gov).

WILLIAM C. THORNBURY, M.D., President

APPROVED BY AGENCY: December 12, 2024

FILED WITH LRC: April 11, 2025 at 11:32 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Friday, June 27, 2025, at 9:00 a.m., using the Kentucky Board of Medical Licensure Zoom meeting room. A Zoom link will be posted on the agency's website, [kbml.ky.gov](http://kbml.ky.gov), prior to the meeting. Individuals interested in being heard at this hearing shall notify this agency in writing no less than five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received at least five (5) workdays prior to the hearing, the hearing may be cancelled. 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. Written comments previously submitted will be considered and new comments shall be accepted through June 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: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502)764-2613, fax (502) 429-7118, email [leanne.diakov@ky.gov](mailto:leanne.diakov@ky.gov).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone in the Commonwealth of Kentucky.

(b) The necessity of this administrative regulation: It is necessary to promulgate this regulation to establish acceptable and prevailing medical standards for prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone in the Commonwealth of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation acts specifically to establish requirements for Board licensees prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone in the Commonwealth of Kentucky.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish requirements for individual Board licensees prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-With-Naloxone in the Commonwealth of Kentucky.

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

(a) How the amendment will change this existing administrative regulation: This administrative regulation amendment carves out exceptions for use of the products in certain clinical settings, deletes licensure and education requirements no longer required by federal law, and increases ease of access in various manners (such as no longer requiring pregnancy test before initiating treatment).

(b) The necessity of the amendment to this administrative regulation: It was necessary to amend the regulation in order to ensure that the regulation reflects updated and widely recognized acceptable and prevailing practice standards in an ever-developing area of medical practice and to increase patient access to quick and appropriate treatment.

(c) How the amendment conforms to the content of the authorizing statutes: This amended regulation acts specifically to further clarify and update the acceptable and prevailing medical practices for prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone in the Commonwealth of Kentucky.

(d) How the amendment will assist in the effective administration of the statutes: This amended regulation acts specifically to further clarify

and update the acceptable and prevailing medical practices for prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone in the Commonwealth of Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect all physicians and physician assistants licensed in the Commonwealth of Kentucky who prescribe, dispense or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone.

(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: Physicians and physician assistants will be required to follow the professional standards for prescribing or dispensing Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone in the Commonwealth of Kentucky.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Benefits to the physician and physician assistant include having updated professional standards for prescribing, dispensing or administering Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone which will help curb the prescription drug epidemic in the Commonwealth of Kentucky and increase patient access to appropriate treatment.

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

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase of fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals 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 218A.205(3)(a) and (b), 311.565(1)(a) and 311.842(1)(b).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: HB 1 (2013)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Medical Licensure

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None

(b) Estimate the following for each affected local entity identified in

(4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Physicians (MD/DOs) and Physician Assistants (PAs)

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: The amendment of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) Methodology and resources used to reach this conclusion: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a “major economic impact”, as defined by KRS 13A.010(13): The amendment of this administrative regulation will not have a major fiscal impact on state or local government or regulated entities.

(b) The methodology and resources used to reach this conclusion: N/A

**FEDERAL MANDATE ANALYSIS COMPARISON**

(1) Federal statute or regulation constituting the federal mandate. N/A

(2) State compliance standards. See KRS 218A.205, 311.565 and .595/.597 and KRS 311.840 and .842.

(3) Minimum or uniform standards contained in the federal mandate. N/A

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? This amended regulation matches federal law where applicable and provides more specific guidance that is absent from federal law.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Kentucky’s Legislature mandates that this agency establish and enforce acceptable and prevailing practices related to the prescribing, dispensing and administering of controlled substances in the Commonwealth of Kentucky, a unique state interest. There is no corresponding federal mandate or interest.

**BOARDS AND COMMISSIONS  
Board of Cosmetology  
(Amendment)**

**201 KAR 12:010. Executive director's duties.**

RELATES TO: KRS Chapter 18A, 317A.040, 317A.050, 317A.060, 317A.120, 317A.145

STATUTORY AUTHORITY: KRS 317A.040, 317A.060, 317A.120

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.040(2) requires the employment of an executive director to administer the provisions of KRS Chapter 317A and the policies and administrative regulations of the board. KRS 317A.040(1) authorizes the board to delegate staffing decisions to the executive director. KRS 317A.060 requires the board to promulgate administrative regulations that

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include protecting the public and establishing examination requirements. KRS 317A.120 requires trained proctors at examinations. This administrative regulation clarifies the authority and establishes duties of the executive director.

### Section 1. Duties.

(1) The executive director shall:

(a) Serve as the board's liaison officer and coordinate all administrative matters of the board;

(b) Discharge such duties as may be assigned to the Director by the board~~[Assist the board in hiring proctors to conduct examinations];~~

~~[(c)] [Make staffing decisions, including filling merit positions from the merit register pursuant to and in accordance with KRS Chapter 18A and KAR Title 101 of the Kentucky Administrative Regulations]; and~~

~~[(c)]~~~~[(d)]~~ Be considered the designated appointing authority for the purposes of filling merit positions, and taking disciplinary actions in accordance with 201 KAR Chapter 12 and KRS Chapter 317A.

(2) The executive director may, with the approval of the Board:

(a) Inspect any establishment licensed or issued a permit by the board; and

~~[(b)] [Investigate a reported violation of KRS Chapter 317A or 201 KAR Chapter 12; and]~~

~~[(b)]~~~~[(e)]~~ On behalf of the board and with the Board's approval, require the production of;

1. A license;
2. The attendance of a witness; or
3. The production of records, documents, and material relating to licensed activity by the board.

KERRY HARVEY, Chair, Board of Cosmetology  
JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the duties of the Executive Director.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to lay out the responsibilities of the director who administers the provision of KRS Chapter 317A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes as it outlines the duties the Board delegates to the Executive Director.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides greater detail of the Board's expectations of the Executive Director.

(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 administrative regulation is being amended to clarify the duties of the Executive Director authorized by the Board.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to eliminate outdated language about testing and amend the duties of the Executive Director when hiring staff or conducting inspections.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes using the established delegation of authority of the Board to determine the Director's duties as outlined in KRS 317A.040.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will assist by eliminating confusion that might be caused by references to obsolete testing practices and aligning with statutory language.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: As the head of the regulatory agency, the Executive Director affects all of the licensees regulated by the Board of Cosmetology.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: This amendment does not impose any requirements on regulated entities.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensees will benefit from the Executive Director operating with clearer expectations.

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

(a) Initially: No additional funds are necessary to implement this administrative regulation.

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

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current funding will not change.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created or increased directly or indirectly by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

### FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.  
 (b) Estimate the following for each affected local entity identified in (4)(a):  
 1. Expenditures:  
 For the first year: N/A  
 For subsequent years: N/A  
 2. Revenues:  
 For the first year: N/A  
 For subsequent years: N/A  
 3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.  
 (b) Estimate the following for each regulated entity identified in (5)(a):  
 1. Expenditures:  
 For the first year: N/A  
 For subsequent years: N/A  
 2. Revenues:  
 For the first year: N/A  
 For subsequent years: N/A  
 3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)  
 (a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.  
 (b) Methodology and resources used to reach this conclusion: N/A  
 (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):  
 (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.  
 (b) The methodology and resources used to reach this conclusion: N/A

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

**201 KAR 12:030. Licensing and examinations.**

RELATES TO: KRS 12.245, 317A.020, 317A.050, 317A.060, 317A.145  
 STATUTORY AUTHORITY: KRS 317A.060  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the board to promulgate administrative regulations governing licenses in cosmetology, esthetic practices, and nail technology, including the operation of schools and salons of cosmetology, esthetic practices, and nail technology. This administrative regulation establishes procedures for examinations and licensing.

Section 1. Fees. License fees are set forth in 201 KAR 12:260.

Section 2. License validity. Each license shall expire on the 30th day of June of each even numbered year, regardless of the date when the license was issued.

Section 3.[Section 2.] Changes. All changes to account information required for licensure shall be submitted to the board within thirty (30) days of occurrence including:  
 (1) Legal name change;  
 (2) Change of address;

(3) Change of facility or employer;  
 (4) Change of phone number;  
 (5) Change of email address; and  
 (6) Any other information as required by KRS 317A or 201 KAR Chapter 12 for licensure.

Section 4.[Section 3.] Licensure Requirements. A license may be issued upon submission of the following:

- (1) All personal and facility licenses shall require an application for an initial license, license renewal, license restoration, an out-of-state transfer certification, or a request for examination. These applications are found on the board's Web page;
- (2) A diploma or certified testing documents proving grade 12 equivalency education for initial personal licensure or out-of-state transfers into Kentucky;
- (3) A copy of a government-issued photo identification;
- (4) Payment of the fee set forth in 201 KAR 12:260;
- (5) Resolution of any legal action associated with a prior disciplinary action as described in KRS 317A.145 if necessary;
- (6) A current two (2) by two (2) inch passport-style photo taken within the past six (6) months; and
- (7) Disclosure to the board of the current name and license number of the facility where the licensee is working.

Section 5.[Section 4.] Prior Felony Convictions. For any license or examination issued or conducted by the board, an applicant convicted of a prior felony shall include with his or her application:

- (1) A signed letter of explanation from the applicant;
- (2) A certified copy of the judgment and sentence from the issuing court; and
- (3) A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole.

Section 6.[Section 5.] Reciprocal Licensing.

(1) A license issued by another state or US territory shall[may] be considered comparable if the laws of that state require at a minimum:

- (a) 1,500 hours of curriculum for cosmetology;
- (b) 450 hours of curriculum for nail technology;
- (c) 750 hours of curriculum for esthetics;
- (d) 300 hours of curriculum for shampoo styling; or
- (e) 750 hours of curriculum for instructors.

(2) An applicant licensed in another state may be licensed by reciprocity by submitting the Out of State Transfer Application along with:

(a) Digital certification showing proof of a passing score on a board-approved ~~[nationally-]~~recognized theory and practical exam or by submitting proof of continuous practice for the last five (5) consecutive years;

(b) Current digital certification of the out-of-state license from the issuing state board showing a license in active and good standing; and

(c) Unless a member of the United States Military, Reserves, or National Guard, or his or her spouse, or a veteran or the spouse of a veteran, payment of the applicable license and endorsement fees required by 201 KAR 12:260.[.]

(3) An applicant from a state or US territory whose licensing requirements fail to meet subsection (1) of this section shall apply for a reciprocal license by submitting:

- (a) Documentation required by Section 3(1) through (7) of this administrative regulation; and
- (b) Payment of the applicable examination fees established in 201 KAR 12:260.

(4) Pursuant to KRS 12.245, a member of the United States Military, Reserves, or National Guard, or his or her spouse, or a veteran or the spouse of a veteran shall apply for a reciprocal license by submitting:

(a) The Military License Transfer Application[All documents required by Section 3(2) through (7) of this administrative regulation]; and

(b) A document showing proof of service, sponsor's service, change of station orders, or discharge orders listing the applicant or

an accompanying family member as a member of the United States Armed Services; and~~[The Military Transfer Application; and]~~

~~[(c)] [A document showing proof of service, sponsor's service, or discharge orders listing the applicant or an accompanying family member as a member of the United States Armed Services.]~~

(5) All requests for certification of hours or a license shall use the Certification Request Form accompanied by a copy of the applicant's government-issued photo identification and payment of the fee as set forth in 201 KAR 12:260. Certifications shall only be transmitted digitally to the reciprocal state agency.

Section 7.~~[Section 6.]~~ Digital Forms. All applications and forms may be replicated and implemented by the board in an online format for processing, payment receipt, and license issuance.

Section 8.~~[Section 7.]~~ Examination Registration.

(1) Applicants shall register using a school enrollment as follows:

(a) A student of a licensed cosmetology school shall register with the board at least eight (8) months prior to graduation;

(b) A nail technician student shall register with the board at least seventy-five (75) days prior to graduation;

(c) An esthetician student shall register with the board at least four (4) months prior to graduation; and

(d) A shampoo styling student shall register with the board at least fifty-three (53) days prior to graduation.

(2) A completed Application for Examination or Out of State Application for Examination shall be received in the Board office no later than ten (10) business days prior to the examination date to be scheduled for either the theory test or the practical demonstration component of the exam. Each exam component shall be scheduled using a separate application and payment of the fee set forth in 201 KAR 12:260.

(3) Theory examination dates shall be valid for ninety (90) days from student notification.

(4) A passing score for the theory examination, proper application, and payment of fees shall be required prior to being scheduled for the practical examination.

(5) An applicant with curriculum hours obtained in another state shall include with the Out of State Application for Examination:

(a) Certification of curriculum hours from the state licensing board or agency where the hours were obtained, if the state requires the reporting of curriculum hours; or

(b) Certification of the valid licensing status of the school attended from the state board or licensing authority and an official transcript certified by the school.

(6) Examination applicants shall wear a full set of solid color medical scrubs and bring all instruments and supplies as listed on the board Web site for the practical examination. White colored scrubs or other clothing is prohibited.

Section 9.~~[Section 8.]~~ Examination Components.

(1) The examination shall consist of a theory test and a practical demonstration taken from the curriculum requirements specified in 201 KAR 12:082.

(2) The practical demonstration shall be performed on a:

(a) Mannequin head and hand for the cosmetology practical examination;

(b) Mannequin head for the esthetician or shampoo styling services practical examination; or

(c) Mannequin hand for the nail technician practical examination.

(3) The applicant shall provide a mannequin head or hand as needed for an examination.

Section 10.~~[Section 9.]~~ Grading.

(1) A minimum passing grade of seventy (70) percent on the theory test and the practical demonstration shall be required for the cosmetologist, esthetician, shampoo styling, and nail technician examinations.

(2) A minimum passing grade of eighty (80) percent on the theory test and eighty-five (85) percent on the practical demonstration shall be required for all instructor examinations.

(3) All passing exam scores shall be valid for six (6) months from completion.

Section 11.~~[Section 10.]~~ Practice before Examination Prohibited. A student engaging in the practice of cosmetology, esthetic practices, shampoo styling, or nail technology beyond the scope of their registered school enrollment prior to the board examination shall be ineligible to take the examination for a period of one (1) year from the date of the unauthorized practice.

Section 12.~~[Section 11.]~~ License Application.

(1) An applicant who passes the examination shall have ninety (90) days following the examination to apply for a license by complying with all requirements in Section 3(1) through (7) of this administrative regulation.

(2) Failure to apply for a license as required by subsection (1) of this section shall require payment of the appropriate restoration and licensing fees set forth in 201 KAR 12:260 before a license may be issued.~~[-]~~

Section 13.~~[Section 12.]~~ Retaking Examinations.

(1) Any applicant who fails either the theory test or the practical demonstration may retake that portion of the examination upon submitting a new Application for Examination with a two (2) by two (2) inch passport photo of the applicant taken within the preceding six (6) months, and paying the examination fee required by 201 KAR 12:260. An applicant who fails either the theory test or the practical demonstration may not retest until one (1) calendar month has elapsed from the date the applicant received actual notice of failure.

~~[(a)] [After three (3) failed attempts, the examinee shall be required to wait six (6) months before retaking either portion of the examination. If the examinee does not receive a passing score on the third attempt, then the individual shall take an eighty (80) hour supplemental course in theory studies at a school licensed by the board prior to being eligible to retake the examination.]~~

~~[(b)] [Following the supplemental course, the examinee may attempt the examination two (2) additional times. If the examinee fails both attempts the examinee shall be prohibited from taking the examination within three (3) years from the date of the final failed attempt.]~~

(2) An applicant caught cheating or impersonating another shall not be allowed to retake the examination for a minimum of one (1) year from the date of the original examination.

(3) Any applicant who fails to report for the examination on the date specified by the board shall submit a new examination application and examination fee prior to being rescheduled for examination. The board may waive the examination fee for good cause shown. "Good cause" includes:

(a) An illness or medical condition of the applicant that prohibits the applicant from reporting for the examination; or

(b) A death, illness, or medical condition in the applicant's immediate family that prohibits the applicant from reporting for the examination.

(4) Documents and certificates submitted with an Application for Examination shall be valid for one (1) year following the date of submission after which time applicants shall submit updated documents and a new examination application.

Section 14.~~[Section 13.]~~ Duplicate Licenses, Renewal, and Restoration.

(1) If a license is lost, destroyed, or stolen after issuance, a duplicate license may be issued. The licensee shall submit a statement verifying the loss of the license using the Duplicate License Application that includes a copy of a government-issued photo identification, and pay the duplicate license fee listed in 201 KAR 12:260. Each duplicate license shall be marked "duplicate".

(2) The annual license renewal period is July 1 through July 31. All licenses shall be renewed by providing the required items in Section 3(1) through (7) of this administrative regulation.

(3) To restore an expired license, a Restoration Application shall be submitted to the board with payment of the restoration fee as set forth in 201 KAR 12:260 for each year the license has been expired, the total of which shall not exceed \$300 per license restored, and by

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providing the required items in Section 3(1) through (7) of this administrative regulation.

(4) To restore an expired salon license or limited facility license, a ~~License Restoration~~~~new Salon Application or Limited Facility~~ Application shall be submitted to the board with payment of the restoration fee as set forth in 201 KAR 12:260 for each year the license has been expired, the total of which shall not exceed \$300 per license restored, and by providing the required items in Section 3(1) through (7) of this administrative regulation.

(5) To restore an expired school license, a new School Application shall be submitted to the board with payment of the restoration fee as set forth in 201 KAR 12:260 for each year the license has been expired, the total of which shall not exceed \$300 per license restored, and by providing the required items in Section 3(1) through (7) of this administrative regulation.

Section 15.~~[Section 14.]~~ Salon ~~or~~~~and~~ Limited Facility Application~~s~~.

(1) Each person, firm, or corporation applying for a license to operate a new or relocating beauty salon, nail salon, esthetic salon, or limited facility shall submit the Salon ~~[Application]~~ or Limited Facility Application, provide the required items in Section 3(1) through (6) of this administrative regulation, and request an inspection by the board inspector in writing a minimum of five (5) business days prior to opening for business.

(2) A new or relocating salon or limited facility shall comply with all applicable city, county, and state zoning, building, and plumbing laws, administrative regulations, and codes.

(3) A salon or facility may be located on the premises of a nursing home or assisted living facility if the salon or facility meets all requirements of this section.

(4) Any salon or facility located in a residence shall have a separate outside entrance for business purposes only. This subsection shall not apply to a nursing home or an assisted living facility if the home or facility has obtained a salon license from the board.

(5) A salon or limited facility shall not open for business prior to issuance of its license.

(6) Each salon shall, at all times, maintain a board licensed manager properly licensed in the services the salon provides.

(7) Salon and limited facility licenses shall only be mailed to a Kentucky mailing address.~~[-]~~

Section 16.~~[Section 15.]~~ Change in Salon Ownership or Transfer of Interest.

(1) The owners, firm, or corporation operating a licensed salon shall submit to the board a new Salon ~~or~~~~[Application;]~~ Limited Facility Application, or Manager Change ~~Application~~~~[Form]~~, provide the required items in Section 3(1) through (6) of this administrative regulation, and provide payment of the license or change fee as set forth in 201 KAR 12:260 no later than thirty (30) business days prior to selling, transferring, or changing ownership.

(2) All manager changes shall be made with the board within ten (10) business days.

(3) No transfer of ownership interest in a salon shall take effect while the salon license to be transferred is the subject of ongoing disciplinary action pursuant to KRS 317A.145.

Section 17.~~[Section 16.]~~ School Licenses.

(1) Each person, firm, or corporation applying for a license to operate a school shall submit a School Application, provide the required items in Section 3(1) through (6) of this administrative regulation, and pay the applicable fee set forth in 201 KAR 12:260.

(2) The School Application shall be accompanied by:

(a) A proposed student contract listing all financial charges to enrolling students; and

(b) A proposed floor plan drawn to scale by a draftsman or architect.

(3) Each school shall comply with city, county, and state zoning, building, and plumbing laws, administrative regulations, and codes.

(4) Prior to license issuance and following the receipt of a completed application with all accompanying materials, the board

inspector and executive director, or their designee, shall conduct an inspection.

(5)

(a) The inspection shall be completed within twelve (12) months of the date that the School Application and all accompanying materials are received unless the board extends the time period for good cause. "Good cause" includes:

1. An illness or medical condition of the applicant that prohibits the applicant from completing the final preparations; or

2. A death, illness, or medical condition in the applicant's immediate family that prohibits the applicant from completing the final preparations.

(b) Requests for an extension of time shall be submitted in writing to the board and shall include:

1. The reason for the extension and the term of the request; and

2. Supportive documentation of the extension request.

(6) A license to operate a school shall be valid only for the location and person, firm, or corporate owner named on the application. A school license shall not be transferable from one (1) location to another or from one (1) owner to another.

(7) The school license shall contain:

(a) The name of the proposed school; and

(b) A statement that the proposed school may operate educational programs beyond secondary education.

(8) Each licensed school shall maintain a board licensed instructor as school manager at all times.

~~(9) The Board shall determine and publicly post the number of students and percentage of students that take and pass the theory examination and practical demonstration required by Section 8 of this regulation at each school. Licensed schools shall also provide this information to prospective students ahead of enrollment. [All newly licensed schools shall provide proof of initial application for accreditation within two (2) years of license issuance and become accredited through a US Department of Education approved cosmetology accreditation authority within five (5) years of license issuance. Enactment of this administrative regulation shall begin the timeline for all currently licensed schools.]~~

~~(10) Each school shall provide the Board with its current student contract when renewing its license. [If accreditation requirements are not met in the required timeline the school license may be revoked.]~~

Section 18.~~[Section 17.]~~ Change in School Ownership or Management.

(1) The owners, firm, or corporation operating a licensed school shall submit to the board a new School Application or a Manager Change ~~Application~~~~[Form]~~ and payment of the applicable fee set forth in 201 KAR 12:260 no later than thirty (30) business days prior to selling, transferring, or changing ownership.

(2) All manager changes shall be made with the board within ten (10) business days.

(3) A prospective owner(s) or manager shall meet all qualifications of KRS Chapter 317A and 201 KAR Chapter 12, and obtain approval of the board prior to assuming operation of the school.

(4) A school shall not be opened under new ownership while the current owner still occupies the space.

(5) Written notice from current school owner including final closure date shall be provided to the board no less than ten (10) days prior to closure.

(6) All final student withdrawal and hours posting shall be required prior to new ownership licensing inspection being completed.

Section 19.~~[Section 18.]~~ Classification as School. Any person, establishment, firm, or corporation that accepts, directly or indirectly, compensation for teaching any subject of cosmetology as defined in KRS 317A.010 shall comply with KRS Chapter 317A and 201 KAR Chapter 12.

Section 20.~~[Section 19.]~~ Owner and Manager Student Prohibited. An owner, partner, stockholder, corporate officer, or a manager of a licensed school shall not be enrolled as a student in the school.

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Section 21.~~[Section 20.]~~ Board Member Disclosure. A board member shall disclose to the board a financial interest in a salon or school when submitting an application for a salon or school license.

Section 22.~~[Section 24.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Out of State Transfer Application", March 2025~~[July 2022]~~;
  - (b) "Military License Transfer Application", March 2025~~[July 2022]~~;
  - (c) "Certification Request Form", March 2025~~[July 2022]~~;
  - (d) "Application for Examination", March 2025~~[July 2022]~~;
  - (e) "First-time License Application", March 2025~~[Out of State Application for Examination, July 2022]~~;
  - (f) "Duplicate License Application", March 2025~~[License Application, July 2022]~~;
  - (g) "Renewal Application", March 2025~~[Duplicate License Application, July 2022]~~;
  - (h) "Restoration Application", March 2025~~[Renewal Application, July 2022]~~;
  - (i) "Salon or Limited Facility Application", March 2025~~[Restoration Application, July 2022]~~;
  - (j) "Manager Change Application", March 2025~~[Salon Application, July 2022]~~; and
  - (k) "School Application", March 2025~~[Limited Facility Application, July 2022]~~;
- [~~(l)~~] "Manager Change Form", July 2022; and  
[~~(m)~~] "School Application", July 2022.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Cosmetology, 1049 US Hwy 127 S, Annex #2, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the board's website~~[Web site]~~ at <http://kbc.ky.gov>.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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:** Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, [joni.upchurch@ky.gov](mailto:joni.upchurch@ky.gov)

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation sets forth the procedures for examinations and licensing.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to lay out the core functions of the agency – administering examinations and governing the administration of licenses.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes as it governs licenses and examinations for those practicing esthetics, nail technology, and cosmetology, schools that teach these practices, and salons where these practices occur.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation communicates expectations of licensees.

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

- (a) How the amendment will change this existing administrative regulation: This amendment will change the renewal to every other year instead of every year, provides a necessary update to the Military Transfer Application in line with the Federal Servicemembers Civil Relief Act, and provides a necessary update to be in line with the recently revised KRS 317A where applicants may retake either portion of the examination required to be a licensed cosmetologist, nail technician, esthetician, or instructor. It also eliminates the requirement of accreditation by a 3rd-party entity and instead requires schools and the Board to post information of pass/fail rates.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to align with state and federal statutes, broaden the opportunities for applicants who have invested time and energy in schooling to retake examinations, and keeps potential students informed while saving costs.
- (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes using the established delegation of authority of the Board to promulgate regulations governing licensing and administering examinations.
- (d) How the amendment will assist in the effective administration of the statutes: The amendment will assist by eliminating confusion that might be caused by inconsistent information and make the renewal process more efficient and in line with the common practices of professional licensing in this state.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This will affect all of the licensees regulated by the Board of Cosmetology, applicants to school programs regulated by the Board of Cosmetology, and military families that wish to transfer a license without bearing great cost.
- (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: Less actions are required by entities with each of these changes. They will not have to renew every year, military transfer applicants are required to submit far less documentation to transfer their license, and schools will not have to go through the lengthy and expensive process of accreditation. Graduates of beauty school will be able to take components of the licensing exam without a cap.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no anticipated cost to licenses because of this amendment.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment lessens requirements of regulated entities. Opportunities to get a license will increase, small beauty schools will not have to worry about the cost of accreditation while keeping students informed about their pass rate, and military families will be able to transfer at a lower cost and begin to work as a cosmetologist, nail technician, esthetician, or instructor quicker than before.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
  - (a) Initially: No additional funds are necessary to implement this administrative regulation.
  - (b) On a continuing basis: No additional funds are necessary on an ongoing basis to implement this administrative regulation.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Current funding will not change.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created or increased directly or indirectly by this regulation.

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(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

(b) Methodology and resources used to reach this conclusion: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.

(b) The methodology and resources used to reach this conclusion: N/A

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. The "Servicemembers Civil Relief Act", 50 U.S.C. App §§501-597b

mandates the changes to 201 KAR 12:030, Section 6(4).

(2) State compliance standards. KRS 12.245 is the state compliance standard.

(3) Minimum or uniform standards contained in the federal mandate. Under the SCRA, an applicant only has to supply the military order mandating the move and proof of having a license in a state or US Territory.

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

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

BOARDS AND COMMISSIONS

Board of Cosmetology

(Amendment)

201 KAR 12:060. Inspections.

RELATES TO: KRS 317A.060, 317A.140

STATUTORY AUTHORITY: KRS 317A.060

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the board to promulgate administrative regulations governing the operation of any schools, limited facilities, and salons of cosmetology, nail technology, threading, eyelash artistry, makeup artistry, esthetics, and to protect the health and safety of the public. This administrative regulation establishes inspection and health and safety requirements for all schools and salons of cosmetology, nail technology, threading, eyelash artistry, makeup artistry, and esthetics.

Section 1. Public Display.

(1)

(a) Each licensee or permit holder shall attach his or her picture to the license or permit and place it in an accessible and conspicuous area in the salon, limited facility, or school.

(b) Each licensed facility's license shall be posted in an accessible and conspicuous area with the information required by this subsection.

(2) A conspicuous area shall be visible to the public and shall include:

(a) The main entrance door or window of the premises; and

(b) The workstation of the employee.

(3) A salon or school manager shall have the manager's license posted with a picture in an accessible and conspicuous area at all times.

(4) A school shall, at all times, display in a centralized and accessible conspicuous public place the student permits of all students enrolled.

(5) Each licensed salon, limited facility, or school shall post the most recent inspection report in an accessible and conspicuous area.

Section 2. Inspections.

(1) Any[board member,] administrator, or inspector may enter any establishment licensed by this board or any place purported to be practicing cosmetology, nail technology, threading, eyelash artistry, makeup artistry, or esthetics, during reasonable working hours or at any time when the establishment is open to the public, for the purpose of determining if an individual, salon, limited facility, or school is complying with KRS Chapter 317A and 201 KAR Chapter 12.

(2) An[board member,] administrator, or inspector may require the licensee or permittee to produce for inspection and copying books, papers, or records required by the board or pertaining to licensed activity.

(3) Each establishment licensed by the board shall be inspected a minimum at least one (1) time during the term of its license[of two (2) times per year].

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(4) A salon, limited facility, or school shall, within thirty (30) days, schedule an inspection of the salon, limited facility, or school after an inspector twice attempts, but is unable, to inspect the salon or school.

(5) Failure of the salon, limited facility, or school owner or manager to schedule an inspection within thirty (30) days of two (2) consecutive failed inspection attempts shall constitute unprofessional conduct.

(6) The owner and manager of each establishment licensed by the board shall be responsible for compliance with KRS Chapter 317A and 201 KAR Chapter 12.

Section 3. Unprofessional Conduct. Unprofessional conduct under KRS 317A.140 includes:

(1) Intentionally withholding information or lying to a ~~board member or~~ board employee or representative who is conducting a lawful inspection or investigation of an alleged or potential violation of KRS Chapter 317A or 201 KAR Chapter 12;

(2) A salon, limited facility, or school remaining open to the public if not appropriately licensed by the board;

(3) Providing or teaching any cosmetology, nail technology, esthetic, lash artistry, makeup artistry, or threading services unless appropriately licensed or permitted by the board under 201 KAR Chapter 12;

(4) Failure to comply with the lawful request of the board, the executive director, inspector, or agent, which includes:

(a) Refusing to allow entry to perform an inspection of the licensed premises;

(b) Allow the inspection of or the copying or production of books, papers, documents, or records of information or material pertaining to activity licensed by the board or related to the provisions of KRS Chapter 317A or the administrative regulations promulgated by the board; or

(c) Refusing to provide a valid state or federal government issued identification matching the posted license or permit; or

(d) Removal of any posted notice from the board pertaining to violations, inspection failures, or lack of licensure by the board.

(5) Any attempt by a license or permit holder to bribe a Kentucky Board of Cosmetology representative or induce a board representative to violate a provision of KRS 317A or 201 KAR Chapter 12;

(6) Any attempt to fraudulently produce or duplicate board requested documents or licensure; or

(7) Any violation of the Code of Ethics as stated in 201 KAR 12:230.

Section 4. Signage. The main entrance to any establishment licensed by the board shall display a sign indicating a beauty salon, nail salon, esthetic salon, limited facility, or cosmetology school. The sign shall indicate the name of the salon, limited facility, or school as it is registered with the Kentucky Board of Cosmetology and shall be clearly visible at the main entrance of the establishment.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the requirements of schools, salons, and limited facilities providing beauty services regulated under KRS 317A.

(b) The necessity of this administrative regulation: It describes how licenses should be displayed so the public can identify the licensee, who can perform an inspection, what can be done as part of the inspection, and defines what is unprofessional conduct by a KBC licensee.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by establishing guidelines for the public to identify the licensee and know that they are a trained and authorized professional, licensees to know what's expected of them for inspections, and administrators and inspectors to understand the scope of the inspection.

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

(a) How the amendment will change this existing administrative regulation: The amendment will change this existing administrative regulation by removing the board members as one of the people authorized to inspect and changing the minimum inspection to one time during the term of the license.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to clarify roles and the inspection schedule.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing a safe and manageable way to realize the Board's charge of keeping the public safe.

(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 its clarity.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee, businesses, organizations or local governments.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost for this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will have a much more straightforward inspection.

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

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in

fees is required by this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

(b) Methodology and resources used to reach this conclusion: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.

(b) The methodology and resources used to reach this conclusion: N/A.

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

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

RELATES TO: KRS 317A.020, 317A.050, 317A.090

STATUTORY AUTHORITY: KRS 317A.060, 317A.090

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060(1)(h) requires the board to promulgate administrative regulations governing the hours and courses of instruction at schools of cosmetology, esthetic practices, and nail technology. KRS 317A.090 establishes licensing requirements for schools of cosmetology, esthetic practices, and nail technology. This administrative regulation establishes requirements for the hours and courses of instruction, reporting, education requirements, and administrative functions required for students and faculty for schools of cosmetology, esthetic practices, and nail technology.

Section 1. Subject Areas. The regular courses of instruction for cosmetology students shall contain courses relating to the subject areas identified in this section.

(1) Basics:

(a) History and Career Opportunities;

(b) Life Skills;

(c) Professional Image; and

(d) Communications.

(2) General Sciences:

(a) Infection Control: Principles and Practices;

(b) General Anatomy and Physiology;

(c) Skin Structure, Growth, and Nutrition;

(d) Skin Disorders and Diseases;

(e) Properties of the Hair and Scalp;

(f) Basic Chemistry; and

(g) Basics of Electricity.

(3) Hair Care:

(a) Principles of Hair Design;

(b) Scalp Care, Shampooing, and Conditioning;

(c) Hair Cutting;

(d) Hair Styling;

(e) Braiding and Braid Extensions;

(f) Wig and Hair Additions;

(g) Chemical Texture Services; and

(h) Hair Coloring.

(4) Skin Care:

(a) Hair Removal;

(b) Facials;

(c) Facial Makeup; and

(d) Application of Artificial Eyelashes.

(5) Nails:

(a) Manicuring;

(b) Pedicuring;

(c) Nail Tips and Wraps;

(d) Monomer Liquid and Polymer Powder Nail Enhancements;

(e) Light Cured Gels;

(f) Nail Structure and Growth; and

(g) Nail Diseases and Disorders.

(6) Business Skills:

(a) Preparation for Licensure and Employment;

(b) On the Job Professionalism; and

(c) Salon Businesses.

Section 2. A school or program of instruction of any practice licensed or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall teach the students about the various supplies and equipment used in the usual salon practices.

Section 3. Instructional Hours.

(1) A cosmetology student shall receive not less than 1,500 hours in clinical class work and scientific lectures with a minimum of:

(a) 375 lecture hours for science and theory;

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- (b) 1,085 clinic and practice hours; and
- (c) Forty (40) hours on the subject of applicable Kentucky statutes and administrative regulations.

(2) A cosmetology student shall not perform chemical services on the public until the student has completed a minimum of 250 hours of instruction.

Section 4. Training Period for Cosmetology Students, Nail Technician Students, Esthetician Students, and Apprentice Instructors.

(1) A training period for a student shall be no more than nine (9)~~eight (8)~~ hours per day, forty (40) hours per week.

(2) A student shall be allowed thirty (30) minutes per eight (8) hour day or longer for meals or a rest break. This thirty (30) minute period shall not be credited toward a student's instructional hours requirement.

Section 5. Laws and Regulations.

(1) At least one (1) hour per week shall be devoted to the teaching and explanation of the Kentucky law as set forth in KRS Chapter 317A and 201 KAR Chapter 12.

(2) Schools or programs of instruction of any practice licensed or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall provide a copy of KRS Chapter 317A and 201 KAR Chapter 12 to each student upon enrollment.

Section 6. Nail Technician Curriculum. The nail technician course of instruction shall include the following:

- (1) Basics:
  - (a) History and Opportunities;
  - (b) Life Skills;
  - (c) Professional Image; and
  - (d) Communications.
- (2) General Sciences:
  - (a) Infection Control: Principles and Practices;
  - (b) General Anatomy and Physiology;
  - (c) Skin Structure and Growth;
  - (d) Nail Structure and Growth;
  - (e) Nail Diseases and Disorders;
  - (f) Basics of Chemistry;
  - (g) Nail Product Chemistry; and
  - (h) Basics of Electricity.
- (3) Nail Care:
  - (a) Manicuring;
  - (b) Pedicuring;
  - (c) Electric Filing;
  - (d) Nail Tips and Wraps;
  - (e) Monomer Liquid and Polymer Powder Nail Enhancements;
  - (f) UV and LED Gels; and
  - (g) Creative Touch.
- (4) Business Skills:
  - (a) Seeking Employment;
  - (b) On the Job Professionalism; and
  - (c) Salon Businesses.

Section 7. Nail Technology Hours Required.

(1) A nail technician student shall receive no less than 450 hours in clinical and theory class work with a minimum of:

- (a) 150 lecture hours for science and theory;
- (b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and administrative regulations; and
- (c) 275 clinic and practice hours.

(2) A nail technician student shall have completed sixty (60) hours before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first sixty (60) hours.

Section 8. Apprentice Instructor Curriculum. The course of instruction for an apprentice instructor of any practice licensed or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall include no less than 750 hours, 425 hours of which shall be in direct contact with students. 325 hours of the required theory instruction may be taken in person or online, in the following areas:

- (1) Orientation;

- (2) Psychology of student training;
- (3) Introduction to teaching;
- (4) Good grooming and professional development;
- (5) Course outlining and development;
- (6) Lesson planning;
- (7) Teaching techniques (methods);
- (8) Teaching aids, audio-visual techniques;
- (9) Demonstration techniques;
- (10) Examinations and analysis;
- (11) Classroom management;
- (12) Recordkeeping;
- (13) Teaching observation;
- (14) Teacher assistant; and
- (15) Pupil teaching (practice teaching).

Section 9. Supervision.

(1) An apprentice instructor shall be under the immediate supervision and instruction of a licensed instructor while providing any instruction for students. "Immediate supervision" requires that a licensed instructor is physically present in the same room and overseeing the activities of the apprentice instructor at all times.

(2) An apprentice instructor shall not assume the duties and responsibilities of a licensed supervising instructor.

(3) An apprentice instructor shall not teach any practices defined in KRS Chapter 317A or 201 KAR Chapter 12 outside of the board licensed school in which the individual is enrolled.

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

~~[Section 14.] [Additional Coursework. Apprentice Esthetics and Nail Technology Instructors shall also complete an additional fifty (50) hours of advanced course work in that field within a two (2) year period prior to the instructor examination.]~~

Section 11.~~[Section 12.]~~ Schools may enroll persons for a special supplemental course in any subject.

Section 12.~~[Section 13.]~~ Esthetician Curriculum. The regular course of instruction for esthetician students shall consist of courses relating to the subject areas identified in this section.

- (1) Basics:
  - (a) History and Career Opportunities;
  - (b) Professional Image; and
  - (c) Communication.
- (2) General Sciences:
  - (a) Infection Control: Principles and Practices;
  - (b) General Anatomy and Physiology;
  - (c) Basics of Chemistry;
  - (d) Basics of Electricity; and
  - (e) Basics of Nutrition.
- (3) Skin Sciences:
  - (a) Physiology and Histology of the Skin;
  - (b) Disorders and Diseases of the Skin;
  - (c) Skin Analysis; and
  - (d) Skin Care Products: Chemistry, Ingredients, and Selection.
- (4) Esthetics:
  - (a) Treatment Room;
  - (b) Basic Facials;
  - (c) Facial Massage;
  - (d) Facial Machines;
  - (e) Hair Removal;
  - (f) Advanced Topics and Treatments;
  - (g) Application of Artificial Eyelashes; and
  - (h) Makeup.
- (5) Business Skills:
  - (a) Career Planning;
  - (b) The Skin Care Business; and
  - (c) Selling Products and Services.

Section 13.~~[Section 14.]~~ Esthetician Hours Required.

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(1) An esthetician student shall receive no less than 750 hours in clinical and theory class work with a minimum of:

- (a) 250 lecture hours for science and theory;
- (b) Thirty-five (35) hours on the subject of applicable Kentucky statutes and administrative regulations; and
- (c) 465 clinic and practice hours.

(2) An esthetician student shall have completed 115 hours before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first 115 hours.

Section 14.~~[Section 15.]~~ Shampoo Styling License Subject Areas. The regular courses of instruction for blow drying services license students shall contain courses relating to the subject areas identified in this section.

- (1) Basics:
  - (a) History and Career Opportunities;
  - (b) Life Skills;
  - (c) Professional Image; and
  - (d) Communications.
- (2) General Sciences:
  - (a) Infection Control: Principles and Practices;
  - (b) General Anatomy and Physiology of head, neck, and scalp;
  - (c) Skin Disorders and Diseases of head, neck, and scalp;
  - (d) Properties of the Hair and Scalp; and
  - (e) Basics of Electricity.
- (3) Hair Care:
  - (a) Principles of Hair Design;
  - (b) Scalp Care, Shampooing, and Conditioning;
  - (c) Hair Styling;
  - (d) Blow drying;
  - (e) Roller Placement;
  - (f) Finger waves or pin curls;
  - (g) Thermal curling;
  - (h) Flat iron styling;
  - (i) Wig and Hair Additions; and
  - (j) Long hair styling.
- (4) Business Skills:
  - (a) Preparation for Licensure and Employment;
  - (b) On the Job Professionalism; and
  - (c) Salon Businesses.

Section 15.~~[Section 16.]~~ Shampoo Styling License Hours Required.

(1) A shampoo styling services license student shall receive no less than 300 hours in clinical and theory class work with a minimum of:

- (a) 100 lecture hours for science and theory;
- (b) Twenty-five (25) hours on the subject of applicable Kentucky statutes and administrative regulations; and
- (c) 175 clinic and practice hours.

(2) A shampoo styling services license student shall have completed sixty (60) hours before providing services to the general public. Clinical practice shall be performed on other students or mannequins during the first sixty (60) hours.

Section 16.~~[Section 17.]~~ Extracurricular Events. Each cosmetology, nail technician, and esthetician student shall be allowed up to sixteen (16) hours for field trip activities pertaining to the profession of study, sixteen (16) hours for attending educational programs, and sixteen (16) hours for charitable activities ~~[relating to the field of study]~~, totaling not more than forty-eight (48) hours and not to exceed nine(9)~~[eight (8)]~~ hours per day. Attendance or participation shall be reported to the board within ten (10) business days of the field trip, education show, or charitable event on the Certification of Student Extracurricular Event Hours form.

Section 17.~~[Section 18.]~~ Student Records. Each school shall:

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

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

(b) All instructors shall comply with the biometric time keeping system.

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

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

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

Section 18.~~[Section 19.]~~ Certification of Hours.

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

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

Section 19.~~[Section 20.]~~ No Additional Fees. Schools shall not charge the enrolled individual additional fees beyond the agreed upon contracted amount.

Section 20.~~[Section 21.]~~ Instructor Licensing and Responsibilities.

(1) A person employed by a school or program for the purpose of teaching or instruction shall be licensed by the board as an instructor and shall post his or her license as required by 201 KAR 12:060.

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

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

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

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

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

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

(8) Licensed schools or programs of instruction in any practice licensed or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall, at all times, maintain a minimum faculty to student ratio of one (1) instructor for every twenty-five (25)~~[(20)]~~ students~~[enrolled and]~~ supervised; provided, however, that any apprentice instructors shall not be considered students for purposes of computation of the faculty to student ratio.

(9) Licensed schools or programs of instruction in any practice licensed or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall, at all times, maintain a minimum ratio of one (1) instructor for every two (2) apprentice instructors enrolled and supervised.

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

(11) All instructors on staff within a licensed school shall be designated as full-time, part-time, or substitute instructors to the board when reporting employment.

(12) An instructor shall not provide instruction regarding "basic exfoliation during dermaplane techniques" or "dermaplaning" unless the instructor shall have submitted evidence demonstrating the completion of courses and specialized training regarding dermaplaning that is deemed sufficient by the board to safely instruct students regarding these techniques.

Section 21.~~[Section 22.]~~ School Patrons.

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

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

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

### Section 22.~~[Section 23.]~~ Enrollment.

(1) Any person enrolling in a school or program for instruction in any practice licensed or permitted in KRS Chapter 317A or 201 KAR Chapter 12 shall furnish proof that the applicant has:

(a) A high school diploma;

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

(c) Results from the Test for Adult Basic Education indicating a score equivalent to the successful completion of grade 12.

(d) Apprentice instructors shall provide proof of individual licensure issued at minimum one (1) year prior to enrollment date to demonstrate compliance with the applicable requirements set forth in KRS 317A.050.

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

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

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

(5) All enrollments shall be accompanied by the proper fee as established in 201 KAR 12:260.

### Section 23.~~[Section 24.]~~ Certificate of Enrollment.

(1) Schools shall submit to the board a digital enrollment, accompanied by the applicant's proof of education and proof of licensure if enrolling as an apprentice instructor, as established in Section 23 of this administrative regulation, within ten (10) business days of enrollment.

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

### Section 24.~~[Section 25.]~~ Student Compensation.

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

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

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

(4) An apprentice instructor may receive compensation as a teaching assistant.

Section 25.~~[Section 26.]~~ Hours of Operation. All schools shall report hours of operation to the board. Any change of hours or closures shall be reported no less than ten (10) business days in advance of change or closure.

Section 26.~~[Section 27.]~~ Transfers. An individual desiring to transfer to another licensed school shall:

(1) Within ten (10) days, notify the school in which the individual is presently enrolled of the withdrawal in writing; and

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

Section 27.~~[Section 28.]~~ Refund Policy. A school shall include the school's refund policy in all enrollment contracts.

Section 28.~~[Section 29.]~~ Student Complaints. A student or apprentice instructor may file a complaint with the board concerning the school in which the individual is enrolled, by following the procedures outlined in 201 KAR 12:190.

Section 29.~~[Section 30.]~~ Student Leave of Absence. The school shall report an individual's leave of absence to the board within ten (10) business days. The leave shall be reported:

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

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

Section 30.~~[Section 31.]~~ Withdrawal. Within ten (10) business days from a student or apprentice instructor's withdrawal, a licensed school shall report the name of the withdrawing individual to the board.

Section 31.~~[Section 32.]~~ Credit for Hours Completed. The board shall credit hours previously completed in a licensed school as follows:

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

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

Section 32.~~[Section 33.]~~ Program Transfer Hours. An individual transferring valid hours between board licensed schools or a current licensee choosing to enroll into a licensed school to learn the practice of cosmetology, esthetics, shampoo styling, or nail technology shall complete and submit the Program Hour Transfer Request form. With exceptions as listed in subsection 1 through 4 of this section, an individual shall not transfer hours from one (1) discipline to another. Upon receiving a completed Program Hour Transfer Request form, the board shall treat the transferred valid hours or license as earned credit hours in a cosmetology program subject to the following:

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

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

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

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

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

Section 33.~~[Section 34.]~~ Emergency Alternative Education. Digital theory content may be administered by a licensed school when authorized by the Executive Director~~[if forced long-term or intermittent emergency closure or closures are]~~ due to a world health concern or crisis or other national, regional, state, or local emergency~~[as cited by national or state authority]~~. The Executive Director~~[board]~~ may determine when emergency alternative education shall begin and end based on the effect of any declared~~[the]~~ state of emergency on education standards or by consideration of the nature of the emergency, and shall make determinations in compliance with state and national declarations of emergency. The necessary compliance steps for implementation are as follows:

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

(2) Milady or Pivot Point supported digital curriculum platforms or recorded video conference participation shall be used.

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

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

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

(6) No student shall accrue more than the total required theory instruction hours outlined in the instructional sections in emergency alternative education time as established in Sections 3(1)(a), 7(1)(a), 14(1)(a), and 16(1)(a) of this administrative regulation.

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

Section 34.[Section 35.] Incorporation by Reference. The following material is incorporated by reference:

(1)

(a) "Certification of Student Extracurricular Event Hours", December 2024[July 2022];

(b) "Enrollment Correction Application", December 2024[July 2022]; and

(c) "Program [Hour]Transfer [Request]Form", December 2024[July 2022].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Cosmetology, 1049 US Hwy 127 S, Annex #2, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at kbc.ky.gov.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the education and administration requirements of schools teaching cosmetology, nail technology, esthetics, and instructors of those practices.

(b) The necessity of this administrative regulation: It provides what makes up the curriculum, the amount of hours required to complete an educational program, how hours are certified, the requirements for enrollment, the requirements for a school to operate, and alternative education in the event of an emergency.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by eliminating a requirement only imposed on the nail technicians and estheticians instructor applicants and allow opportunities for students to complete their education without delay.

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

(a) How the amendment will change this existing administrative regulation: The amendment will change this existing administrative

regulation by removing requirements for additional coursework that were only for nail technology and esthetic instructors and expand the number of hours a student can clock in a day.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to make the requirements the same for all specialties and provide opportunities for students to make up hours without prolonging completion.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing a safe and manageable way to realize the Board's charge of keeping the public safe.

(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 its clarity.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee, businesses, organizations or local governments.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost for this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will have a much more straightforward inspection.

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

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: .: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.  
 (b) Estimate the following for each affected local entity identified in (4)(a):  
 1. Expenditures:  
 For the first year: N/A  
 For subsequent years: N/A  
 2. Revenues:  
 For the first year: N/A  
 For subsequent years: N/A  
 3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.  
 (b) Estimate the following for each regulated entity identified in (5)(a):  
 1. Expenditures:  
 For the first year: N/A  
 For subsequent years: N/A  
 2. Revenues:  
 For the first year: N/A  
 For subsequent years: N/A  
 3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)  
 (a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.  
 (b) Methodology and resources used to reach this conclusion: N/A  
 (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):  
 (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.  
 (b) The methodology and resources used to reach this conclusion: N/A

(b) "Clean" does not mean making multi-use items safe for use.  
 (2) "Contact time" means:  
 (a) The amount of wet contact time required for a disinfectant to be effective against the pathogens on the label; and  
 (b) The clean items or surfaces remain completely immersed or visibly wet through the use of sprays or wipes for the full contact time to be effective.  
 (3) "Disinfect" means:  
 (a) The process of making a non-porous item safe for use; and  
 (b) Including the use of a chemical intended to kill or denature a bacteria, virus, or fungus.  
 (4) "Disinfectant" means an approved disinfectant that is:  
 (a) Environmental Protection Agency (EPA) registered bactericidal, virucidal, and fungicidal disinfectant approved for use in the salon or spa environment, and used in accordance with the instruction label for dilution ratio and contact time; [or]  
 (b)  
 1. EPA-registered Sodium Hypochlorite 5.25 percent or higher (household chlorine bleach) product used in accordance with the instructions for disinfection and dilution on the label; and  
 2. Uses bleach active (not expired) with a manufacture date of less than six (6) months prior to use; or:-]  
(c) Devices or systems that employ the use of germicidal ultraviolet energy (GUV) that have been registered with the Environmental Protection Agency (EPA).  
 (5) "Non-Porous" means:  
 (a) Material that has no pores and does not allow for liquids to be absorbed or passed through; and  
 (b) Common non-porous materials include glass, metal, and plastic.  
 (6) "Porous" means a material that has minute spaces or holes through which liquid or air may pass making it permeable, penetrable, and cellular.  
 (7) "Sterilize" means the eradication of all microbial life through the use of heat, pressure, steam, ultraviolet energy, or chemical sterilants.

Section 2. Health and Public Safety. The entire licensed facility, including all equipment, employees, and implements contained in the facility, shall be continually maintained in a safe manner that reduces the risk of injury or illness for both the consumer and the licensee.

Section 3. Cleaning and Disinfecting.

(1) All non-porous implements used on the public shall be cleaned and disinfected before each use including items such as combs, brushes, shears, hair clips, hair rollers, pushers, nippers, and plastic or metal spatulas.

(2) Disinfectants shall be used properly to disinfect in accordance with the manufacturer's instructions or on the manufacturer's label with regard to concentration and contact time. UV light shall not be acceptable for disinfection.

(3) Each non-porous implement used in a licensed facility shall first be thoroughly cleaned prior to disinfection with warm soapy water or a chemical cleaner. Non-porous surfaces, such as workstations and nail tables, shall be cleaned with a wipe or spray prior to each service.

(4) After cleaning, implements shall be rinsed and dried with a single use paper towel or air dried.

(5) Implements shall then be disinfected by completely immersing in an appropriate disinfectant for the full contact time listed on the manufacturer's label. If appropriate, ultraviolet energy, disinfecting wipes and sprays may also be used.

(6) When the full contact time has been met, implements shall be removed, rinsed, and dried with a single use paper towel or air dried.

(7) Disinfected implements shall be stored in a clean, covered container, or drawer, or bag labeled as "disinfected" or "ready to use". Dirty items shall be kept ~~in a~~ covered and ~~container,~~ labeled "dirty" until they are properly disinfected. Once an item has been placed in the "dirty" container, drawer, or bag it shall not be removed until the cleaning and disinfecting process has been started.

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

**201 KAR 12:100. Infection control, health, and safety.**

RELATES TO: KRS 317A.130  
 STATUTORY AUTHORITY: KRS 317A.060  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the Kentucky Board of Cosmetology to regulate the practice of cosmetology, nail technology, and esthetics in Kentucky and establish standards for the course and conduct of school owners, instructors, apprentice instructors, licensed cosmetologists, nail technicians, beauty salons, nail salons, cosmetology schools, and estheticians to protect the health and safety of the public. This administrative regulation establishes infection control, health, and safety standards for all licensed facilities.

Section 1. Definitions.

(1)

(a) "Clean" means:

1. Removal of surface or visible debris by using soap, detergent, or chemical "cleaner", followed by a clean water rinse;

2. Preparing non-porous items for disinfection by removing debris, product residues, organic matter, and oils that may interfere with disinfection chemicals; and

3. Reducing the number and slowing the growth of pathogens on both porous and non-porous surfaces; and

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Section 4. Chemical Safety. All chemicals used in a licensed facility shall be:

- (1) Transported and stored in accordance with the manufacturer's label;
- (2) Stored in original containers in cabinets that may be locked or that are not in public spaces or bathrooms;
- (3) Mixed and applied to individuals specifically as instructed by the manufacturer's label, including patch tests;
- (4) Discarded according to the manufacturer's label and, if applicable, local, state, and federal rules; and
- (5) All chemicals that are concentrates mixed into a container or distributed into a secondary container, shall be labeled to indicate the contents. All poisonous substances shall be clearly labeled.

Section 5. Disinfectant.

- (1) Disinfectants shall be prepared fresh daily and any time the solution becomes diluted or soiled.
- (2) Contact time. To disinfect a non-porous surface, it shall be left wet or completely immersed for the full contact time required by the manufacturer for disinfecting against HIV, HBV, and all other viruses, bacteria, and fungi. If no contact time is indicated for disinfecting, the product is not an EPA registered disinfectant.
- (3) A container other than the original manufacturer's container used for immersing or application of appropriate disinfectant shall be properly labeled as to contents.
- (4) All Food and Drug Administration (FDA) designated "medical devices" shall only be disinfected by appropriate EPA-approved disinfectants in accordance with the manufacturer's instructions.

Section 6. Towel Warmers.

- (1) Towel warmers shall be disinfected daily using disinfecting wipes or a spray and left open to allow the warmer to dry completely.
- (2) Towels used in a towel warmer both wet and dry shall be washed daily, regardless if used or not, and replaced at the opening of each day.

Section 7. Nail and Pedicure Stations.

- (1) Pedicure stations shall be cleaned and disinfected after each use by:
  - (a) Removing all removable parts;
  - (b) Emptying bowl and scrub with detergent and scrub brush;
  - (c) Rinsing bowl and filling with clean water;
  - (d) Adding appropriate disinfectant in a proper concentration for the size of bowl; and
  - (e)
    1. If the bowl has any circulation or whirlpool effect, allow disinfectant to circulate for full contact time as listed on the manufacturer's label; or
    2. If there is no circulation or whirlpool effect, allow disinfectant to stand in bowl for full contact time as listed on the manufacturer's label.
  - (2) Surfaces of nail stations shall be disinfected between clients.
  - (3) Nail clients shall be offered hand sanitizer prior to a service.
  - (4) A nail drill or body treatment equipment shall be:
    - (a) Cleaned and disinfected after each use by removing all removable parts; and
    - (b) Following the specific disinfection instructions recommended by the manufacturer.
  - (5) Drill bits shall be soaked in acetone to remove product, scrubbed, and soaked in disinfectant for full contact time after each use.

Section 8. Electrical Implements.

- (1) Heated electrical equipment, such as a thermal iron are disinfected by the heat source. Unheated parts of heated electrical equipment shall be cleaned and disinfected according to the manufacturer's recommendations.
- (2) All other electrical equipment, including clippers and attachments, shall be cleaned and disinfected after each use by:
  - (a) Removing hair and all foreign matter from the equipment; and
  - (b) Completely saturating the clipper blade and attachment with an EPA-registered high level disinfectant solution, spray, or foam used according to the manufacturer's instructions.

Section 9. Waxing Services.

- (1) Waxing services shall only be performed on intact skin.
- (2) Wax applicator sticks shall only be used for a single dip into the wax and then shall be immediately discarded.
- (3) If the wax pot becomes contaminated or debris is visible it shall be completely cleaned and disinfected through the following steps:
  - (a) Wax shall be emptied and disposed of properly;
  - (b) Pots shall be washed with detergent and rinsed;
  - (c) All pot surfaces shall be wiped or sprayed with EPA-registered disinfectant following manufacturer's guidelines for contact time;
  - (d) Pots shall be air dried or wiped dry with a clean paper towel; and
  - (e) New wax shall always be used and pots shall remain covered at all times.
- (4) Paraffin wax shall be portioned out to prevent contamination between clients and disposed of immediately.

Section 10. General Cleaning and Disinfection.

- (1) Any item that may not be cleaned and disinfected is considered single use and shall be disposed of after each use. This includes items such as nail files or emery boards made of any material except metal or glass, all cotton, buffing blocks, pumice stones, wooden cuticle pushers, slipper shoes, toe separators, wooden spatulas, neck strips, and paper coverings.
- (2) All shampoo bowls or similar items shall be cleaned after each use and disinfected at the end of each day.
- (3) All nonporous items to be used on multiple clients shall be cleaned and disinfected after each use.

Section 11. Removal of Product from Multi-Use Containers.

- (1) All products removed from a multi-use container such as a tub or tube, shall be done in a manner that prevents contamination of the remaining product within the container.
- (2) Products such as pomades, waxes, and gels shall be removed with either a single use spatula that is disposed of immediately after a single use or a disinfected multi use spatula. Fingers shall not be used to remove product.
- (3) Powders and lotions shall be dispensed from a shaker or pump ensuring that the licensee's or client's hands never touch the dispensing portions of the container.

Section 12. Special Solution Containers. Single use product containers shall be used whenever possible to prevent the contamination of unused solution. All leftover product shall be disposed of, not reused.

Section 13. Walls and Floors. Walls, floors, and fixtures shall be kept in a safe manner at all times. If any condition potentially places the consumer or the licensee at risk of harm, it shall be remedied immediately.

Section 14. Trash Containers and Debris.

- (1) All trash containers shall have solid sides and a liner shall be used.
- (2) All hair and debris shall be swept up immediately following each client and placed in the closed trash container.

Section 15. Proper Laundering Methods.

- (1) All cloth towels, robes, and similar items shall be laundered in a washing machine with laundry detergent used according to the manufacturer's directions.
- (2) Laundry may be done through a commercial laundry service.
- (3) A closed, dustproof cabinet shall be provided for clean towels and linen, and a closed, side vented hamper or receptacle shall be provided for all soiled towels and linens.

Section 16. Personal Hygiene.

- (1) Every person licensed or permitted by the board shall thoroughly cleanse his or her hands with soap and water or an equally effective hand sanitizer immediately before serving each patron.

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(2) Hand sanitizer shall be made available for use by patrons at each nail station in the licensed facility.

(3) A cosmetology instrument or implement shall not be carried or stored in a pocket, belt, apron, or smock.

### Section 17. Blood Exposure.

(1) If a licensee or client are injured during the service and blood is present, service shall be stopped immediately.

(2) If possible, the area shall be washed under clean running water at a sink.

(3) If the injury is on the client, the licensee shall put on gloves and clean the area, then apply antibacterial ointment and offer a bandage to the client. The licensee shall then remove gloves, wash his or her own hands and re-apply gloves for the duration of the service.

(4) If the injury is on licensee, the licensee shall put on gloves and any blood on the workstation or client shall be cleaned. The licensee shall then remove gloves, wash the area, and apply antibiotic cream and a bandage to the area. The licensee shall then re-apply gloves, and properly disinfect the work surface and implements prior to starting the service again.

(5) When service is complete, all disposable items shall be immediately thrown away and all non-porous items thoroughly cleaned and disinfected.

(6) Styptics to arrest bleeding shall be used only in liquid or powder form and shall be applied using new gauze, or cotton.

### Section 18. Communicable Disease.

(1) Licensees shall not perform any service if they have been diagnosed with a communicable disease until cleared in writing by a medical professional for return to work.

(2) Licensees with a respiratory illness, regardless of if they have been diagnosed, shall consider the use of a facemask to protect clients from the possibility of transmission.

(3) Licensees shall not perform a service on a client who has visible swelling, eruption, redness, bruising on skin, or rash in an area where a service is to be performed except when the client who supplies a physician's note indicating they are not suffering from a contagious condition, such as psoriasis or other non-communicable skin disorders.

~~[(4)] [Clients with a physician's note indicating they are not contagious, such as psoriasis or other non-communicable skin disorders, are an exception to this rule.]~~

### Section 19. Eyelash Services.

(1) Eyelash stands, holders, or pallets including tiles or stones, and trays shall be cleaned and disinfected before use with each client.

(2) Eyelash extensions shall be stored in a clean, closed container or in closed, original packaging. Eyelash extensions that are removed from the container or original packaging for a client's eyelash service and not used shall be disposed of and shall not be used for another client.

(3) When removing eyelashes from the container or package to portion out eyelashes for a service, a practitioner shall use disinfected scissors, blade, or other tool to snip a portion of a strip, or disinfected tweezers to portion out the lashes for each service.

(4) Any cutting implement used to cut the lashes in to sections, to render lash strips a one-time use, shall be disinfected and stored in covered containers.

(5) Tape used for taping back eye lid skin or lashes shall not be de-tacked on skin. De-tacking shall only be done on a clean towel.

(6) Any nozzle or dropper used for rinsing or flushing the eye during the service shall not come in direct contact with the eye or skin.

(7) Only medical grade adhesives intended for use on the human body shall be used.

### Section 20. Esthetics.

(1) All esthetics facilities shall have a sharp's disposal container available for disposal of sharp items, such as lancets.

(2) A microdermabrasion or facial machine shall be:

(a) Cleaned and disinfected after each use by removing all movable parts;

(b) Filled, circulated, cleaned, and disinfected with the use of hospital grade disinfectant or a ten (10) percent bleach solution that is circulated through the machine for the minimum time recommended by the manufacturer; and

(c) Rinsed and air dried, or wiped dry with a clean cloth or paper towel.

Section 21. Prohibited Items. The following sanitation methods and cosmetology practices shall be prohibited:

(1) Methyl Methacrylate acid (MMA);

(2) Isobornyl Methacrylate (IBMA);

~~(3) Blades for cutting the skin including items such as a straight razor without a guard, and credo blades, rasps~~ Blades for cutting the skin including items such as credo blades, rasps, and graters for callous removal;

~~(4) [UV light boxes or "Sterilizers";]~~

~~[(5)] Roll on wax;~~

~~[(6)] Waxing of nasal hair;~~

~~[(7)] Any product banned by the FDA; and~~

~~[(8)] Use of any live animal in any cosmetic service.~~

### Section 22. Autoclaves.

(1) Autoclaves used to sterilize shall be spore tested through an independent laboratory every thirty (30) days to ensure functionality.

(2) Laboratory results shall be kept onsite for twelve (12) months.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes standards for infections control.

(b) The necessity of this administrative regulation: The administrative regulation is necessary to prevent infections disease, bloodborne pathogens, and bacteria growth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by establishing standards for these practices.

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

(a) How the amendment will change this existing administrative regulation: The amendment will change this existing administrative regulation by updating the regulation to align with the applicable statutes and modern practices.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to keep the public safe.

- (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing a safe and manageable way to realize the Board's charge of keeping the public safe.
- (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 aligning with current standards.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee, businesses, organizations or local governments.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost for this amendment.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will have a much more straightforward inspection.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: N/A
- (b) On a continuing basis: N/A
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created or increased directly or indirectly by this regulation
- (9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:  
For the first year: N/A  
For subsequent years: N/A
2. Revenues:  
For the first year: N/A  
For subsequent years: N/A
3. Cost Savings:  
For the first year: N/A  
For subsequent years: N/A
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
- (b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:  
For the first year: N/A  
For subsequent years: N/A
2. Revenues:  
For the first year: N/A  
For subsequent years: N/A
3. Cost Savings:  
For the first year: N/A  
For subsequent years: N/A
- (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.
- (b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:  
For the first year: N/A  
For subsequent years: N/A
2. Revenues:  
For the first year: N/A  
For subsequent years: N/A
3. Cost Savings:  
For the first year: N/A  
For subsequent years: N/A
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
- (a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.
- (b) Methodology and resources used to reach this conclusion: N/A
- (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
- (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.
- (b) The methodology and resources used to reach this conclusion: N/A

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

**201 KAR 12:190. Complaint and disciplinary process.**

RELATES TO: KRS 317A.070, 317A.140, 317A.145  
 STATUTORY AUTHORITY: KRS 317A.060, 317.070, 317A.145  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.145 authorizes the board to investigate complaints and, where appropriate, take disciplinary action for violations of KRS Chapter 317A and the administrative regulations promulgated by the board. KRS 317A.070 requires the board to hold hearings to review the board's decision upon the request of any licensee or applicant affected by the board's decision to refuse to issue or renew a license or permit, or to take disciplinary action against a license or permit. This administrative regulation establishes the board's complaint and disciplinary process.

Section 1. Definitions.

- (1) "Complaint" means any signed writing received or initiated by the board alleging conduct by an individual or entity that may constitute a violation of KRS Chapter 317A or 201 KAR Chapter 12.
- (2) "Respondent" means the person or entity against whom a complaint has been made.

Section 2. Complaint Committee. The board may appoint a committee of at least~~[no more than]~~ two (2) board members to review complaints, initiate investigations, participate in informal proceedings to resolve complaints, and make recommendations to the board for disposition of complaints. The board staff and board counsel may assist the committee but are not considered members of the committee, nor shall staff or counsel be permitted to cast votes during the committee meetings.

Section 3. [.] Complaint Procedures.

(1) Complaints shall be submitted on the board's Complaint Form, signed by the person making the complaint, and describe with sufficient detail the alleged violation(s) of KRS Chapter 317A, or 201 KAR Chapter 12. Anonymous complaints will not be accepted. The Complaint Form shall be made available on the board's Web site at <http://kbc.ky.gov>.

(2) A copy of the complaint shall be provided to the respondent. The respondent shall have thirty (30)~~ten (10)~~ calendar days from the date of receipt to submit a written response. The complaints committee or the executive director may extend these timelines as appropriate.

(3) The complaint committee may~~shall~~ meet at regular intervals as determined by the board. ~~[A complaint and any written response shall arrive ten (10) days prior to the meeting to meet the deadline for making a recommendation to the board.]~~ At its meetings, the complaint committee shall review the complaint, the response, and any other relevant information or material available, and may recommend that the board:

- (a) Dismiss the complaint;
- (b) Order further investigation;
- (c) Issue a written admonishment for a minor violation; ~~[or]~~
- (d) Issue a notice of disciplinary action informing the respondent of:

- 1. The statute(s) or administrative regulation(s) violated;
- 2. The factual basis for the disciplinary action;
- 3. The penalty to be imposed; and
- 4. The licensee's or permittee's right to request a hearing; or ~~[-]~~

(e) Refer the matter to the full board for its consideration.  
(4) Should the complaint committee be unable to agree on a recommendation, the matter shall be forwarded to the full board for its consideration.

~~(5)~~(4) A written admonishment shall not be considered disciplinary action by the board, but may be considered in any subsequent disciplinary action against the licensee or permittee. A copy of the written admonishment shall be placed in the licensee or permittee's file at the board office.

~~(6)~~(5) If the board determines that a person or entity is engaged in the unlicensed practice of cosmetology, esthetics practices, or nail technology, the board may:

- (a) Issue to the person or entity a written request to voluntarily cease the unlicensed activity; or
- (b) Seek injunctive relief in a court of competent jurisdiction pursuant to KRS 317A.020(7).

~~(7)~~(6) Any board member who has participated in the investigation of a complaint or who has substantial personal knowledge of facts concerning the complaint, which could influence an impartial decision, shall disqualify himself or herself from participating in the adjudication of the complaint.

Section 4. Settlement by Informal Proceedings.

(1) The board, through its complaints committee or counsel, may, at any time during this process, resolve the matter through informal means, including an agreed order of settlement or mediation.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the respondent and board chair, or the chair's designee.

Section 5. Hearings.

(1) A written request made by the respondent for a hearing shall be filed with the board within thirty (30) calendar days of the date of the board's notice that it intends to refuse to issue or renew a license or permit, to deny, suspend, probate, or revoke a license or permit, or to impose discipline on a licensee or permittee.

(2) If no request for a hearing is filed, the board's refusal to issue or renew a license or permit, or the board's notice of disciplinary action, shall become effective upon the expiration of the time to request a hearing.

Section 6. Incorporation by Reference.

(1) "Complaint Form", March 2025,~~[July 2022,]~~ is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Cosmetology, 1049 US Hwy 127 S. Annex #2, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the board's Web site at <http://kbc.ky.gov>.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, [joni.upchurch@ky.gov](mailto:joni.upchurch@ky.gov).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the complaint process and disciplinary process authorized by KRS 317A.

(b) The necessity of this administrative regulation: It provides what is required when filing the complaint, the process for the licensee that is the subject of the complaint, and the disciplinary process if a violation is found.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for the complaint and disciplinary process.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by expanding the time for a licensee to respond if they have had a complaint filed against them and the referral process by the complaint committee to 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 change this existing administrative regulation by adding the additional time for a reply and clarifying what happens if the complaint committee cannot agree on a disciplinary action for a violation.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to ensure and improve the due process afforded the licensees.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing a manageable way to realize the Board's charge of keeping the public safe.

(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 its clarity.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee, businesses, organizations or local governments.

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

- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): mNo cost for this amendment.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will have a much more straightforward inspection.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
  - (a) Initially: N/A
  - (b) On a continuing basis: N/A
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created or increased directly or indirectly by this regulation
- (9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
  - 1. Expenditures:  
For the first year: N/A  
For subsequent years: N/A
  - 2. Revenues:  
For the first year: N/A  
For subsequent years: N/A
  - 3. Cost Savings:  
For the first year: N/A  
For subsequent years: N/A
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
- (b) Estimate the following for each affected local entity identified in (4)(a):
  - 1. Expenditures:  
For the first year: N/A  
For subsequent years: N/A
  - 2. Revenues:  
For the first year: N/A  
For subsequent years: N/A
  - 3. Cost Savings:  
For the first year: N/A  
For subsequent years: N/A
- (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.
- (b) Estimate the following for each regulated entity identified in (5)(a):
  - 1. Expenditures:

- For the first year: N/A
- For subsequent years: N/A
- 2. Revenues:  
For the first year: N/A  
For subsequent years: N/A
- 3. Cost Savings:  
For the first year: N/A  
For subsequent years: N/A
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
  - (a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.
  - (b) Methodology and resources used to reach this conclusion: N/A
- (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
  - (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.
  - (b) The methodology and resources used to reach this conclusion: N/A

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

**201 KAR 12:260. Fees.**

RELATES TO: KRS 317A.050, 317A.062  
 STATUTORY AUTHORITY: KRS 317A.062  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.062 requires the board to promulgate administrative regulations establishing a reasonable schedule of fees and charges for examinations and the issuance, renewal, and restoration of licenses and permits. This administrative regulation establishes a fee schedule for applications, permits, and licenses issued by the board.

Section 1. The initial license fees shall be as follows:

- (1) Cosmetologist - fifty (50) dollars;
- (2) Nail technician - fifty (50) dollars;
- (3) Esthetician - fifty (50) dollars;
- (4) Shampoo Styling services - fifty (50) dollars;
- (5) Cosmetology instructor - fifty (50) dollars;
- (6) Esthetic instructor - fifty (50) dollars;
- (7) Nail Technology instructor - fifty (50) dollars;
- (8) Beauty salon - \$100;
- (9) Nail salon - \$100;
- (10) Esthetic salon - \$100;
- (11) School - \$1,500;
- (12) School transfer of ownership - \$1,500;
- (13) Salon transfer of ownership - \$100;
- (14) Limited facility license for a limited beauty salon, threading facility, eyelash artistry facility, and makeup facility - \$100;
- (15) Threading permit - fifty (50) dollars;
- (16) Eyelash Artistry Permit - fifty (50) dollars;
- (17) Makeup Artistry Permit - fifty (50) dollars;
- (18) Event Services Permit- \$100; and
- (19) Homebound Care Permit - \$100.

Section 2. The renewal license fees shall be as follows:

- (1) Cosmetologist - ~~\$100~~[fifty (50) dollars];
- (2) Nail technician - ~~\$100~~[fifty (50) dollars];
- (3) Esthetician - ~~\$100~~[fifty (50) dollars];
- (4) Shampoo Styling services - ~~\$100~~[fifty (50) dollars];
- (5) Cosmetology instructor - ~~\$100~~[fifty (50) dollars];
- (6) Esthetic instructor - ~~\$100~~[fifty (50) dollars];
- (7) Nail Technology instructor - ~~\$100~~[fifty (50) dollars];
- (8) Beauty salon - ~~\$200~~[\$400];
- (9) Nail salon - ~~\$200~~[\$400];
- (10) Esthetic salon - ~~\$200~~[\$400];
- (11) School - ~~\$500~~[\$250];

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- (12) Limited facility license for a limited beauty salon, threading facility, eyelash artistry facility, and makeup facility - ~~\$200~~~~[\$100]~~;  
(13) Threading permit - ~~\$100~~~~[fifty (50) dollars]~~;  
(14) Eyelash Artistry Permit - ~~\$100~~~~[fifty (50) dollars]~~;  
(15) Makeup Artistry Permit - ~~\$100~~~~[fifty (50) dollars]~~;  
(16) Event Services Permit - ~~\$200~~~~[\$100]~~; and  
(17) Homebound Care Permit - ~~\$200~~~~[\$100]~~.

Section 3. Applications for examination including retake applications shall be accompanied by a fee as follows:

- (1) Cosmetologist - eighty-five (85) dollars;
- (2) Nail technician - eighty-five (85) dollars;
- (3) Esthetician - eighty-five (85) dollars;
- (4) Shampoo Styling services - eighty-five (85) dollars; and
- (5) Instructor - eighty-five (85) dollars.

Section 4. Miscellaneous fees shall be as follows:

- (1) Demonstration permit - fifty (50) dollars;
- (2) Certification for an out-of-state license or school hours transfer - twenty-five (25) dollars;
- (3) Duplicate license - twenty-five (25) dollars;
- (4) Salon manager change - fifty (50) dollars;
- (5) School manager change - fifty (50) dollars;
- (6) Enrollment correction fee, as established in 201 KAR 12:082, Section 24(2) - fifteen (15) dollars;
- (7) Out-of-state endorsement application fee - ~~[\$]100~~ ~~dollars~~;
- (8) Apprentice instructor enrollment - twenty-five (25) dollars;
- (9) Student enrollment - twenty-five (25) dollars;
- (10) Individual license restoration fee - fifty (50) dollars;
- (11) Salon license restoration fee, or limited facility permit restoration fee for a limited beauty salon, threading facility, eyelash artistry facility, and makeup facility - ~~[\$]100~~ ~~dollars~~;
- (12) School license restoration fee - ~~[\$]500~~ ~~dollars~~; ~~and~~  
~~[(13)] [School or Salon location change - \$100.]~~

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This regulation establishes the fees for licensees.
  - (b) The necessity of this administrative regulation: The necessity of this administrative regulation is establishing the fee structure for licensees, applicants, renewals, and special permits.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by communicating the fee structure.

(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 reflects the fees that are due every other year instead of every year, as the licensees are only required to renew on the even years.
- (b) The necessity of the amendment to this administrative regulation: The amendment is necessary to communicate the fees simply.
- (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing the structure to those regulated by this agency.
- (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 its clarity.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee, businesses, organizations or local governments.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost for this amendment - it is the same annual amount, only changed to reflect the cost for two years instead of one.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will have a much more straightforward inspection.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
  - (a) Initially: N/A
  - (b) On a continuing basis: N/A
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created or increased directly or indirectly by this regulation
- (9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

### FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
  1. Expenditures:  
For the first year: N/A  
For subsequent years: N/A
  2. Revenues:  
For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

(b) Methodology and resources used to reach this conclusion: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.

(b) The methodology and resources used to reach this conclusion: N/A

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

**201 KAR 12:280. Esthetic practices restrictions.**

RELATES TO: KRS 317A.130

STATUTORY AUTHORITY: KRS 317A.060, 317A.130

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the board to establish appropriate standards of practice for individuals licensed by the board. This administrative regulation establishes the required restrictions and limitations placed on esthetic practices.

**Section 1. Definitions.**

(1) "Basic exfoliation during dermaplane techniques" or "dermaplaning" means techniques or procedures where only the uppermost layer of the stratum corneum is [may be] removed.

(2) "Cosmetic resurfacing exfoliating procedures" means the application of cosmetic resurfacing exfoliating substances by a licensed health care practitioner for the purpose of improving the aesthetic appearance of the skin. This includes services such as acid or chemical peels, microdermabrasion, and other forms of exfoliation or resurfacing of a cosmetic nature.

(3) "Direct supervision" means to be within immediate distance, such as on the same floor, and available to respond when needed.

(4) "Health care practitioner" means any individual certified by the Kentucky Board of Nursing, or the Kentucky Board of Medical Licensure to perform esthetic specialties.

(5) "Immediate supervision" means a licensed physician is physically present in the same room and overseeing the activities of the esthetician at all times.

(6) "Microdermabrasion" means a gentle, progressive, superficial, mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(7) "Microneedling" means the use of multiple tiny solid needles designed to pierce the skin for the purpose of stimulating collagen production or cellular renewal. Devices used may be in the form of rollers, stamps, or electronic "pens". Microneedling is also known as:

- (a) Dermal needling;
- (b) Collagen Induction Therapy (CIT);
- (c) Dermal rolling;
- (d) Cosmetic dry needling;
- (e) Multitrepannic collagen actuation; or
- (f) Percutaneous collagen induction.

(8) "Physician" means a medical doctor licensed by the Kentucky Board of Medical Licensure to perform services within his or her scope of practice.

Section 2. Supervision of Restricted Practices. An esthetician licensed by the board shall not perform any of the activities listed in KRS 317A.130(2) unless under the immediate supervision of a licensed physician. Medical procedures shall not be performed by an esthetics or cosmetology licensee. Services under the direct supervision of a licensed health care practitioner shall fall within the category of cosmetic resurfacing exfoliating procedures.

Section 3. Dermaplaning.

(1) Dermaplaning procedures for basic exfoliation shall only be conducted by individuals who are:

- (a) Licensed as a cosmetologist or esthetician by the board; and
- (b) Have provided documentation to the board demonstrating the completion of courses and specialized training regarding dermaplaning sufficient that, in the judgment of the board, the licensee may conduct the procedure safely.

(2) Dermaplane procedures, dermabrasion procedures, microneedling procedures, blades, knives, and lancets are prohibited, except for:

- (a) Procedures for basic exfoliation;
- (b) Advanced extraction of impurities from the skin using a lancet of 2mm or less; and
- (c) Dermaplane procedures for advanced exfoliation under direct supervision of a licensed physician.

Section 4.[Section 3.] Microdermabrasion.

(1) To be approved for use, a microdermabrasion device shall:

- (a) Be specifically labeled for cosmetic or esthetic purposes;
- (b) Be a closed-loop vacuum system that uses a tissue retention device; and
- (c) Not result in the removal of the epidermis beyond the stratum corneum from the normal and customary use of the device.

(2) Loose particle microdermabrasion systems shall not be used.

Section 5.[Section 4.] Acids and Chemical Exfoliations.

(1) The use of any acid or acid solution, which would exfoliate the skin below the stratum corneum, including those listed in subsection (2) of this section shall not be used unless under the direct supervision of a licensed health care practitioner.

(2) The following acids or acid solutions shall not be used unless under the direct supervision of a licensed health care practitioner:

- (a) Phenol;
- (b) Bichloroacetic acid;
- (c) Resorcinol;
- (d) Any acid in any concentration level that requires a prescription;
- (e) Modified jessner solution on the face and the tissue immediately adjacent to the jaw line;
- (f) Alpha hydroxy acids with a pH of not less than one (1.0) and at a concentration of fifty (50) percent shall include partially

neutralized acids, and any acid above the concentration of fifty (50) percent is prohibited;

(g) Beta hydroxy acids with a concentration of not more than thirty (30) percent;

(h) Trichloroacetic acid (TCA), in a concentration of not more than fifteen (15) percent, but no manual, mechanical, or acid exfoliation may be used prior to treatment unless under the direct supervision of a licensed health care practitioner; and

(i) Vitamin-based acids.

(3) Limited chemical exfoliation for a basic esthetician shall not include the mixing, combining, or layering of skin exfoliation products or services, but shall include:

(a) Alpha hydroxy acids of thirty (30) percent or less, with a pH of not less than three (3.0); and

(b) Salicylic acid of fifteen (15) percent or less.

(4) A licensee may not apply any exfoliating acid to a client's skin that has undergone microdermabrasion or microneedling within the previous seven (7) days, unless under the direct supervision of a licensed physician.

(5) A licensee shall prepare and maintain current documentation of the licensee's cumulative experience in chemical exfoliation, including:

(a) Courses of instruction;

(b) Specialized training;

(c) On-the-job experience; and

(d) The approximate percentage that chemical exfoliation represents in the licensee's overall business.

(6) A licensee shall provide the documentation required by subsection (5) of this section to the board upon request.

(7) A licensee shall not use an acid or perform a chemical exfoliation that the licensee is not competent to use or perform through training and experience, and as documented in accordance with subsection (5) of this section.

(8) Only commercially available products utilized in accordance with manufacturers' instructions shall be used for chemical exfoliation purposes.

(9) A patch test shall be administered to each client prior to beginning any chemical exfoliation series.

Section 6.~~[Section 5.]~~ Devices. No mechanical or electrical apparatus that is considered a prescription medical device by the FDA may be used by a licensee, unless such use is under the immediate supervision by a licensed physician and within that licensed physician's appropriate scope of practice.

Section 7.~~[Section 6.]~~ Disclosure. Before applying a chemical exfoliant or using a microdermabrasion machine, a licensee shall inform a client that:

(1) The procedure shall only be performed for cosmetic and not medical purposes; and

(2) The benefits and risks of the all procedures shall be disclosed prior to application.

Section 8.~~[Section 7.]~~ Other Prohibited Practices.

(1) A licensee shall never use any preparation, product, device, or procedure that pierces or penetrates the skin beyond the stratum germinativum layer, also known as the basal layer of the epidermis.

~~[(2)] [Dermaplane procedures, dermabrasion procedures, microneedling procedures, blades, knives, and lancets are prohibited, except for:]~~

~~[(a)] [Advanced extraction of impurities from the skin shall use a lancet of 2mm or less; and]~~

~~[(b)] [Dermaplane procedures for advanced exfoliation under direct supervision of a licensed physician.]~~

~~[(3)] [Dermaplane procedures for basic exfoliation may be practiced without the direct supervision of a licensed physician only if the following apply. A licensee shall maintain current documentation of the licensee's training in dermaplaning, including:]~~

~~[(a)] [Courses of instruction; and]~~

~~[(b)] [Specialized training.]~~

~~[(4)] [A licensee shall provide the documentation required by subsection (3) of this section to the board upon request.]~~

~~[(5)]~~ A licensee shall not use any procedure in which human tissue is cut or altered by laser energy or ionizing radiation.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the restrictions for esthetic practices.

(b) The necessity of this administrative regulation: The administrative regulation is necessary for clarification around esthetic practices.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by including the commonly used sub-specialty of dermaplaning.

(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 update the requirements for dermaplaning.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to reflect modern safe dermaplaning practices.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing a manageable way to realize the Board's charge of keeping the public safe.

(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 its clarity.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee, businesses, organizations or local governments.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost for this amendment.

(c) As a result of compliance, what benefits will accrue to the entities

identified in question (3): Entities will have a much more straightforward inspection.

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

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.

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

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other regulated are affected.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.

(b) Methodology and resources used to reach this conclusion: N/A

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.

(b) The methodology and resources used to reach this conclusion: N/A

**BOARDS AND COMMISSIONS**  
**Board of Cosmetology**  
**(Amendment)**

**201 KAR 12:290. Permits.**

RELATES TO: KRS 317A.020, 317A.050, 317A.060  
STATUTORY AUTHORITY: KRS 317A.060

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317A.060 requires the board to promulgate administrative regulations governing permits in threading, makeup artistry, eyelash artistry, homebound care, and event services. This administrative regulation establishes procedures for permits.

Section 1. Fees. Permit fees are set forth in 201 KAR 12:260.

Section 2. Permit Validity. Each permit shall expire on the 30th day of June of each even numbered year, regardless of the date when the permit was issued, unless the board should specify an alternate period of validity.

Section 3.~~Section 2.~~ Changes. All changes to account information required for licensure shall be submitted to the board within thirty (30) days of occurrence including:

(1) Legal name change;

(2) Change of address;

(3) Change of facility or employer;

(4) Change of phone number;

(5) Change of email address; and

(6) Any other information as required by KRS 317A or 201 KAR Chapter 12 for licensure.

Section 4.~~Section 3.~~ Prior Felony Convictions. For any permit issued or conducted by the board, an applicant convicted of a prior felony shall include with his or her application:

(1) A signed letter of explanation from the applicant;

(2) A certified copy of the judgment and sentence from the issuing court; and

(3) A letter of good standing from the applicant's probation or parole officer, if currently on probation or parole.

Section 5.~~Section 4.~~ All incorporated forms may be replicated in a digital format for online completion.

Section 6.~~Section 5.~~ Threading and Makeup Artistry Permits.

(1) Any person who engages in the practice of threading or makeup artistry shall first obtain a permit from the board by submitting a completed Permit Application and paying the fee established in 201 KAR 12:260. The Board may prescribe any conditions it deems necessary to ensure the safety, health, or welfare of the general public and compliance with KRS Chapter 317A and 201 KAR Chapter 12.

(2) The applicant shall include with the Permit Application:

(a) A copy of the applicant's government-issued photo identification;

(b) A two (2) by two (2) inch passport photo of the applicant taken within the past six (6) months; and

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(c) Proof of completion of a board approved sanitation course within the six (6) month period preceding the application.

### Section 7.~~[Section 6.]~~ Eyelash Artistry Permits.

(1) Any person who engages in the practice of eyelash artistry shall first obtain a permit from the board by submitting a completed Permit Application and paying the fee established in 201 KAR 12:260. The Board may prescribe any conditions it deems necessary to ensure the safety, health, or welfare of the general public and compliance with KRS Chapter 317A and 201 KAR Chapter 12.

(2) The applicant shall include with the Permit Application:

(a) A copy of the applicant's government-issued photo identification;

(b) A two (2) by two (2) inch passport photo of the applicant taken within the past six (6) months;

(c) Proof of completion of a board approved sanitation course within the past six (6) month period preceding the application; and

(d) Proof of completion of a board approved eyelash certificate training program taught by a licensed instructor within the preceding six (6) months.

### Section 8.~~[Section 7.]~~ Homebound Care Permit.

(1) Any person engaging in the cosmetic care of a homebound or medically infirm individual shall first obtain a permit from the board by submitting a completed application and paying the fee established in 201 KAR 12:260. The Board may prescribe any conditions it deems necessary to ensure the safety, health, or welfare of the general public and compliance with KRS Chapter 317A and 201 KAR Chapter 12.

(2) The applicant shall include with the Permit Application:

(a) A copy of the applicant's government-issued photo identification;

(b) A two (2) by two (2) inch passport photo of the applicant taken within the past six (6) months;

(c) Proof of ownership, employment, or booth rental agreement with a Kentucky board licensed salon;

(d) Medical release document for the homebound or infirm individual from a physician, licensed by the Kentucky Board of Medical Licensure, defining which services can or cannot be safely provided; and

(e) The address of the location where services will be provided.

### Section 9.~~[Section 8.]~~ Event Services Permit.

(1) Any person engaged in providing on-site services outside of a board licensed facility for events shall first obtain a permit from the board by submitting a completed application and paying the fee established in 201 KAR 12:260. The Board may prescribe any conditions it deems necessary to ensure the safety, health, or welfare of the general public and compliance with KRS Chapter 317A and 201 KAR Chapter 12.

(2) The applicant shall include with the Permit Application:

(a) A copy of the applicant's government-issued photo identification;

(b) A two (2) by two (2) inch passport photo of the applicant taken within the past six (6) months;

(c) Proof of ownership, employment, or booth rental agreement with a Kentucky board licensed salon; and

(d) The address of the location where services will be provided shall be provided to the board two (2) weeks in advance of each event along with the time frame services will be provided.

Section 10.~~[Section 9.]~~ Practice before Permit Issuance Prohibited. Any individual found engaging in the practice of threading, makeup artistry, eyelash artistry, or providing homebound care or event services prior to the permit issuance shall be ineligible to receive a permit from the board for a period of one (1) year from the date of the unauthorized practice and be responsible for the payment of any fines ordered by the board.

Section 11.~~[Section 10.]~~ Duplicate Permit, Renewal, and Restoration.

(1) If a permit is lost, destroyed, or stolen after issuance, a duplicate permit may be issued. The permit holder shall submit a statement verifying the loss of the permit using the Duplicate License

Application that includes a copy of a government-issued photo identification and pay the duplicate permit fee listed in 201 KAR 12:260. Each duplicate license shall be marked "duplicate".

(2) The annual license renewal period is July 1 through July 31.

All permits shall:

(a) Be renewed using the board's online portal;

(b) Include the required copy of a government-issued photo identification;

(c) Include payment of the fee set forth in 201 KAR 12:260;

(d) Include payment of any outstanding fines associated with a prior disciplinary action as described in KRS 317A.145;

(e) Disclose to the board the current name and license number of the facility where the permit holder is working; and

(f) Include a current passport style headshot photo.

(3) To restore an expired permit, a Restoration Application shall be digitally submitted to the board with payment of the restoration fee as set forth in 201 KAR 12:260 for each year the permit has been expired, the total of which shall not exceed \$300 per permit restored, along with a copy of a government-issued photo identification.

### Section 12.~~[Section 11.]~~ Eyelash Artistry Training Programs.

(1) An eyelash training program may be approved by the board upon submission of:

(a) A written request for consideration;

(b) A copy of the applicant's government-issued photo identification;

(c) A two (2) by two (2) inch passport photo of the applicant taken within the past six (6) months;

(d) A copy of the Kentucky cosmetology or esthetics instructor license verifying the credentials to teach the course;

(e) A completed training manual with detailed instructions on safety, infection control, eye diseases, contraindications, application and removal procedures, and product knowledge. The manual shall also contain current Kentucky Statutes and Regulations on scope of practices, requirements for facility and personal licensure, and infection control standards; and

(f) A copy of a training contract that outlines the responsibility of the training company, cost for classes, and completion requirements.

(2) Failure to seek approval as required by subsection (1) of this section shall invalidate all certifications issued to trainees and submitted by permit applicant.

(3) An apprentice instructor shall be under the immediate supervision and instruction of a licensed instructor while providing any instruction for students. "Immediate supervision" requires that a licensed instructor is physically present in the same room and overseeing the activities of the apprentice instructor at all times.

(4) A licensed cosmetology or esthetics school may seek course approval by submitting a curriculum packet for review and providing proof that the instructor has appropriate credentials to train in eyelash artistry.

Section 13.~~[Section 12.]~~ Eyelash Training Course Administration.

(1) Upon board approval of an eyelash artistry training program the instructor or program director shall, ten (10) business days prior to the start of the program, submit to the board:

(a) The date and time of the training course;

(b) A class roster of anticipated attendees; and

(c) A copy of the completed contract for each attendee.

(2) Upon completion of the reported course, the instructor or program director shall submit to the board a signed and dated roster of attendees.

(3) Any student not listed with a signature on the class roster may be considered absent and may not be considered for a permit to practice from the board.

Section 14.~~[Section 13.]~~ Demonstration Permits. Professional services performed outside a licensed facility, including charity events and hair shows, require approval of the board and shall display the proper permit. Permits may be obtained by completing the Demonstration Permit Application and paying the applicable fee set forth in 201 KAR 12:260.

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Section 15.[Section 14.] Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Permit Application", March 2025[July 2022]; and
(b) "Demonstration Permit Application", March 2025[July 2022].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Cosmetology, 1049 US Hwy 127 S, Annex #2, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the board's Web site at http://kbc.ky.gov.

KERRY HARVEY, Chair

JONI UPCHURCH, Executive Director

APPROVED BY AGENCY: March 10, 2025

FILED WITH LRC: April 14, 2025 at 8:08 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, June 30th, 2025 at 2:00 p.m. EST at the Kentucky Board of Cosmetology. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through Monday, June 30th, 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: Joni Upchurch, Executive Director, 1049 US-HWY 127, Annex #2, Frankfort, Kentucky 40601, (502) 564-4262, joni.upchurch@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Joni Upchurch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation governs permits in threading, makeup artistry, eyelash artistry, homebound care, and event services.

(b) The necessity of this administrative regulation: This administrative regulation provides details on specific items like requirements f the licensee is under the supervision of probation or parole officer for a felony conviction, what to file when applying for a specific permit, and what to file if applying to teach an eyelash artistry training program.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by setting up guidelines for compliance.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists or will assist in the effective administration of the statutes by communicating requirements

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

(a) How the amendment will change this existing administrative regulation: The amendment will change the length of time the permit is valid and add a provision that allows the Board to prescribe any condition it deems necessary to ensure the safety, health, or welfare of the general public.

(b) The necessity of the amendment to this administrative regulation: The amendment is necessary to ensure safety in these instances and clarity of when the permit ends.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by providing a safe and manageable way to realize the Board's charge of keeping the public safe.

(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 its clarity.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There will be no impact to licensee,

businesses, organizations or local governments.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will be needed to comply with this amendment.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No cost for this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Entities will have a much more straightforward inspection.

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

(a) Initially: N/A

(b) On a continuing basis: N/A

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No source of funding is needed for the implementation and enforcement beyond what is already allocated by statute.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No changes or increases in fees is required by this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are created or increased directly or indirectly by this regulation.

(9) TIERING: Is tiering applied? Tiering is not applied as this administrative regulation does not impose any requirements on current or prospective licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Kentucky Board of Cosmetology is the only agency affected. No other areas of state or local government are affected by this regulation.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Cosmetology. There are no other affected state units, parts, or divisions.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

- (4)(a): No other regulated are affected.  
 (b) Estimate the following for each regulated entity identified in (5)(a):  
 1. Expenditures:  
 For the first year: N/A  
 For subsequent years: N/A  
 2. Revenues:  
 For the first year: N/A  
 For subsequent years: N/A  
 3. Cost Savings:  
 For the first year: N/A  
 For subsequent years: N/A  
 (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)  
 (a) Fiscal impact of this administrative regulation: There will be a balanced cost to expenditures and revenues to the regulating agency that oversees the items in this regulation.  
 (b) Methodology and resources used to reach this conclusion: N/A  
 (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):  
 (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): There is no negative or adverse major economic impact to anyone.  
 (b) The methodology and resources used to reach this conclusion: N/A

**BOARDS AND COMMISSIONS**  
**Board of Social Work**  
**(Amendment)**

**201 KAR 23:075. Continuing education for renewal.**

RELATES TO: KRS ~~335.070(3)~~335.130(4)  
 STATUTORY AUTHORITY: KRS 335.070(3), (6), 335.130(4)  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(3) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990. KRS 335.070(6) and KRS 335.130(4) allow the board to require continuing education as a condition of license renewal. This administrative regulation describes the requirements for continuing education for renewal and prescribes methods and standards for the board to approve continuing education courses.

Section 1. Definitions.

- (1) "Academic course" means a course offered by an accredited board-approved postsecondary institution that is ~~means a graduate level social work course~~;  
 (a) Designated by a social work title or content; or  
 (b) A graduate level academic course relevant to social work.  
 (2) "Approved" means recognized by the Kentucky Board of Social Work.  
 (3) "Continuing education hour" and "instruction" means fifty (50) continuous clock minutes of participation in continuing education programs.  
 (4) "Extension" means granting additional time for a licensee to complete the required continuing education hours for renewal.  
 (5) "In-Person Learning" means courses or programs attended in person before a live presenter.  
 (6) "Technology-Mediated Learning" means courses or programs delivered through electronic media or technology, including:  
 (a) Distance learning programs;  
 (b) Online or web-based platforms;  
 (c) Teleconferencing or virtual seminars;  
 (d) Self-paced online or self-study courses, provided mechanisms to assess comprehension, engagement, and completion are included, such as real-time quizzes or post-tests; or  
 (e) Other technology-assisted learning methods approved by the board.

- (7) "Program" means an organized educational experience, which is:  
 (a) Planned and evaluated to meet behavioral objectives; and  
 (b) Presented in one (1) session or a series.  
 (8) ~~(5)~~ "Provider" means a person or an organization approved by the Kentucky Board of Social Work to provide a single continuing education program ~~over the course of one (1) year~~.  
 (9) ~~(6)~~ "Relevant" means having content applicable to the practice of social work.  
 (10) ~~(7)~~ "Sponsor" means a person or an organization approved by the Kentucky Board of Social Work to provide a ~~more than one (4)~~ continuing education program or programs over the course of one (1) year from the date of approval.  
 (11) ~~(8)~~ "Training program in suicide assessment, treatment, and management" means an empirically supported training program approved by the board that is at least six (6) hours in length and contains suicide assessment including screening and referral, suicide treatment, and suicide management as required by KRS 210.366.  
 (12) "Undue hardship" means a verifiable condition that imposes a significant and demonstrable barrier to compliance, such as, severe financial hardship, serious health issues, or other exceptional circumstances as substantiated by appropriate documentation.  
 (13) "Waiver" means a formal exception that releases a licensee from having to complete the specified continuing education requirements.

Section 2. Accrual and Computation of Continuing Education Hours for Renewal.

- (1) Each certified social worker and licensed clinical social worker shall complete a minimum of thirty (30) continuing education hours during the three (3) year period for renewal, which shall be completed in person or through technology-mediated learning ~~before a live presenter or through home or self-study, courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~.  
 (2) Each licensed social worker shall complete a minimum of fifteen (15) continuing education hours during the three (3) year period for renewal, which shall be completed in person or through technology-mediated learning ~~before a live presenter or through home or self-study, courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~.  
 (3) All continuing education hours shall be relevant to the licensee's level of licensure.  
 (4) Kentucky Code of Ethical Conduct. Each renewal period, as part of the required continuing education hours, each licensee shall complete a board approved minimum three (3) hour course on the Kentucky Code of Ethical Conduct established in 201 KAR 23:080, which shall be taken in person or through technology-mediated learning ~~before a live presenter or through courses delivered through electronic media or technology including distance learning, online, or teleconference courses~~.  
 (a) The required course shall utilize 201 KAR 23:080 in whole or in part for the course and shall be a minimum of three (3) instruction hours.  
 (b) All courses shall provide a framework for ethical decision-making and provide a copy of 201 KAR 23:080.  
 (c) The required course may focus on one or more of the following topics:  
 1. Maintaining Professional Boundaries: Recognizing and establishing boundaries to ensure professional integrity.  
 2. Dual Relationships and Conflicts of Interest: Identifying and managing situations where personal and professional roles may overlap.  
 3. Self-Disclosure: Understanding when, how, and if sharing personal information is appropriate.  
 4. Client Engagement and Welfare: Prioritizing the client's best interests while fostering ethical and effective relationships.  
 5. Confidentiality in Non-Clinical Practice: Ethical considerations for maintaining privacy in diverse social work settings.

6. Mandatory Reporting, Duty to Warn, Subpoenas, and Court Orders: Balancing confidentiality with legal obligations and ethical considerations.

7. Documentation and Record Keeping: Ensuring ethical accuracy, transparency, and confidentiality in professional records.

8. Ethical Use of Technology in Social Work: Navigating telehealth, social media, and digital tools ethically.

9. Ethical Decision-Making Models: Applying structured approaches to resolve ethical dilemmas effectively.

10. Ethics in addressing implicit bias and promoting equity in social work practice.

11. Practicing across state lines; or

12. Other board approved topics related to 201 KAR 23:080.

(5) ~~[Clinical Social Work Supervision.]~~ Each renewal period, as part of the required continuing education hours, each licensed clinical social worker who is a board approved supervisor pursuant to 201 KAR 23:070, Section 4(1)~~d~~~~(e)2~~, shall complete a three (3) hour, board approved clinical social work supervision course, which shall be taken in person or through technology-mediated learning~~[before a live presenter]~~.

(6) Training Program in Suicide Assessment, Treatment, and Management. Every six (6) years, as part of the required continuing education hours, each licensee shall complete a minimum of six (6) hours of continuing education in a board approved training program in suicide assessment, treatment, and management as required by KRS 210.366(2).

(a) The training program in suicide assessment, treatment, and management shall be approved by the board, by a pre-approved provider or sponsor identified in Section 3(1) of this administrative regulation, or by one (1) of the following boards:

1. Kentucky Board of Licensure of Marriage and Family Therapists;
2. Kentucky Board of Licensed Professional Counselors;
3. Kentucky Board of Licensure for Pastoral Counselors;
4. Kentucky Board of Alcohol and Drug Counselors;
5. Kentucky Board of Examiners of Psychology; or
6. Kentucky Board of Licensure for Occupational Therapy.

(b) Exemptions. A licensee shall be exempted from completion of the training program in suicide assessment, treatment, and management if he or she:

1. Teaches or taught a graduate-level counseling course in suicide assessment, treatment, and management at least once during the six (6) year period; or
2. Teaches or taught a six (6) hour continuing education course in suicide assessment, treatment, and management at least once during the six (6) year period.

(7) Domestic Violence and Elder Abuse, Neglect, and Exploitation. During the three (3) year renewal period following initial licensure, as part of the required continuing education hours, each licensee shall complete a three (3) hour course in domestic violence, and elder abuse, neglect, and exploitation as defined by KRS 194A.540.

(8) Pediatric Abusive Head Trauma. At least one (1) time every six (6) years, as part of the required continuing education hours, each licensee shall complete one and one-half (1.5) hours of continuing education covering the recognition and prevention of pediatric abusive head trauma as defined in KRS 620.020.

(9) Telehealth. As required by KRS 335.158, after July 1, 2025, all licensed social workers shall complete a board-approved two-hour training course on the use of telehealth to provide social work services every six (6) years a part of the required continuing education for license renewal.

(10) Academic Credit Equivalency. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours for renewal shall be directly related to the professional growth and development of the licensee. The hours may be earned by completing any of the continuing education programs listed in this section.

(1) Preapproved programs not requiring board review and approval. Except for courses on the Kentucky Code of Ethical

Conduct under Section 2(4) of this administrative regulation, and courses on clinical social work supervision under 201 KAR 23:070, Section 4(1)(c)2., which require separate review and approval by the board, an educational program from any of the following providers shall be deemed to be relevant to the practice of social work and shall be approved without further review by the board if it is:

- (a) Sponsored or approved by:
1. The Association of Social Work Boards (ASWB);
  2. The National Association of Social Workers (NASW) or any of its affiliated state chapters;
  3. The National Association of Black Social Workers (NABSW) or any of its affiliated state chapters;
  4. The North American Association of Christians in Social Work or any of its affiliated state chapters; or
  5. The Clinical Social Work Association or any of its affiliated state chapters;

- (b) Sponsored by:
1. The American Psychological Association or any of its affiliated state chapters;
  2. The American Counseling Association or any of its affiliated state chapters;
  3. The National Board for Certified Counselors or any of its affiliated state chapters;
  4. The American Psychiatric Association or any of its affiliated state chapters; or
  5. A college, school, department, or program of social work in Kentucky, which is accredited by the Council on Social Work Education (CSWE); or

- (c) An academic course offered by an accredited postsecondary institution directly related to social work, counseling, or psychology.
- (2) Programs requiring board review and approval.

(a) A program that is not provided or sponsored by a preapproved provider or sponsor identified in subsection (1) of this section shall be reviewed by the board and approved for continuing education credit if the board determines that it is:

1. Relevant to the practice of social work; and
2. Contributes to the continuing professional competency of licensees.

(b) The board may approve various methods in which a continuing education program is presented including:

1. Technology-mediated learning~~[Home or self-study, courses delivered through electronic media or technology including distance learning, online, or teleconference courses]; and~~
2. In-service training, conferences, or workshops provided by other organizations, educational institutions, or other service providers ~~[approved by the board]~~.

(c) Board approval for technology-mediated learning~~[home or self-study courses, courses delivered through electronic media or technology including distance learning, online, or teleconference courses]~~ shall be obtained each year unless the continuing education program does not require board approval under subsection (1) of this section.

(3) Relevant programs or academic courses presented by the licensee. A licensee who presents relevant programs or academic courses shall earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course content or program within the same renewal period unless substantially revised or updated versions of a course or program can be clearly documented and approved by the board.

(4) Relevant articles authored by the licensee. A licensee who is an author of a relevant article, which is published in a professionally recognized or juried publication, shall earn seven and a half (7 1/2) hours of the continuing education requirements for renewal if a certified social worker or fifteen (15) hours of the continuing education requirements for renewal if a licensed social worker or licensed clinical social worker, if the article was published within one (1) year immediately preceding his or her renewal date.

(5) The following continuing education courses shall be submitted to the board for approval and shall not be automatically preapproved under subsection (1) of this section:

(a) Kentucky Code of Ethical Conduct required by Section 2(4) of this administrative regulation; and

(b) Clinical social work supervision for board-approved supervisors required by 201 KAR 23:070, Section 4(1)(c)2.

(6) A licensee or board member may earn continuing education hours for renewal by attending a meeting of the board, in person, at the rate of one (1) hour of continuing education per board meeting up to a maximum of six (hours) per three (3) year renewal period.

Section 4. Procedures for Approval and Renewal of Continuing Education Providers and Programs.

(1) Provider Approval. A provider seeking approval of a continuing education program shall apply to the board no less than thirty (30) days in advance of the commencement of the program, and provide the information required by subsection (3) of this section.

(2) The board shall approve a continuing education program if it determines that the program being presented:

(a) Is relevant to the practice of social work;

(b) Contributes to the continuing professional competency of a licensee; and

(c) Has competent instructors with appropriate academic training, professional license or certification, or professionally recognized experience.

(3) The board may approve a provider of a continuing education program for one (1) year if the provider:

(a) Files a completed Provider ~~[or—Sponsor]~~ Application for Continuing Education Approval, which includes:

1. A published program outline that includes an explanation of the program objectives;

2. The names and qualifications of the instructors presented in the form of resumes or curriculum vitas;

3. A copy of the evaluation sheet by which the licensee can assess and comment on the program;

4. A copy of the program agenda stating the number of continuing education credit hours, including all breaks;

5. The number of continuing education credit hours requested;

6. A copy of the official certificate of completion or attendance from the provider; and

7. A statement whether the provider is requesting approval to meet the requirements of the following courses:

a. Kentucky Code of Ethical Conduct required by Section 2(4) of this administrative regulation; or

b. Clinical social work supervision for board-approved supervisors required by 201 KAR 23:070, Section 4(1)(c)2.; and

(b) Pays an application fee, payable to the Kentucky State Treasurer, of:

1. \$100 for each one (1) day program of eight (8) hours or less; and

2. \$100 for each additional one (1) day program of eight (8) hours or less.

(4) If the provider is requesting approval to meet the requirements of the Kentucky Code of Ethical Conduct course required for renewal by Section 2(4) of this administrative regulation, a minimum of one (1) presenter or instructor for the course shall:

(a) Hold a degree in social work;

(b) Hold an active license to practice social work in the Commonwealth of Kentucky;

(c) Not have an unresolved, pending disciplinary action before the board; and

(d) Not be practicing social work under terms or conditions of supervision imposed by the board.

(5) If the provider is requesting approval for the clinical social work supervision course, whether the initial 6-hour course or the 3-hour renewal course required for board approved supervisors, each presenter or instructor shall meet all qualifications for board-approved supervisors as established in~~[to meet the requirements of the clinical social work supervision course required for board approved supervisors by]~~ 201 KAR 23:070~~[-Section 4(1)(c)2., each presenter and instructor for the course shall:]~~

~~[(a)] [Hold a degree in social work;]~~

~~[(b)] [Hold an active social work license in the Commonwealth of Kentucky;]~~

~~[(c)] [Be a board approved supervisor;]~~

~~[(d)] [Not have an unresolved, pending disciplinary action before the board; and]~~

~~[(e)] [Not be practicing social work under terms or conditions of supervision imposed by the board.]~~

(6) A provider of continuing education shall be responsible for providing documentation in the form of a certificate of attendance or completion directly to the licensee, as established in Section 7(5) of this administrative regulation.

(7) A provider of a continuing education program requiring board approval shall not advertise that a course has been approved before written board approval has been received.

(8) Provider Renewal. An approved provider shall submit a Provider or Sponsor Renewal Application for Continuing Education Approval for a subsequent one (1) year period by:

(a) Notifying the board that the original information required in this section for each program remains current; and

(b) Paying a renewal fee, payable to the Kentucky State Treasurer, of:

1. Fifty (50) dollars for each one (1) day program of eight (8) hours or less; and

2. \$100 for each additional one (1) day program of eight (8) hours or less.

Section 5. Procedures for Approval and Renewal of Continuing Education for Sponsors and Programs.

(1) Sponsor Approval. A sponsor seeking approval of continuing education programs shall apply to the board no less than thirty (30) days in advance of the commencement of the program, and provide the information required by subsection (3) of this section.

(2) The board shall approve a continuing education program if it determines that the program being presented meets the following criteria:

(a) Is relevant to the practice of social work;

(b) Contributes to the professional competency of the licensee; and

(c) Has competent instructors with appropriate academic training, professional licenses or certifications, or professionally recognized experience.

(3) The board may approve a sponsor of continuing education programs for one (1) year if the sponsor:

(a) Files a completed~~[Provider—or]~~ Sponsor Application for Continuing Education Approval, which includes:

1. A published program outline that includes an explanation of the program objectives;

2. The names and qualifications of each presenter and instructor documented in the form of resumes or curriculum vitas;

3. A copy of the evaluation sheet by which the licensee can assess and comment on the program;

4. A copy of the program agenda stating the number of continuing education credit hours, including all breaks;

5. The number of continuing education credit hours requested;

6. A copy of the official certificate of completion from the sponsor; and

7. A statement whether the sponsor is requesting approval to meet the requirements of the following courses:

a. Kentucky Code of Ethical Conduct required by Section 2(4) of this administrative regulation; or

b. Clinical social work supervision for board-approved supervisors required by 201 KAR 23:070, Section 4(1)(c)2.; and

(b) Pays an initial application fee of \$250 made payable to the Kentucky State Treasurer.

(4) If the sponsor is requesting approval to meet the requirements of the Kentucky Code of Ethical conduct course required for renewal by Section 2(4) of this administrative regulation, a minimum of one (1) presenter or instructor for the course shall:

(a) Hold a degree in social work;

(b) Hold an active license to practice social work in the Commonwealth of Kentucky;

(c) Not have an unresolved, pending disciplinary action before the board; and

(d) Not be practicing social work under terms or conditions of supervision imposed by the board.

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(5) If the sponsor is requesting approval for the clinical social work supervision course, whether the initial 6-hour or the 3-hour renewal course required for board-approved supervisors, each presenter or instructor shall meet all qualifications for board-approved supervisors as established in~~[to meet the requirements of the clinical social work supervision course required for board approved supervisors by] 201 KAR 23:070~~~~[-Section 4(1)(c)2-, each presenter or instructor for the course shall:]~~

~~[(a)] [Hold a degree in social work;]~~

~~[(b)] [Hold an active social work license in the Commonwealth of Kentucky;]~~

~~[(c)] [Be a board-approved supervisor;]~~

~~[(d)] [Not have an unresolved, pending disciplinary action before the board; and]~~

~~[(e)] [Not be practicing social work under terms or conditions of supervision imposed by the board].~~

(6) The board shall periodically review the programs that a sponsor has provided to determine if the sponsor continues to meet the requirements of this administrative regulation.

(7) An approved sponsor shall submit an annual report to the board of the continuing education programs offered during that calendar year and shall include copies of attendance sheets and evaluations (or evaluation summaries) for each program.

(8) A sponsor of a continuing education program shall be responsible for providing documentation in the form of a certificate of attendance directly to the licensee, as established in Section 7(5) of this administrative regulation.

(9) A sponsor of a continuing education program requiring board approval shall not advertise that the course has been approved before written board approval has been received.

(10) Sponsor Renewal. An approved sponsor shall submit a Provider or Sponsor Renewal Application for Continuing Education Approval for a subsequent one (1) year period by notifying the board that the original information required in this section for each program remains current and by paying \$150 renewal fee made payable to the Kentucky State Treasurer.

(11) A sponsor may request to add a program after being approved as a sponsor so long as the program meets the requirements of this section, and the sponsor submits:

(a) An application as required in this section; and

(b) Pays a fee of \$25.

Section 6. Individual Request for Board Review and Approval of Continuing Education Courses.

(1) A licensee may request an individual review of a continuing education program that was otherwise not approved if it was completed during the three (3) year renewal period if the individual licensee:

(a) Applies for individual review by submitting the Individual Application for Continuing Education Approval that includes the:

1. Certificate of completion or attendance;
2. Resume of each instructor; and
3. Program agenda indicating hours of instruction; and

(b) Pays a fee of ten (10) dollars made payable to the Kentucky State Treasurer.

(2) The board's review shall be based on the standards for continuing education established by this administrative regulation.

(3) The board's approval of a continuing education program under this section shall:

(a) Qualify as if it has been obtained from an approved provider or sponsor; and

(b) Be limited to the particular program upon which the request for individual review is based.

Section 7. Responsibilities and Reporting Requirements of Licensees. Each licensee shall be responsible for obtaining the required continuing education hours for her or his renewal. The licensee shall identify his or her own continuing education needs, seek continuing professional education activities to meet those needs, and develop ways to integrate new knowledge, skills, and attitudes. Each licensee shall:

(1) Select approved programs by which to earn continuing education hours for renewal;

(2) Submit to the board, if applicable, a request for continuing education programs requiring approval by the board as established in Section 3of this administrative regulation;

(3) Maintain her or his records of continuing education hours;

(4) At the time of renewal, list the continuing education hours obtained during that licensure renewal period; and

(5) If requested by the board, furnish documentation of continuing education courses completed at the time of his or her renewal.

(a) In each calendar year, the board shall require up to fifteen (15) percent of all licensees to furnish documentation of the completion of continuing education hours for the current renewal period;

(b) Documentation of continuing education hours shall not otherwise be reported to the board;

(c) Documentation shall take the form of official documents including:

1. Transcripts;
2. Certificates of completion or attendance;
3. Affidavits signed by instructors; or
4. Receipts for fees paid to the provider or sponsor; and

(d) Each licensee shall retain copies of his or her documentation for a period of one (1) year following the date of his or her last renewal.

Section 8. Board to Approve Continuing Education Hours; Appeal if Approval Denied. If an application for approval of continuing education hours is denied, in whole or part, the applicant may submit an appeal in writing within thirty (30) days of receipt of a denial. This decision will include a clear justification for the outcome. The appeal process does not suspend the applicant's obligation to meet the continuing education requirements.~~[a licensee, provider, or sponsor may request the board to reconsider its decision. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.]~~

Section 9. Waiver or Extensions of Continuing Education Requirements.

(1) In cases where a licensee is unable to meet the continuing education requirements due to a documented medical disability, illness, or undue hardship, the board may grant a waiver or extension of up to one calendar year. A licensee shall submit a written request including all relevant supporting evidence. The board reserves the right to request additional documentation if necessary.

(2) Waivers and extensions shall apply solely to non-statutory continuing education requirements; statutory requirements mandated by law shall remain obligatory.

~~[(3)]~~[(4)] In individual cases involving medical disability, illness, or undue hardship as determined by the board, the board may grant waivers of the minimum continuing education requirements or extensions of time to fulfill the requirements for renewal or make the required reports of continuing education credits.

~~[(4)]~~[(2)] A licensee may submit a written request to the board for a waiver or extension of time involving medical disability, illness, or undue hardship.

(a) If the request is based on medical disability or illness, the licensee shall include a written statement signed by a licensed physician.

(b) If the request is based upon undue hardship, the licensee shall submit a written explanation of the nature of the undue hardship.

(c) The board may request that a licensee provide additional information and verification by a third party.

~~[(3)] [The board may grant a waiver of the minimum continuing education requirements or an extension of time to a licensee to fulfill the continuing education requirements for renewal for a period of time not to exceed one (1) calendar year.]~~

~~[(5)]~~[(4)] If the medical disability, illness, or undue hardship upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee may reapply for the waiver or extension.

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(a) If the reapplication is based on medical disability or illness, the licensee shall include a written statement signed by a licensed physician.

(b) If the reapplication is based upon undue hardship, the licensee shall submit a written explanation of the nature of the undue hardship.

(c) The board may request that a licensee provide additional information and verification by a third party to support the reapplication.

Section 10. Continuing Education Requirements for Reinstatement of Expired License.

(1) A certified social worker or a licensed clinical social worker who requests reinstatement of an expired license shall submit documentation of completion of thirty (30) hours of continuing education within the three (3) year period immediately preceding the date he or she submits the request for reinstatement to the board.

(2) A licensed social worker who requests reinstatement of an expired license shall submit documentation of completing fifteen (15) hours of continuing education within the three (3) year period immediately preceding the date he or she submits the request for reinstatement to the board.

(3) If the licensee requesting reinstatement cannot provide evidence of completion of the required hours of continuing education, the board may reinstate the license for six (6) months on the condition that the licensee obtain the required hours of continuing education for his or her level of licensure within six (6) months of the date the license is reinstated.

(a) The continuing education hours completed for reinstatement shall be in addition to the continuing education requirements for renewal established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

(b) Failure to obtain the required continuing education hours within the approved six (6) month period shall result in termination of the reinstated license.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Provider or Sponsor Application for Continuing Education Approval", 4/2025[2/2017]; and

(b) [~~"Provider or Sponsor Renewal Application for Continuing Education Approval", 2/2017; and; and~~

~~[(e)] "Individual Application for Continuing Education Approval", 2/2017.~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Board of Social Work, 125 Holmes Street, Suite 310, [43-44 Fountain Place,] Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. or on the board's Web site bsw.ky.gov

HANK CECIL, LCSW, Chair

APPROVED BY AGENCY: April 14, 2025

FILED WITH LRC: April 15, 2025 at 10:18 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2025 at 1:00 p.m., at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort Kentucky 40601, phone (502) 564-2350, e-mail: marc.kelly@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Kelly

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for continued education for licensed social workers in KY.

(b) The necessity of this administrative regulation: This regulation is necessary to establish uniform requirements and procedures for the continued education of social workers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335070(3) authorizes the board to promulgate administrative regulations and KRS 335.070(6) and KRS 335.130(4) allow the board to require continuing education as a condition of license renewal.

(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 establishing uniform procedures and requirements for continued education of social workers.

(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 regulations ensures compliance with KRS 335.158 and update language. The amendment clarifies provider and sponsor and allows the sponsor to add courses.

(b) The necessity of the amendment to this administrative regulation: This regulation establishing uniform procedures and requirements for continued education of social workers to maintain a qualified workforce.

(c) How the amendment conforms to the content of the authorizing statutes: The amended regulations is not outside the scope of the authorizing statutes.

(d) How the amendment will assist in the effective administration of the statutes: Updated language allows for effective administration with ease of understanding.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 7,900 applicants for licensure as a social worker, and future applicants and the Kentucky Board of Social Work.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There will not be any impact to currently regulated entities. These requirements currently exist but are now more clarified.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The only new cost associated with this administrative regulation is that a sponsor will pay a \$25 nonrefundable application fee to add a course after the sponsor has already been approved for providing courses.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance will result in uniform application of continued education requirements to applications for licensure renewal for social workers.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Funding for the KBSW comes from licensure and certification fees; the board does not receive any 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: There is no anticipation of the funding needed to implement this administrative regulation, as the KBSW is already regulating applicants for licensure.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: As stated above in 4(b), a \$25 application fee is added by this administrative

regulation.

(9) TIERING: Is tiering applied? No. All regulated persons have substantially the same requirements relative to the type of license sought.

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 335.070(3) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A to carry out the provisions of KRS 335.010 to 355.160 and KRS 335.990. KRS 335.070(6) and KRS 335.130(4) allow the board to require continuing education as a condition of license renewal. This administrative regulation describes the requirements for continuing education for renewal and prescribes methods and standards for the board to approve continuing education courses.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 335.070(3). (a) Estimate the following for the first year:

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Social Work is the promulgating agency. No other entities are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: No new expenditures are expected.

For subsequent years: No new expenditures are expected.

2. Revenues:

For the first year: This regulation does not generate revenue.

For subsequent years: This regulation does not generate revenue.

3. Cost Savings:

For the first year: There are no cost savings associated with this regulation.

For subsequent years: There are no cost savings associated with this regulation.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): (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 local entities will be affected. (b) Estimate the following for each entity identified in (4)(a): 1. Expenditures:

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.

(b) Estimate the following for each regulated entity identified in (5)(a): 1. Expenditures:

1. Expenditures:

For the first year: None

For subsequent years: None 2. Revenues:

2. Revenues:

For the first year: None

For subsequent years: None 3. Savings:

3. Cost Savings:

For the first year: None

For subsequent years: None (b) Methodology and resources used to determine the fiscal impact: This regulation does not affect the entities identified.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact.

(b) Methodology and resources used to reach this conclusion: This

regulation provides continuing education requirements and has no associated costs or savings. (7) Explain as it relates to entities identified in (3)(a), (4)(a), and (5)(a):

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact on the entities identified.

(b) The methodology and resources used to reach this conclusion: This regulation conforms to Social Work Licensure Compact requirements and has no associated fiscal impact.

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*.

AGRICULTURAL EXPERIMENT STATION  
(New Administrative Regulation)

12 KAR 1:134. Tags available for purchase from the director.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)8 requires the director to establish charges for tags purchased from the director. This administrative regulation satisfies that statutory mandate by establishing those charges.

Section 1. Tags may be obtained from the Division of Regulatory Services, Martin-Gatton College of Agriculture Food and Environment, University of Kentucky. Charges shall be as indicated below:

Bag Weight Charge (dollars)
1 pound to 25 pounds 0.08
Greater than 25 pounds to 100 pounds 0.12

Section 2. If tags are purchased for containers weighing over 100 pounds or for seed in bulk, the number of tags purchased shall be identical to the number which would have been purchased if the seed had been in 100-pound containers.

Section 3. The following information shall be provided to the Division of Regulatory Services in order to purchase tags:

- (1) Lot;
- (2) Seedsman;
- (3) Address;
- (4) Kind;
- (5) Variety;
- (6) Pure Seed;
- (7) Inert Matter;
- (8) Crop Seed;
- (9) Weed Seed;
- (10) Germination;
- (11) Hard Seed;
- (12) Date of Test;
- (13) Weight; and
- (14) Origin.

JAMES C. MATTHEWS, Associate Dean for Research

APPROVED BY AGENCY: April 9, 2025

FILED WITH LRC: April 14, 2025 at 12:55 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 p.m. EST, at the Division of Regulatory Services, 1600 University Ct., Lexington, Kentucky 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 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: Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurry

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation establishes procedures purchase seed tags from our office to use as labeling purposes.
  - (b) The necessity of this administrative regulation: Pursuant to KRS 250.051, the director establishes procedures to purchase seed tags for labeling purposes.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the procedures for purchasing seed labels.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Seed labelers can purchase labels directly from our office and would not need to submit semi-annual seed sale reports to our office.
- (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:
  - (b) The necessity of the amendment to this administrative regulation:
  - (c) How the amendment conforms to the content of the authorizing statutes:
  - (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which purchase seed labels from our office will be affected by this administrative regulation.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will see no additional actions to comply with the regulation.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost will be associated to the industry.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This will enable firms to purchase seed labels directly from us for use on seed bags sold to consumers.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
  - (a) Initially: No cost
  - (b) On a continuing basis: No continuing costs
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services' regular annual budget is the source funding
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? No, everyone is treated 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 250.051
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
  - 1. Expenditures:  
For the first year: None  
For subsequent years: None
  - 2. Revenues:  
For the first year: None  
For subsequent years: None
  - 3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other affected entities
- (b) Estimate the following for each affected local entity identified in (4)(a):
  - 1. Expenditures:  
For the first year: None  
For subsequent years: None
  - 2. Revenues:  
For the first year: None  
For subsequent years: None
  - 3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other affected entities
- (b) Estimate the following for each regulated entity identified in (5)(a):
  - 1. Expenditures:  
For the first year: None  
For subsequent years: None
  - 2. Revenues:  
For the first year: None  
For subsequent years: None
  - 3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
  - (a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.
  - (b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.
- (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
  - (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)
  - (b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

**AGRICULTURAL EXPERIMENT STATION  
(New Administrative Regulation)**

**12 KAR 1:144. Registration of agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners.**

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111  
STATUTORY AUTHORITY: KRS 250.051(2), (3), (4), 250.081(1)(c)9

**CERTIFICATION STATEMENT:** This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

**NECESSITY, FUNCTION, AND CONFORMITY:** KRS 250.051(2) and (3) and 250.081(1)(c)9 require the director to prescribe the procedures whereby agricultural seed dealers, noncertified custom seed conditioners, certified seed growers, and certified seed conditioners register with the director. This administrative regulation satisfies that statutory mandate by creating a framework for registration.

Section 1. Definition. "Agricultural seed dealer" means a person who distributes agricultural seed in containers of forty (40) pounds or more at retail.

Section 2. Agricultural seed dealers shall register using Form RS-68-03 (6/13), Agricultural Seed Dealer Registration. In accordance with KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the submitted application form.

Section 3. Noncertified custom seed conditioners shall register using Form RS-68-04 (6/13), Noncertified Custom Seed Conditioner Registration. In accordance with KRS 250.051(4), a twenty-five (25) dollar registration fee shall accompany the submitted application form.

Section 4. Registration of certified seed growers and certified seed conditioners shall be accomplished by an exchange of records between the Kentucky Seed Improvement Association and the Division of Regulatory Services.

Section 5. Incorporation by Reference.  
(1) The following material is incorporated by reference:  
(a) Form RS-68-03, 6/13, "Agricultural Seed Dealer Registration"; and  
(b) Form RS-68-04, 6/13, "Noncertified Custom Seed Conditioner Registration."

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Regulatory Services, 103 Regulatory Services Building, University of Kentucky, Lexington, Kentucky 40546-0275, Monday through Friday, 8 a.m. to 4:30 p.m., <https://www.rs.uky.edu/regulatory/seed/forms.php>.

DR. JAMES C. MATTHEWS, Associate Dean for Research

APPROVED BY AGENCY: April 9, 2025

FILED WITH LRC: April 14, 2025 at 12:55 p.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 p.m. EST, at the Division of Regulatory Services, 1600 University Ct. Lexington, KY 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 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:** Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures to obtain required seed registrations.

(b) The necessity of this administrative regulation: Pursuant to KRS

250.051, the director shall establish procedures for registration of seed dealers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the procedures to obtain seed dealer registrations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: We will establish registration forms which will be incorporated by reference.

(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:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which sell seed will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will have to obtain a registration on a yearly basis to comply with the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Twenty five dollars to obtain a registration as required by law.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Each seed dealer will be identified as a registration holder in Kentucky.

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

(a) Initially: No cost

(b) On a continuing basis: No continuing costs

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services' regular annual budget is the source funding

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? No, everyone is treated 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 250.051

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: \$15,000

For subsequent years: \$15,000

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire

departments, school districts): No other affected entities.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other affected entities.

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.

(b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)

(b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

#### AGRICULTURAL EXPERIMENT STATION (New Administrative Regulation)

##### 12 KAR 1:149. Stop sale orders.

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111

STATUTORY AUTHORITY: KRS 250.081

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(2)(d) authorizes the director to issue and enforce a stop sale order for seed in violation of KRS 250.021 to 250.111 or 12 KAR Chapter 1. This administrative regulation establishes procedures to obtain the release of a stop sale order.

Section 1. A stop sale order shall be released if:

(1) The deficiencies for which the stop sale order was issued have been corrected; and

(2) The person who was issued the stop sale order makes a request:

(a) In writing; or

(b) By email; or

(c) By phone and follows it with a written request.

DR. JAMES C. MATTHEWS, Associate Dean for Research

APPROVED BY AGENCY: April 9, 2025

FILED WITH LRC: April 14, 2025 at 12:55 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 p.m. EST, at the Division of Regulatory Services, 1600 University Ct., Lexington, Kentucky 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five

workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 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: Stephen McMurry, Executive Director, division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurry

- (1) Provide a brief summary of:
  - (a) What this administrative regulation does: This administrative regulation establishes procedures to issue and release seed stop sales which are issued for label violations of the Kentucky Seed Law.
  - (b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director establishes procedures for issuing and releasing stop sales and for handling seed which has been seized.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the procedures for issuing and releasing stop sale orders.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The stop sale form is an internal form issued when violations occur and should not be incorporated by reference in the regulations.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation:
  - (b) The necessity of the amendment to this administrative regulation:
  - (c) How the amendment conforms to the content of the authorizing statutes:
  - (d) How the amendment will assist in the effective administration of the statutes:
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which sell agricultural seed will be affected by this administrative regulation.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will see no additional actions to comply with the regulation.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost will be associated to the industry.
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This will enable us to work together to resolve stop sale orders.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
  - (a) Initially: No cost
  - (b) On a continuing basis: No continuing costs
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Division of Regulatory Services' regular annual budget is the source funding
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.
- (9) TIERING: Is tiering applied? No, everyone is treated 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 250.081
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
  - 1. Expenditures:  
For the first year: None  
For subsequent years: None
  - 2. Revenues:  
For the first year: None  
For subsequent years: None
  - 3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other affected entities
- (b) Estimate the following for each affected local entity identified in (4)(a):
  - 1. Expenditures:  
For the first year: None  
For subsequent years: None
  - 2. Revenues:  
For the first year: None  
For subsequent years: None
  - 3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other affected entities
- (b) Estimate the following for each regulated entity identified in (5)(a):
  - 1. Expenditures:  
For the first year: None  
For subsequent years: None
  - 2. Revenues:  
For the first year: None  
For subsequent years: None
  - 3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
  - (a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.
  - (b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.
- (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
  - (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)
  - (b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

**AGRICULTURAL EXPERIMENT STATION  
(New Administrative Regulation)**

**12 KAR 1:164. Germination standards for vegetable seed.**

RELATES TO: KRS 250.021, 250.031, 250.041, 250.051, 250.061, 250.071, 250.081, 250.091, 250.101, 250.111  
 STATUTORY AUTHORITY: KRS 250.081  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

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NECESSITY, FUNCTION, AND CONFORMITY: KRS 250.081(1)(c)9 requires the director to prescribe administrative regulations governing topics that are necessary to secure the efficient enforcement of KRS 250.021 to 250.111. This administrative regulation establishes germination standards for vegetable seed.

Section 1. Germination standards for vegetable and herb seed listed in this section shall be as follows:

Kind	Percent
Anise	50
Artichoke	60
Asparagus	70
Asparagus Bean	75
Basil, Sweet	70
Bean, Garden	70
Bean, Lima	70
Bean, Runner	75
Beet	65
Broadbean	75
Broccoli	75
Brussels Sprouts	70
Burdock, Great	60
Cabbage	75
Cabbage, Tronchuda	70
Cantaloupe (See Musk- melon)	
Caraway	55
Cardoon	60
Carrot	55
Cauliflower	75
Celeraic	55
Celery	55
Chard, Swiss	65
Chervil, Salad	65
Chicory	65
Chinese Cabbage	75
Chives	50
Citron	65
Collards	80
Coriander	70
Corn, Pop	75
Corn, Sweet	75
Cornsalad	70
Cowpea	75
Cress, Garden	75
Cress, Upland	60
Cress, Water	40
Cucumber	80

Dandelion	60
Dill	60
Eggplant	60
Endive	70
Fennel, Florence	60
Fennel, Sweet	50
Kale	75
Kale, Chinese	75
Kale, Siberian	75
Kohlrabi	75
Leek	60
Lettuce	80
Marjoram, Sweet	50
Muskmelon	75
Mustard	75
Mustard, Spinach	75
Okra	50
Onion	70
Onion, Welsh	70
Oregano	60
Pak-Choi	75
Parsley	60
Parsnip	60
Pea	80
Peanut	60
Pepper	55
Pumpkin	75
Radish	75
Rhubarb	60
Roquette	60
Rosemary	30
Rutabaga	75
Sage	60
Salsify	75
Savory, Summer	55
Sorrel	65
Soybean	75
Spinach	60
Spinach, New Zealand	40
Squash	75
Thyme	50
Tomato	75
Tomato, Husk	50
Turnip	80
Watermelon	70

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Section 2. The germination standard for all other vegetable and herb seed for which standards have not been established in Section 1 of this administrative regulation shall be fifty (50) percent.

DR. JAMES C. MATTHEWS, Associate Dean for Research

APPROVED BY AGENCY: April 9, 2025

FILED WITH LRC: April 14, 2025 at 12:55 p.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on June 26, 2025, at 1:30 p.m. EST, at the Division of Regulatory Services, 1600 University Ct. Lexington, KY 40546. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 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:** Stephen McMurry, Executive Director, Division of Regulatory Services, 103 Regulatory Services Building, Lexington, Kentucky 40546-0275, phone 859-257-2785, fax 859-323-9931.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen McMurry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes germination standards for vegetable seed.

(b) The necessity of this administrative regulation: Pursuant to KRS 250.081, the director establishes germination standards for labeling purposes of vegetable and herb seed.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes germination standards for labeling vegetable seed.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will establish germination standards for vegetable seed.

(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:

(b) The necessity of the amendment to this administrative regulation:

(c) How the amendment conforms to the content of the authorizing statutes:

(d) How the amendment will assist in the effective administration of the statutes:

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All firms which label vegetable seed will be affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will see no additional actions to comply with the regulation as these are national standards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost will be associated to the industry.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This will enable firms to have a standard consistent with national procedures.

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

(a) Initially: No cost

(b) On a continuing basis: No continuing costs

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

Regulatory Services' regular annual budget is the source funding

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement this administrative regulation.

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

(9) TIERING: Is tiering applied? No, everyone is treated 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 250.081

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 250.021 to 250.111

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: University of Kentucky, Division of Regulatory Services

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No other affected entities

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): No other affected entities

(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: Only entities which sell seed in KY could have a fiscal impact due to this regulation.

(b) Methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact as defined by KRS 13A.010(13)

(b) The methodology and resources used to reach this conclusion: Understanding of the Kentucky Seed law and Regulations.

**FINANCE AND ADMINISTRATION CABINET**  
**Kentucky Public Pensions Authority**  
**(New Administrative Regulation)**

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

**105 KAR 1:202. Notification of Retirement.**

RELATES TO: KRS 16.505 - 16.652, 61.505, 61.610 - 61.705, 78.510 - 78.852

STATUTORY AUTHORITY: KRS 61.505

NECESSITY, FUNCTION, AND CONFORMITY: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

Section 1. Uses.

(1) The Form 6000, Notification of Retirement, shall be used by participants to apply for:

(a) Retirement based on service as established in KRS 16.576, 16.577, 16.583, 61.559, 61.595(2), 61.597(6), 78.5510(2) through (3), 78.5512(6), 78.5514, and 78.5516; or

(b) Disability retirement as established in KRS 16.582, 61.600, 61.621, 61.665, 78.545, 78.5522, and 78.5524.

(2) The Form 6000, Notification of Retirement, shall be used as established by:

- (a) 105 KAR 1:020;
- (b) 105 KAR 1:200;
- (c) 105 KAR 1:210;
- (d) 105 KAR 1:310;
- (e) 105 KAR 1:390; and
- (f) 105 KAR 1:455;

Section 2. Incorporation by Reference.

(1) The Form 6000, "Notification of Retirement", November 2024, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's website at <https://kyret.ky.gov>.

RYAN BARROW, Executive Director

APPROVED BY AGENCY: March 27, 2025

FILED WITH LRC: March 28, 2025 at 9:09 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing to allow for public comment on this administrative regulation shall be held on Wednesday, June 25 at 10:00 a.m. Eastern Time at the Kentucky Public Pensions Authority (KPPA), 1270 Louisville Road, Frankfort, Kentucky 40601. Individuals interested in presenting a public comment at this hearing shall notify this agency in writing no later than five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until June 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:** Nathan Goodrich, Staff Attorney Supervisor, Kentucky Public Pensions Authority, 1260 Louisville Road, Frankfort, Kentucky 40601, email [Legal.Non-Advocacy@kyret.ky.gov](mailto:Legal.Non-Advocacy@kyret.ky.gov), telephone (502) 696-8800 ext. 8570, facsimile (502) 696-8615.

Contact Person: Nathan Goodrich

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the use of the Form 6000, Notification of Retirement.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the use of the Form 6000, Notification of Retirement.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 61.505(1)(g) authorizes the Kentucky Public Pensions Authority to promulgate administrative regulations on behalf of the Kentucky Retirement Systems and the County Employees Retirement System that are consistent with, and are necessary or proper in order to carry out the provisions of, KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852. This administrative regulation is consistent with and necessary to carry out those provisions.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist with the effective administration of the statutes by establishing the use of the Form 6000, Notification of Retirement.

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

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

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

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

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

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation will affect approximately 420,609 participants in the Kentucky Employees Retirement System (KERS), the State Police Retirement System (SPRS), and the County Employees Retirement System (CERS).

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There are no regulated entities affected by this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance with the administrative regulation will allow participants in KERS, SPRS, and CERS to apply for service retirement or disability retirement. (5) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Administrative expenses of the Kentucky Public Pensions Authority are paid from the Retirement Allowance Account (trust and agency funds).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no increase in fees or funding required.

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

(9) TIERING: Is tiering applied? Tiering is not applied. All participants are subject to the same processes and procedures.

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 61.505(1)(g)
- (2) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency for this administrative regulation is the Kentucky Public Pensions Authority (KPPA). This administrative regulation will affect the KPPA, and approximately 349 state government employers that participate in the Kentucky Employees Retirement System (KERS) and 872 employers that participate in the State Police Retirement System (SPRS).
  - (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? Expenditures, revenues and cost savings will not differ in subsequent years.
  - (3) Identify affected local entities (for example: cities, counties, fire departments, school districts): The County Employees Retirement System (CERS) and 1,120 county and local employers that participate in CERS.
    - (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 should be no expenditures, revenues, or cost saving for this administrative regulation in subsequent years because this administrative regulation is being administered as written.
    - (4) Identify additional regulated entities not listed in questions (2) or (3): None.
      - (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? Expenditures, revenues and cost savings will not differ in subsequent years.
      - (5) Provide a narrative to explain the:
        - (a) Fiscal impact of this administrative regulation: This administrative regulation will not have a fiscal impact.
        - (b) Methodology and resources used to determine the fiscal impact: This administrative regulation will not have a 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) This administrative regulation will not have a major economic impact.
          - (b) The methodology and resources used to reach this conclusion: This administrative regulation will not have a major economic impact.

**BOARD AND COMMISSIONS**  
**Board of Social Work**  
**(New Administrative Regulation)**

**201 KAR 23:012. Social Work Licensure Compact.**

RELATES TO: KRS 335.135  
 STATUTORY AUTHORITY: KRS 335.070(3), 335.135, Section 17B  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.135, Section 17B requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact 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. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out KRS

Chapter 335. This administrative regulation incorporates by reference the rules adopted by the Social Work Licensure Compact.

Section 1. The Board of Social Work shall comply with all rules of the Social Work Licensure Compact, which includes the Social Work Licensure Compact Rules as of February 5, 2025.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Social Work Licensure Compact Rules", February 5, 2025, and as revised. Chapter 1 – Rulemaking, adopted February 5, 2025.

(2)

(a) This material may be inspected, copied or obtained, subject to applicable copyright law at 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Kentucky Board of Social Work's website at <https://bsw.ky.gov/Pages/index.aspx>.

(3) This material may also be obtained at:

(a) The Social Work Licensure Compact Commission, 1776 Avenue of the States, Lexington, Kentucky 40511; or

(b) <https://swcompact.org/rulemaking/>.

HANK CECIL, LCSW, Chair

APPROVED BY AGENCY: April 14, 2025

FILED WITH LRC: April 15, 2025 at 10:18 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2025 at 1:00 p.m., at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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: Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, phone (502) 564-2350, e-mail [marc.kelly@ky.gov](mailto:marc.kelly@ky.gov).

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Kelly

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation incorporates by reference the rules adopted by the Social Work Licensure Compact.

(b) The necessity of this administrative regulation: This regulation is necessary to comply with statutory requirements of KRS 335.135, Section 17B.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms to the content of KRS 335.135 Section 17B, which requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS Chapter 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out KRS Chapter 335.

(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 of KRS Chapter 335 by complying with statutory requirements for the Social Work Licensing Compact.

(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 affects the Kentucky Board of Social Work and its licensees.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated individuals will not have to take any actions to comply with the administrative regulation.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No new costs are associated with compliance.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance will allow regulated entities to be in conformance with the provisions of KRS 335.135, the Social Work License Compact.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: No new costs are anticipated.
- (b) On a continuing basis: No new costs are anticipated on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the Board comes from licensure and certification fees; the Board does not receive any 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: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.
- (9) TIERING: Is tiering applied? No. All regulated entities are subject to the same 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 335.135 Section 17B requires the Board of Social Work to review any rule adopted by the Social Work Licensure Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS Chapter 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out KRS Chapter 335.
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 335.135(17)(b) and KRS 335.070(3).
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Social Work is the promulgating agency. No other entities are affected.
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:  
For the first year: No new expenditures are expected.  
For subsequent years: No new expenditures are expected.
  2. Revenues:  
For the first year: The regulation does not generate revenue.  
For subsequent years: The regulation does not generate revenue.
  3. Cost Savings:  
For the first year: There are no cost savings associated with this

- regulation.
- For subsequent years: There are no cost savings associated with this regulation.
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities will be affected.
- (b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:  
For the first year: None  
For subsequent years: None
  2. Revenues:  
For the first year: None  
For subsequent years: None
  3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): There are no additional regulated entities.
- (b) Estimate the following for each regulated entity identified in (5)(a):
1. Expenditures:  
For the first year: None  
For subsequent years: None
  2. Revenues:  
For the first year: None  
For subsequent years: None
  3. Savings:  
For the first year: None  
For subsequent years: None
  3. Cost Savings:  
For the first year: None  
For subsequent years: None
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
- (a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact.
- (b) Methodology and resources used to reach this conclusion: This regulation conforms to Social Work Licensure Compact requirements and has no associated costs or savings.
- (7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):
- (a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact on the entities identified.
- (b) The methodology and resources used to reach this conclusion: This regulation conforms to Social Work Licensure Compact requirements and has no associated fiscal impact.

**BOARDS AND COMMISSIONS**  
**Kentucky Board of Social Work**  
**(New Administrative Regulation)**

**201 KAR 23:025. Application for licensure.**

RELATES TO: KRS 335.010-335.160, 335.990.  
 STATUTORY AUTHORITY: KRS 335.070(1) and (3), 335.080(1), 335.090(1), and 335.100(1).  
 CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.  
 NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.070(1) requires the Board to issue licenses to qualified applicants. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990, including evaluating applications and issuing licenses. KRS 335.080 sets forth licensing requirements for a certified social worker. KRS 335.090 sets forth licensing requirements for a licensed social worker, KRS 335.100 sets forth the licensing requirements for a licensed clinical social worker. This administrative regulation establishes requirements and procedures for the licensing of a certified social worker, a licensed social worker and a licensed clinical social worker.

Section 1. Definitions.

- (1) "Additional supervisor" is defined by 201 KAR 23:070.
- (2) "Board" is defined by KRS 335.020(1).

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- (3) "Social worker" is defined by KRS 335.158(4)(b).
- (4) "Supervisor of record" is defined by 201 KAR 23:070.

### Section 2. Application for licensure.

(1) An applicant for licensure as a social worker shall submit the "Licensure Application Form" or use the electronic portal established by the Board for application purposes. The application for licensure and electronic portal shall include:

- (a) The full legal name of the applicant along with any other name used by the applicant;
- (b) The social security number of the applicant;
- (c) The mailing address of the applicant;
- (d) A telephone number for the applicant;
- (e) The email address of the applicant;
- (f) A statement of whether the applicant is currently employed;
- (g) If employed, the name of the applicant's current employer along with the street address, telephone number and email address of the agency where the applicant is employed;
- (h) If employed, the applicant's official job description signed by the head of the employing agency;
- (i) If employed, a statement of whether the employer is a 501(c)(3) tax-exempt agency and, if so, a copy of the Internal Revenue Service determination letter approving the tax-exempt status of the agency;
- (j) A statement of whether the applicant is or has ever been licensed to practice social work in Kentucky;
- (k) A statement of whether the applicant is or has ever been licensed to practice social work in any other jurisdiction and, if so, a listing of the jurisdiction license category and license number associated with the license;
- (l) An official verification of each license the applicant holds or has ever held in a jurisdiction other than Kentucky. A licensed clinical social worker (LCSW) applicant licensed as a certified social worker (CSW) in Kentucky need not provide official license verification;
- (m) A statement of whether the applicant has taken and passed a social work licensure exam through the Association of Social Work Boards (ASWB) and, if so, a statement of which exam was taken. An applicant for CSW licensure who is licensed in a jurisdiction other than Kentucky shall provide an ASWB Exam Official Score Transfer Report. An applicant for an LCSW license who is not licensed as a CSW in Kentucky shall provide an ASWB Exam Official Score Transfer Report;
- (n) A statement of whether the applicant has ever applied for and failed to receive a license in social work or any other profession in Kentucky or another jurisdiction and, if so, an explanation of why the application for licensure was denied;
- (o) A statement of whether the applicant has ever had a social work or other professional license suspended, revoked or otherwise disciplined in Kentucky or another jurisdiction and, if so, an explanation and certified copies of the final order of the licensure entity from a jurisdiction other than Kentucky;
- (p) A statement of whether the applicant has ever been convicted of, or entered a plea of no contest to, a felony and, if so, a statement of the offense along with certified copies of the police report or grand jury indictment, judgment of conviction, and the judgment or sentencing order. If the sentence was probated, diverted, or paroled the applicant shall include a signed release authorizing the probation or parole officer to provide a written statement or report to the Board that confirms the probation, diversion, or parole was successfully completed. An applicant convicted of a felony shall provide proof that any fines, fees, or court costs were paid in full;
- (q) A statement of the undergraduate and graduate education the applicant has completed, including the name and location of the school, dates attended, month and year of graduation, number of credits or hours completed and degrees obtained;
- (r) Copies of official transcripts with the degree conferred or awarded. A CSW applicant shall not be required to submit undergraduate transcripts. An LCSW applicant who holds a CSW license in Kentucky shall not be required to submit a master's degree transcript;

(s) A list of three individuals qualified to document the applicant's professional competency including the name, address, email address and telephone number of the individual;

(t) A statement that the applicant has read KRS 335.010 to 335.160 and 201 KAR 23:015 to .140, including 201 KAR 23:080, the Kentucky Code of Ethical Conduct;

(u) A statement that the applicant affirms the application is true and correct to the best of the applicant's knowledge and belief;

(v) A statement that the applicant voluntarily consents to a thorough investigation of the applicant's present and past employment and other activities for the purpose of verifying the applicant's qualifications for licensing;

(w) A statement that the applicant agrees to furnish to the Board any information that may subsequently be requested for the purpose of verifying the applicant's qualifications;

(x) Payment of the required nonrefundable application fee;

(y) A statement of the license for which the applicant is applying; and

(z) The signature of the applicant.

(2) Denial. The Board may disapprove an application for licensure for the following reasons:

(a) The applicant's failure to comply with KRS Chapter 335 or the administrative regulations of this Chapter;

(b) Any information required by KRS Chapter 335 or this administrative regulation is missing, inaccurate, incomplete or cannot be independently verified;

(c) A fraudulent, dishonest, or deceitful misstatement or omission of fact in the submitted application;

(d) A finding against, or admission of liability by, the applicant in any legal proceeding or disciplinary action involving a violation of KRS Chapter 335 or the administrative regulations of this Chapter; or

(e) The denial, discipline of, refusal to renew, revocation, or suspension of the applicant's professional licensure in any jurisdiction.

(3) Approval. If the applicant has complied with the provisions of KRS Chapter 335 and this regulation the application may be approved.

### Section 3. Additional requirements for LCSW licensure.

(1) An in-state applicant for licensure as an LCSW shall provide documentation of two years of post-masters' degree supervised clinical social work experience including 200 hours documented on the Supervised Experience Documentation Form as confirmed by the applicant's supervisor of record and each LCSW additional supervisor.

(2) An LCSW applicant licensed in another jurisdiction shall, if licensed for less than five years, document two years of post-master's supervised clinical practice experience and 200 hours of clinical supervision provided by a licensed social worker who:

(a) Was licensed as an LCSW, or the equivalent, for a minimum of three years at the time supervision was provided as documented by official verification of the supervisor's license and a copy of a resume for each LCSW supervisor;

(b) Documents the supervision on the Kentucky "Supervised Experience Documentation Form"; or

(c) Documents the supervision on an out-of-state form which provides necessary details about qualifications of hours of supervision, names and credentials of supervisors, clinical practice, and time period of supervision.

(3) An LCSW applicant licensed in another jurisdiction shall, if licensed for five years or more, document the five year period by providing:

(a) An official job description on agency letterhead signed and dated by the head of the employing agency; or

(b) Standard employment forms including the Standard Form 50 for Federal civilian employees or documentation of active duty as a member of the U.S. Armed Services.

### Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensure Application Form", 4/2025;

(b) "Supervised Experience Documentation Form", 4/2025.

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(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Social Work, 125 Holmes Street, Suite 310, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

HANK CECIL, Board Chair

APPROVED BY AGENCY: April 14, 2025

FILED WITH LRC: April 15, 2025 at 10:18 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on June 27, 2025 at 1:00 p.m., at the Kentucky Board of Social Work, 125 Holmes St., Suite 310, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made prior to the end of the hearing. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 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:** Marc Kelly, Executive Director, Kentucky Board of Social Work, 125 Holmes St., Suite 310, Frankfort KY 40601, phone (502) 564-2350, email marc.kelly@ky.gov.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Marc Kelly

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements and procedures for the licensing of a certified social worker, a licensed social worker and a licensed clinical social worker.

(b) The necessity of this administrative regulation: This regulation is necessary to establish uniform requirements and procedures for the licensing of social workers.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 335.070(3) authorizes the board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990.

(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 establishing uniform procedures and requirements for the licensing of social workers.

(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 administrative regulation will affect approximately \_\_\_ applicants for licensure as a social worker , and future applicants and the Kentucky Board of Social Work.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: There will not be any impact to currently regulated entities. These requirements currently exist but are not incorporated into an existing administrative regulation.

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

Applicants will continue to pay a \$25 nonrefundable application fee and the Board will continue to review and approve or deny applications.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Compliance will result in uniform application of licensure requirements to applications for licensure as a social worker for both the Board and applicants.

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

(a) Initially: No costs are anticipated.

(b) On a continuing basis: No costs are anticipated.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: This administrative regulation does not establish fees. Funding for the KBSW comes from licensure and certification fees; the board does not receive any 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: There is no anticipation of an increase in fees or needed funding to implement this administrative regulation, as the KBSW is already regulating applicants for licensure.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased by this administrative regulation.

(9) TIERING: Is tiering applied? No. All regulated persons have substantially the same requirements relative to the type of license sought.

### 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 335.070(1) requires the Board to issue licenses to qualified applicants. KRS 335.070(3) authorizes the Board to promulgate administrative regulations to carry out the provisions of KRS 335.010 to 335.160 and KRS 335.990, including evaluating applications and issuing licenses. KRS 335.080 sets forth licensing requirements for a certified social worker. KRS 335.090 sets forth licensing requirements for a licensed social worker, KRS 335.100 sets forth the licensing requirements for a licensed clinical social worker.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Social Work is the promulgating agency. No other entities are affected.

(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year:

For subsequent years: No new expenditures are expected.

2. Revenues:

For the first year: This regulation does not generate new revenue.

For subsequent years: This regulation does not generate new revenue.

3. Cost Savings:

For the first year: There are no cost savings associated with this regulation.

For subsequent years: There are no cost savings associated with this regulation.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities will be affected.

(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

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For the first year: None

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or

(4)(a): There are no additional regulated entities.

(b) Estimate the following for each regulated entity identified in

(5)(a):

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None 3. Savings:

3. Cost Savings:

For the first year: None

For subsequent years: None (c) Methodology and resources used to determine the fiscal impact: This regulation has no fiscal impact on the entities identified.

(6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)

(a) Fiscal impact of this administrative regulation: This regulation has no fiscal impact.

(b) Methodology and resources used to reach this conclusion: This regulation does not affect any of the entities identified.

(7) Explain, as it relates to the entities identified in (3)(a), (4)(a), and (5)(a):

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(13): This administrative regulation will not have a major economic impact on the entities identified.

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

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE

Minutes of April 14, 2025

**Call to Order and Roll Call**

The April meeting of the Administrative Regulation Review Subcommittee was held on Monday, April 14, 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; Senator Mike Wilson; and Representatives Randy Bridges 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:** Mark Bowman, Department of Veterans' Affairs; Eden Davis, Board of Pharmacy; Dr. Joe Ellis, OD, Christi LeMay, Board of Optometric Examiners; Kelly Jenkins, MSN, RN, Jeff Prather, Board of Nursing; Eddie Slone, John Wood, Board of Emergency Medical Services; Dave Dreves, Steven Fields, Jenny Gilbert, Department of Fish and Wildlife Resources; Jesse Rowe, Transportation Cabinet; Joshua Newton, Maggie Woods, Department of Alcoholic Beverage Control; Dr. Leslie Hoffmann, Jonathan Scott, Melanie Taylor, Cabinet for Health and Family Services; Dr. Richard Castillo, University of North Carolina College of Optometric Medicine; Eric D'Astolfo, Pearson VUE; Lisa Fennell, Association of Regulatory Boards of Optometry; Dr. Aaron Oberster, optometrist; and Dr. Jamie Althoff, Dr. Jill Bryant, Dr. Brett Foley, Dr. Michael Ohlson, National Board of Examiners in Optometry.

**Administrative Regulations Reviewed by this Subcommittee:**

**DEPARTMENT OF VETERANS' AFFAIRS: Tuition Waiver Program**

017 KAR 001:030. Nurse Loan Repayment Program. Mark Bowman, executive director, represented the department.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**BOARDS AND COMMISSIONS: Board of Pharmacy**

201 KAR 002:416E. Pharmacy annual reporting of cost dispensing data. Eden Davis, general counsel, represented the board.

In response to a question by Co-Chair Lewis, Ms. Davis stated that, for the ordinary version of this administrative regulation, the board had filed a Statement of Consideration, which included Amended After Comments revisions to address stakeholder concerns.

**Board of Optometric Examiners**

201 KAR 005:010. Application for licensure; endorsement. Dr. Joe Ellis, OD, president, and Christi LeMay, executive director, represented the board. Dr. Richard Castillo, founding dean, University of North Carolina College of Optometric Medicine; Eric D'Astolfo, vice president of business development, Pearson VUE; Lisa Fennell, executive director, Association of Regulatory Boards of Optometry; Dr. Aaron Oberster, optometrist; and Dr. Jamie Althoff, assistant director, Dr. Jill Bryant, executive director, Dr. Brett Foley, director of psychometrics and research, and Dr. Michael Ohlson, president, National Board of Examiners in Optometry, appeared in opposition to this administrative regulation.

In response to a question by Co-Chair Lewis, Dr. Ellis stated that this proposed amendment was intended to increase licensure accessibility for those who received optometric education and training outside of the United States, particularly from Canada.

In response to a question by Co-Chair Lewis, Dr. Bryant stated

that the National Board of Examiners in Optometry (NBEO) opposed this administrative regulation because substituting a Canadian exam into a series of exams developed for the US health care system would compromise the validity of the entire examination process. The US and Canadian exams covered different scopes of practice and substituting Part One would put the validity of Kentucky licensure at risk.

In response to a question by Co-Chair Lewis, Dr. Foley stated that the NBEO opposed this administrative regulation because the exams were not equivalent. By making Part One of the NBEO exam optional, potential licensee candidates would not need to provide independent evidence of competence pertaining to the biomedical science principles underlying optometric practice. The Canadian exam did not include an independent section dedicated solely to biomedical science principles. Replacing the NBEO exams with non-equivalent exams to improve pass rates was not in Kentucky's best interests.

In response to a question by Co-Chair Lewis, Dr. Althoff stated that the NBEO and Canadian exams were not equivalent. Using the two (2) exams interchangeably was unjustified.

In response to questions by Co-Chair West, Dr. Bryant stated that the NBEO was willing to work with the board to continue developing this administrative regulation. NBEO had not contacted the board about concerns, and the board had not reached out to NBEO. NBEO became aware of this administrative regulation in the fall of 2024. The board had not expressed concerns to NBEO regarding the examination process.

In response to a question by Co-Chair Lewis, Dr. Ohlson stated that practitioners of optometric medicine were required to meet specific industry training and education requirements. Stringent test requirements maintained the public's trust in healthcare professionals. Biomedical science training and education were essential for understanding therapeutic interventions.

In response to a question by Co-Chair Lewis, Ms. Fennell stated that the Canadian exam did not assess biomedical science and was designed based on that country's scope of practice for optometrists. If the board adopted the Canadian exam as an additional accreditation for licensure, oversight of the content of that exam would be inadequate. Other states did not accept this alternate exam for licensure purposes, and doing so would create barriers to those wishing to practice optometric medicine in multiple states. Patient care could be negatively impacted.

In response to a question by Co-Chair Lewis, Dr. Castillo stated that since 1951, the NBEO had provided a well-established national standard that kept optometric licensing consistent and portable across US states. US states had never accepted a foreign licensing exam as a valid substitute for initial licensing. NBEO exams were developed in accordance with jurisdictional-specific laws and public protection standards, and therefore were not interchangeable. Licensed optometric practitioners in Kentucky operated pursuant to an advanced scope of practice not currently applicable in Canada. Allowing licensure based on Canadian exams could cause problems with insurance companies, which might refuse to recognize alternate credentials and could therefore deny claims.

In response to a question by Co-Chair Lewis, Dr. Oberster stated that, as a graduate from a school of optometric medicine in Kentucky, he was aware of how the NBEO examinations worked in sequence to ensure that optometrists had the necessary knowledge and skills to safely practice. By accepting an alternate exam as a qualification for licensure, unqualified candidates could provide substandard care to patients, especially in rural areas. Standards should be consistent across states, and licensure should be based on competence, not convenience.

In response to a question by Co-Chair Lewis, Mr. D'Astolfo stated that Pearson VUE opposed this administrative regulation because the Canadian examinations were not comparable and were conducted via remote, online proctoring, while NBEO examinations were held at in-person proctored testing centers where candidates did not control the testing environment. NBEO's use of secure test centers ensured testing integrity. Nearly twelve (12) high-stakes

examination programs had discontinued remotely proctored exams due to challenges around testing security.

Co-Chair Lewis asked if any of those who were testifying in opposition to this administrative regulation lived in Kentucky. There was no response.

In response to a question by Co-Chair Lewis, Dr. Ellis stated that the board was revising this administrative regulation to better align with the authorizing statute, to ensure continued accurate assessment of clinical knowledge, and to expand access. In researching the proposed changes, the agency did not find any statistical data that showed adverse outcomes for utilizing the Canadian examination as criteria for licensure. The Accreditation Council on Optometric Education, an organization recognized by the US Department of Education, recognized the Canadian exam as an equivalent to the NBEO examination. Those in Kentucky seeking licensure using Part One of the Canadian examination would have to further pass the NBEO exam Parts Two and Three. Other state boards had raised concerns regarding the NBEO examination system. While the board supported a national testing service, there were concerns about several aspects of the current examination process, including accuracy, transparency, access, and the welfare of optometry students.

In response to questions by Co-Chair West, Ms. LeMay stated that this proposed version of this administrative regulation had been publicly available since August of 2024. The board had received a fact-finding phone call from Dr. Bryant, and written public comments had been received during the public comment period. Kentucky would be the first state to include the option of using Part One of the Canadian examination as criteria for licensure. Dr. Ellis stated that the examination revisions to this administrative regulation were proposed as a result of concerns about access and questions regarding the current testing system. Although not a large number, there were Canadian students seeking licensure in Kentucky who sought alternatives to repeating examination.

In response to a question by Senator Wilson, Ms. LeMay stated that cost for a student to take Part One of the NBEO examination was approximately \$1,400. The cost to take the Canadian examination was comparable; however, students taking the Canadian examination would not incur travel expenses because that test was remotely proctored.

Co-Chair Lewis stated that he had been in direct contact with several Kentucky optometrists who were in support of the proposed revisions to this administrative regulation and who had expressed frustration with the NBEO. One practitioner had been a victim of identity theft due to a data breach related to NBEO. Other optometrists expressed concerns with oversight at the testing agency. In 2016, the cost for Part One of the NBEO exam was \$725, while the same exam in 2024 was \$1,445. Pass rates had also declined in recent years. Co-Chair Lewis stated that he trusted the providers with whom he spoke. Additionally, pursuant to KRS 320.250, the board seemed to have the authority to make this change.

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 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

#### **Board of Nursing**

201 KAR 020:215. Continuing competency requirements. Kelly Jenkins, MSN, RN, executive director, and Jeff Prather, general counsel, represented the board.

#### **INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services**

202 KAR 007:410. Advanced Practice Paramedics. Eddie Slone, executive director, and John Wood, counsel, represented the board.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO, STATUTORY AUTHORITY, and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 2 through 9, 12, and 14 through 16 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: Fish**

301 KAR 001:201. Taking of fish by traditional fishing methods. Dave Dreves, fisheries director; Steven Fields, staff attorney; and Jenny Gilbert, legislative liaison, represented the department.

In response to a question by Co-Chair Lewis, Mr. Dreves stated that the Frankfort fish hatchery experienced some damage due to the recent floodwaters. Many ponds were inundated, resulting in displaced fish, which would cause sorting challenges at harvesting.

#### **TRANSPORTATION CABINET: Department of Vehicle Regulation: Driver's License**

601 KAR 012:120. Testing applicants for initial or renewal instruction permit, initial or renewal operator's license, or reinstatement. Jesse Rowe, assistant general counsel, represented the department.

A motion was made and seconded to approve the following amendments: (1) to amend the TITLE; the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs; and Sections 1 through 4 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 5 to make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

#### **PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control: Licensing**

804 KAR 004:212. In-State Distilled Spirits Supplier License. Joshua Newton, general counsel, and Maggie Woods, distilled spirits administrator, represented the department.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 3 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

804 KAR 004:251. Special temporary license.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2 and 4 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

804 KAR 004:400. Applications incorporated by reference.

804 KAR 004:410. Product registration and forms.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Section 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

#### **CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services**

907 KAR 001:595. Model Waiver II service coverage and reimbursement policies and requirements. Dr. Leslie Hoffmann, deputy commissioner, and Jonathan Scott, legislative and regulatory liaison, represented the department.

907 KAR 001:835E. Michelle P. waiver services and reimbursement.

#### **Payments and Services**

907 KAR 003:210E. Acquired brain injury long-term care waiver services and reimbursement.

#### **Supports for Community Living Waiver**

907 KAR 012:020. Reimbursement for New Supports for Community Living Waiver Services.

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A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY paragraph and Sections 2, 4, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

### **Medicaid Eligibility**

907 KAR 020:005. Medicaid technical eligibility requirements not related to a modified gross income standard or former foster care individuals.

In response to questions by Co-Chair West, Dr. Hoffmann stated that targeted services for incarcerated youth included early and periodic screenings, diagnostic and treatment services, and targeted case management. These would include medical, dental, and behavioral screenings and services for assessment and referral needs thirty (30) days prior to scheduled release.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 1, 2, 4 through 9, 11, and 12 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

### **Department for Community Based Services: Child Welfare**

922 KAR 001:360E. Private child care placement, levels of care, and payment. Melanie Taylor, division director, represented the department.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph; Sections 1, 5, and 18; and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

### **The following administrative regulations were deferred or removed from the April 14, 2025, subcommittee agenda:**

#### **PERSONNEL CABINET: Classified**

101 KAR 002:034. Classified compensation administrative regulations.

101 KAR 002:102. Classified leave general requirements.

#### **Unclassified**

101 KAR 003:015. Leave requirements for unclassified service.

101 KAR 003:045. Compensation plan and pay incentives for unclassified service.

### **BOARDS AND COMMISSIONS: Board of Pharmacy**

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

### **PUBLIC PROTECTION CABINET: Office of Claims and Appeals: Tax Appeals**

802 KAR 1:010. Tax appeal procedures.

### **Negligence Claims**

802 KAR 2:010. Negligence claims before the Board of Claims.

### **Crime Victims Claims**

802 KAR 3:010. Crime victims compensation.

802 KAR 3:020. Payment schedule for sexual assault examinations.

802 KAR 3:030. Crime victims compensation awards.

802 KAR 3:040. Additional award requests.

802 KAR 3:050. Emergency awards.

802 KAR 3:060. Crime victim compensation offender debt collections.

### **Department of Alcoholic Beverage Control: Licensing**

804 KAR 004:415. Direct shipper license.

### **Department of Insurance: Agents, Consultants, Solicitors, and Adjusters**

806 KAR 009:360. Pharmacy Benefit Manager License.

### **CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services**

907 KAR 001:039. Hearing program reimbursement provisions and requirements.

907 KAR 001:835. Michelle P. waiver services and reimbursement.

### **Payments and Services**

907 KAR 003:100. Reimbursement for acquired brain injury waiver services.

907 KAR 003:210. Acquired brain injury long-term care waiver services and reimbursement.

### **Certified Provider Requirements**

907 KAR 007:015. Reimbursement for home and community based waiver services version 2.

### **Department for Behavioral Health, Developmental and Intellectual Disabilities: Substance Abuse**

908 KAR 001:410. Recovery housing.

**The subcommittee adjourned at 2:00 p.m. The next meeting of this subcommittee was tentatively scheduled for May 13, 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.

**NONE**

## CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 51<sup>st</sup> year of the *Administrative Register of Kentucky*, from July 2024 through June 2025.

### **Locator Index - Effective Dates**

**K – 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**

**K – 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**

**K – 27**

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

### **Technical Amendment Index**

**K – 31**

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).

### **Subject Index**

**K – 32**

A general index of administrative regulations published during this *Register* year and is mainly broken down by agency.

**LOCATOR INDEX - EFFECTIVE DATES**

<b>Regulation Number</b>	<b>Ky.R. Page No.</b>	<b>Effective Date</b>	<b>Regulation Number</b>	<b>Ky.R. Page No.</b>	<b>Effective Date</b>
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 51. 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 <a href="#">Administrative Registers of Kentucky</a> .					
<b>SYMBOL KEY:</b>					
*	Statement of Consideration not filed by deadline		Replaced	499	9-25-2024
**	Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))		201 KAR 036:100E	50 Ky.R. 1649	9-14-2024
***	Withdrawn before being printed in Register		Am Comments	2002	3-5-2024
IJC	Interim Joint Committee		Replaced	51 Ky.R. 105	6-18-2024
(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.		Resubmitted	1238	11-26-2024
			Am Comments	1764	3-10-2025
			202 KAR 002:020E	51 Ky.R. 471	8-6-2024
			Replaced	538	3-4-2025
			202 KAR 007:201E	51 Ky.R. 622	9-3-2024
			Replaced	748	2-5-2025
			202 KAR 007:301E	51 Ky.R. 626	9-3-2024
			Replaced	752	2-5-2025
			202 KAR 007:330E	51 Ky.R. 630	9-3-2024
			Replaced	756	2-5-2025
			202 KAR 007:401E	51 Ky.R. 634	9-3-2024
			Replaced	1433	2-13-2025
			202 KAR 007:560E	51 Ky.R. 640	9-3-2024
			Replaced	1277	2-5-2025
			501 KAR 006:330E	50 Ky.R. 2356	5-15-2024
			Expired; Ordinary SOC not filed by deadline		9-13-2024
			501 KAR 006:430E	50 Ky.R. 2358	5-15-2024
			Replaced	884	2-4-2025
			502 KAR 010:120E	51 Ky.R. 1067	10-30-2024
			Replaced	1653	3-12-2025
			601 KAR 012:120E	51 Ky.R. 1240	12-6-2024
			Am Comments	1764	3-10-2025
			803 KAR 002:110E	51 Ky.R. 847	9-30-2024
			803 KAR 002:320E	51 Ky.R. 1244	11-19-2024
			803 KAR 025:089E	50 Ky.R. 2360	5-14-2024
			Replaced	2478	12-3-2024
			807 KAR 005:015E	51 Ky.R. 14	5-31-2024
			Am Comments	474	8-15-2024
			As Amended	646	9-10-2024
			Expired		2-25-2025
			Resubmitted	1751	2-25-2025
			902 KAR 045:001E	50 Ky.R. 2362	4-24-2024
			Replaced	51 Ky.R. 1118	11-18-2024
			902 KAR 045:012E	50 Ky.R. 2364	4-24-2024
			Replaced	51 Ky.R. 1119	2-5-2025
			902 KAR 045:021E	50 Ky.R. 2368	4-24-2024
			Replaced	51 Ky.R. 1121	11-18-2024
			902 KAR 045:031E	50 Ky.R. 2373	4-24-2024
			Replaced	51 Ky.R. 912	11-18-2024
			907 KAR 001:595E	51 Ky.R. 1361	12-23-2024
			907 KAR 001:835E	51 Ky.R. 1365	12-23-2024
			907 KAR 003:100E	51 Ky.R. 1379	12-23-2024
			907 KAR 003:210E	51 Ky.R. 1382	12-23-2024
			907 KAR 007:015E	51 Ky.R. 1401	12-23-2024
			907 KAR 010:840E	51 Ky.R. 1759	2-24-2025
			907 KAR 012:020E	51 Ky.R. 1406	12-23-2024
			907 KAR 020:005E	51 Ky.R. 1410	12-23-2024
			915 KAR 001:010E	50 Ky.R. 2378	4-18-2024
			Am Comments	51 Ky.R. 226	7-15-2024
			Replaced	51 Ky.R. 922	11-18-2024
			915 KAR 001:020E	50 Ky.R. 2383	4-18-2024
			Am Comments	51 Ky.R. 230	7-15-2024
			Replaced	51 Ky.R. 925	11-18-2024
			922 KAR 001:350E	51 Ky.R. 207	7-1-2024
			Replaced	51 Ky.R. 932	11-18-2024
			922 KAR 001:360E	51 Ky.R. 1636	1-22-2025
			Am Comments	1840	4-14-2025
			922 KAR 002:090E	51 Ky.R. 22	5-20-2024
			Replaced	149	2-13-2025

**LOCATOR INDEX - EFFECTIVE DATES**

<b>Regulation Number</b>	<b>Ky.R. Page No.</b>	<b>Effective Date</b>	<b>Regulation Number</b>	<b>Ky.R. Page No.</b>	<b>Effective Date</b>
<b>ORDINARY ADMINISTRATIVE REGULATIONS</b>			017 KAR 006:030	50 Ky.R. 986	
			Am Comments	1702	
011 KAR 004:080			As Amended	51 Ky.R. 37	
Amended	50 Ky.R. 2238		As Amended at IJC	657	8-28-2024
As Amended	51 Ky.R. 483	9-17-2024	030 KAR 002:011(r)	51 Ky.R. 1222	
011 KAR 015:090			As Amended	1644	
Amended	50 Ky.R. 2240		030 KAR 007:011	50 Ky.R. 2110	10-1-2024
As Amended	51 Ky.R. 483	9-17-2024	031 KAR 002:010		
011 KAR 015:110			Amended	50 Ky.R. 2247	
Amended	50 Ky.R. 2245		As Amended	51 Ky.R. 239	11-5-2024
As Amended	51 Ky.R. 488	9-17-2024	031 KAR 003:041	50 Ky.R. 2319	
012 KAR 001:134	51 Ky.R. 1907		As Amended	51 Ky.R. 240	11-5-2024
012 KAR 001:144	51 Ky.R. 1908		031 KAR 004:031	50 Ky.R. 2321	
012 KAR 001:149	51 Ky.R. 1909		As Amended	51 Ky.R. 241	
012 KAR 001:164	51 Ky.R. 1910		As Amended	657	12-31-2024
013 KAR 002:120	50 Ky.R. 2459		031 KAR 004:220	50 Ky.R. 2323	
As Amended	51 Ky.R. 1416	2-25-2025	As Amended	51 Ky.R. 220	11-5-2024
013 KAR 002:130	50 Ky.R. 2461		031 KAR 004:230	51 Ky.R. 818	
As Amended	51 Ky.R. 1417	2-25-2025	As Amended	1253	4-2-2025
013 KAR 006:010	51 Ky.R. 596		031 KAR 005:026		
As Amended	1252	2-25-2025	Amended	50 Ky.R. 2250	
013 KAR 006:020	51 Ky.R. 598		As Amended	51 Ky.R. 244	
As Amended	1253	2-25-2025	As Amended IJC	492	8-22-2024
016 KAR 001:030			031 KAR 005:040	50 Ky.R. 2326	
Amended	51 Ky.R. 329	11-8-2024	As Amended	51 Ky.R. 245	12-31-2024
016 KAR 002:030			040 KAR 005:010		
Amended	51 Ky.R. 333	11-8-2024	Amended	51 Ky.R. 1187	
016 KAR 002:110	50 Ky.R. 2464		As Amended	1644	
As Amended	51 Ky.R. 489	9-17-2024	040 KAR 009:010		
016 KAR 002:140	50 Ky.R. 2466		Amended	51 Ky.R. 1696	
As Amended	51 Ky.R. 490		040 KAR 009:020		
016 KAR 002:160			Amended	51 Ky.R. 1698	
Amended	50 Ky.R. 1934		040 KAR 010:010	50 Ky.R. 2111	
Withdrawn by agency		9-23-2024	As Amended	51 Ky.R. 246	
Expired, w/d after certified To-Be-Amended		9-23-2024	As Amended	494	12-31-2024
016 KAR 002:170	50 Ky.R. 2469		040 KAR 012:010	51 Ky.R. 600	3-4-2025
As Amended	51 Ky.R. 491	9-17-2024	101 KAR 001:325		
016 KAR 002:200	50 Ky.R. 2471		Amended	50 Ky.R. 1736	7-30-2024
As Amended	51 Ky.R. 492	9-17-2024	Amended	51 Ky.R.1700	
016 KAR 004:020			101 KAR 001:335		
Amended	50 Ky.R. 1557		Amended	50 Ky.R. 2253	
As Amended	2004	7-2-2024	As Amended	51 Ky.R. 495	12-3-2024
016 KAR 004:030			101 KAR 001:345		
Amended	50 Ky.R. 1937	7-16-2024	Amended	50 Ky.R. 2255	12-3-2024
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**SYMBOL KEY:**  
 \* Statement of Consideration not filed by deadline  
 \*\* Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))  
 \*\*\* Withdrawn before being printed in Register  
 IJC Interim Joint Committee  
 (r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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## 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 001:030	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 004:020	02-19-2025	Remain in Effect without Amendment
011 KAR 004:030	02-19-2025	Remain in Effect without Amendment
011 KAR 004:040	02-19-2025	Remain in Effect without Amendment
011 KAR 004:050	02-19-2025	Remain in Effect without Amendment
011 KAR 004:060	02-19-2025	Remain in Effect without Amendment
011 KAR 005:033	02-19-2025	Remain in Effect without Amendment
011 KAR 005:110	02-19-2025	Remain in Effect without Amendment
011 KAR 005:130	02-19-2025	Remain in Effect without Amendment
011 KAR 005:140	02-19-2025	Remain in Effect without Amendment
011 KAR 005:150	02-19-2025	Remain in Effect without Amendment
011 KAR 005:160	02-19-2025	Remain in Effect without Amendment
011 KAR 005:170	02-19-2025	Remain in Effect without Amendment
011 KAR 005:180	02-19-2025	Remain in Effect without Amendment
011 KAR 005:200	02-19-2025	Remain in Effect without Amendment
011 KAR 007:010	02-28-2025	Remain in Effect without Amendment
011 KAR 007:020	02-28-2025	Remain in Effect without Amendment
011 KAR 008:010	02-28-2025	Remain in Effect without Amendment
011 KAR 008:020	02-28-2025	Remain in Effect without Amendment
011 KAR 008:040	02-28-2025	Remain in Effect without Amendment
011 KAR 010:010	02-28-2025	Remain in Effect without Amendment
011 KAR 010:020	02-28-2025	Remain in Effect without Amendment
011 KAR 012:010	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:020	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:030	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:030	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:040	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:050	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:060	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:070	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 012:090	01-17-2025	To be amended; filing deadline 07-16-2026
011 KAR 013:010	02-28-2025	Remain in Effect without Amendment
011 KAR 014:010	02-28-2025	Remain in Effect without Amendment
011 KAR 014:020	02-28-2025	Remain in Effect without Amendment
011 KAR 014:030	02-28-2025	Remain in Effect without Amendment
011 KAR 014:040	02-28-2025	Remain in Effect without Amendment
011 KAR 014:050	02-28-2025	Remain in Effect without Amendment
011 KAR 014:060	02-28-2025	Remain in Effect without Amendment
011 KAR 014:070	02-28-2025	Remain in Effect without Amendment
011 KAR 014:080	02-28-2025	Remain in Effect without Amendment
011 KAR 015:010	02-28-2025	Remain in Effect without Amendment
011 KAR 015:020	02-28-2025	Remain in Effect without Amendment
011 KAR 015:030	02-28-2025	Remain in Effect without Amendment
011 KAR 015:050	02-28-2025	Remain in Effect without Amendment
011 KAR 015:060	02-28-2025	Remain in Effect without Amendment
011 KAR 015:070	02-28-2025	Remain in Effect without Amendment
011 KAR 015:080	02-28-2025	Remain in Effect without Amendment
011 KAR 015:100	02-28-2025	Remain in Effect without Amendment
011 KAR 016:030	03-03-2025	Remain in Effect without Amendment
011 KAR 016:040	03-03-2025	Remain in Effect without Amendment
011 KAR 016:050	03-03-2025	Remain in Effect without Amendment
011 KAR 016:060	03-03-2025	Remain in Effect without Amendment
011 KAR 016:070	03-03-2025	Remain in Effect without Amendment
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

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Regulation Number	Letter Filed Date	Action
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
011 KAR 019:010	02-28-2025	Remain in Effect without Amendment
011 KAR 019:020	02-28-2025	Remain in Effect without Amendment
011 KAR 019:030	02-28-2025	Remain in Effect without Amendment
011 KAR 020:001	02-28-2025	Remain in Effect without Amendment
011 KAR 020:010	02-28-2025	Remain in Effect without Amendment
011 KAR 020:020	02-28-2025	Remain in Effect without Amendment
011 KAR 020:030	02-28-2025	Remain in Effect without Amendment
011 KAR 020:040	02-28-2025	Remain in Effect without Amendment
011 KAR 020:050	02-28-2025	Remain in Effect without Amendment
011 KAR 020:060	02-28-2025	Remain in Effect without Amendment
011 KAR 020:070	02-28-2025	Remain in Effect without Amendment
013 KAR 002:110	05-16-2024	Remain in Effect without Amendment
016 KAR 001:016	03-26-2025	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 005:040	03-26-2025	To be amended; filing deadline 09-27-2026
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 04-04-2026
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 06-12-2026
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 005:130	04-01-2025	Remain in Effect without Amendment
201 KAR 009:023	02-26-2025	Remain in Effect without Amendment
201 KAR 009:024	02-26-2025	Remain in Effect without Amendment
201 KAR 009:310	02-26-2025	Remain in Effect without Amendment
201 KAR 009:480	02-26-2025	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 022:010	03-03-2025	Remain in Effect without Amendment
201 KAR 022:035	03-03-2025	Remain in Effect without Amendment
201 KAR 022:040	03-03-2025	Remain in Effect without Amendment
201 KAR 022:052	03-03-2025	Remain in Effect without Amendment
201 KAR 022:130	03-27-2025	Remain in Effect without Amendment
201 KAR 022:140	03-27-2025	Remain in Effect without Amendment
201 KAR 022:150	03-27-2025	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 05-22-2026
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 045:001	04-08-2025	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 01-29-2026
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 005:310	04-18-2025	Remain in Effect without Amendment
401 KAR 008:510	04-18-2025	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 02-28-2026
501 KAR 006:230	10-29-2024	To be amended; filing deadline 04-29-2026
505 KAR 001:130	01-31-2025	To be amended; filing deadline 07-30-2026
505 KAR 001:170	03-06-2025	To be amended; filing deadline 09-06-2026
601 KAR 001:220	04-25-2025	Remain in Effect without Amendment
601 KAR 009:015	04-25-2025	Remain in Effect without Amendment
601 KAR 009:090	04-25-2025	Remain in Effect without Amendment
601 KAR 009:160	04-25-2025	Remain in Effect without Amendment
601 KAR 009:205	04-25-2025	Remain in Effect without Amendment

## CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
601 KAR 009:210	04-25-2025	Remain in Effect without Amendment
601 KAR 023:010	04-25-2025	Remain in Effect without Amendment
601 KAR 023:020	12-12-2024	Remain in Effect without Amendment
603 KAR 005:025	12-22-2024	Remain in Effect without Amendment
603 KAR 007:080	04-25-2025	Remain in Effect without Amendment
701 KAR 005:130	03-27-2025	Remain in Effect without Amendment
702 KAR 001:035	03-27-2025	Remain in Effect without Amendment
702 KAR 001:080	03-27-2025	Remain in Effect without Amendment
702 KAR 001:100	03-27-2025	Remain in Effect without Amendment
702 KAR 003:045	03-27-2025	Remain in Effect without Amendment
702 KAR 003:050	03-27-2025	Remain in Effect without Amendment
702 KAR 003:070	03-27-2025	Remain in Effect without Amendment
702 KAR 003:075	03-27-2025	Remain in Effect without Amendment
702 KAR 003:150	03-27-2025	Remain in Effect without Amendment
702 KAR 004:005	03-27-2025	Remain in Effect without Amendment
702 KAR 004:050	03-27-2025	Remain in Effect without Amendment
702 KAR 004:170	03-27-2025	Remain in Effect without Amendment
702 KAR 004:180	03-27-2025	Remain in Effect without Amendment
702 KAR 006:010	03-27-2025	Remain in Effect without Amendment
702 KAR 006:020	03-27-2025	Remain in Effect without Amendment
702 KAR 006:050	03-27-2025	Remain in Effect without Amendment
702 KAR 006:060	03-27-2025	Remain in Effect without Amendment
704 KAR 003:307	03-27-2025	Remain in Effect without Amendment
704 KAR 003:500	03-27-2025	Remain in Effect without Amendment
704 KAR 003:540	08-08-2024	Remain in Effect without Amendment
704 KAR 008:020	03-27-2025	Remain in Effect without Amendment
704 KAR 008:040	03-27-2025	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 05-25-2026
780 KAR 003:080	11-25-2024	To be amended; filing deadline 05-25-2026
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
804 KAR 004:400	10-30-2024	To be amended; filing deadline 04-30-2026
804 KAR 004:410	10-30-2024	To be amended; filing deadline 04-30-2026
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
805 KAR 001:040	03-31-2025	Remain in Effect without Amendment
805 KAR 001:100	03-31-2025	Remain in Effect without Amendment
805 KAR 001:130	03-31-2025	Remain in Effect without Amendment
805 KAR 002:010	04-17-2025	Remain in Effect without Amendment
805 KAR 003:010	04-22-2025	Remain in Effect without Amendment
805 KAR 003:020	04-22-2025	Remain in Effect without Amendment
805 KAR 003:030	04-22-2025	Remain in Effect without Amendment
805 KAR 003:040	04-22-2025	Remain in Effect without Amendment
805 KAR 003:060	04-22-2025	Remain in Effect without Amendment
805 KAR 003:070	04-22-2025	Remain in Effect without Amendment
805 KAR 003:080	04-22-2025	Remain in Effect without Amendment
805 KAR 003:090	04-22-2025	Remain in Effect without Amendment
805 KAR 003:120	04-22-2025	Remain in Effect without Amendment
806 KAR 014:006	04-25-2025	Remain in Effect without Amendment
806 KAR 020:010	04-25-2025	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 06-02-2026
815 KAR 015:025	12-02-2024	To be amended; filing deadline 06-02-2026
815 KAR 015:027	12-02-2024	To be amended; filing deadline 06-02-2026
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 002:055	04-23-2025	Remain in Effect without Amendment
902 KAR 010:040	03-26-2025	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 01-23-2026
902 KAR 100:180	10-09-2024	Remain in Effect without Amendment
907 KAR 001:045	10-21-2024	Remain in Effect without Amendment

## CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
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 017:020	03-26-2025	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 001:200	04-23-2025	Remain in Effect without Amendment
910 KAR 001:200	04-23-2025	To be amended; filing deadline 10-24-2026
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 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 49<sup>th</sup> 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>.

Regulation Number	Date Corrected	Regulation Number	Date Corrected
201 KAR 020:095	1-3-2025	810 KAR 007:060	7-1-2024
201 KAR 020:506	6-25-2024	810 KAR 007:070	7-1-2024
401 KAR 051:001	3-7-2025	810 KAR 008:010	7-1-2024
704 KAR 003:307	3-4-2025	810 KAR 008:020	7-1-2024
806 KAR 017:585	8-1-2024	810 KAR 008:025	7-1-2024
806 KAR 039:030	11-12-2024	810 KAR 008:025	7-1-2024
808 KAR 015:030	12-9-2024	810 KAR 008:025	7-1-2024
809 KAR 001:002	7-1-2024	810 KAR 008:040	7-1-2024
809 KAR 001:003	7-1-2024	810 KAR 008:050	7-1-2024
809 KAR 010:001	7-1-2024	810 KAR 008:060	7-1-2024
809 KAR 010:002	7-1-2024	810 KAR 008:070	7-1-2024
809 KAR 010:003	7-1-2024	810 KAR 009:010	7-1-2024
809 KAR 010:004	7-1-2024		
809 KAR 010:005	7-1-2024		
809 KAR 010:006	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		
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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		
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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		
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810 KAR 006:030	7-1-2024		
810 KAR 007:010	7-1-2024		
810 KAR 007:020	7-1-2024		
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## SUBJECT INDEX

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*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)*  
*Examiners of Psychology (201 KAR Chapter 026)*  
*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)*  
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*Tax Appeals (KAR Title 802)*  
*Veterinary Examiners (201 KAR Chapter 016)*

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