



Administrative Register of Kentucky

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ADMINISTRATIVE REGISTER OF KENTUCKY

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

MEETING NOTICES

The Administrative Regulation Review Subcommittee is tentatively scheduled to meet on June 10, 2025, at 1:00 p.m. in room 149 Capitol Annex.
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The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2018 Edition of the
KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE.

HOW TO CITE: Cite all material in the **ADMINISTRATIVE REGISTER OF KENTUCKY** by Register Year number and Page number. Example: 51st Year of the Kentucky Register, page 318 (short form: 51 Ky.R. 318).

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

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

ADMINISTRATIVE REGISTER OF KENTUCKY

(ISSN 0096-1493)

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The Administrative Register of Kentucky is published monthly by the Legislative Research Commission, 700 Capitol Avenue, Room 300, Frankfort, Kentucky 40601. Subscription rate, postpaid in the United States: \$120 (plus 6% Kentucky sales tax) per year for 12 issues, beginning in July and ending with the June issue of the subsequent year. Periodical postage paid at Frankfort, Kentucky. POSTMASTER: Send address changes to Administrative Register of Kentucky, 702 Capitol Avenue, Room 76, State Capitol Annex, Frankfort, Kentucky 40601.

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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for informational review of regulations, removed to either complete the public comment process, or are deferred or withdrawn by promulgating agencies.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, June 10, 2025 at 1:00 p.m.
Annex Room 149



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

OFFICE OF THE GOVERNOR

Department of Veterans' Affairs

State Veteran's Nursing Home

[017 KAR 003:042](#). Eligibility requirements to state veterans' nursing homes.

DEPARTMENT OF LAW

Kentucky Opioid Abatement Advisory Commission

[040 KAR 009:020](#). Local government application procedure. (Not Amended After Comments)

PERSONNEL CABINET

Personnel Cabinet, Classified

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

[101 KAR 002:102](#). Classified leave general requirements. (Not Amended After Comments)

Personnel Cabinet, Unclassified

[101 KAR 003:015](#). Leave requirements for unclassified service. (Not Amended After Comments)

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

BOARDS AND COMMISSIONS

Board of Pharmacy

[201 KAR 002:045](#). Technicians.

[201 KAR 002:165](#). Transfer of prescription information.

[201 KAR 002:416](#). Pharmacy annual reporting of cost of dispensing data. (Filed with Emergency; "E" exp. extended to 10-15-2025) (Amended After Comments) (Deferred from May)

Board of Nursing

[201 KAR 020:240](#). Fees for applications and services.

[201 KAR 020:600](#). Standards for training programs for licensed certified professional midwives

[201 KAR 020:620](#). Licensing requirements for licensed certified professional midwives.

Board of Social Work

[201 KAR 023:012E](#). Social Work Licensure Compact. (Filed with Ordinary) ("E" expires 01-10-2026)

Board of Psychology

[201 KAR 026:320](#). Per diem and reimbursement.

KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

Kentucky Fire Commission

Commission on Fire Protection Personnel Standards and Education

[739 KAR 002:050](#). Volunteer fire department aid.

[739 KAR 002:140](#). Fire department reporting requirements.

PUBLIC PROTECTION CABINET

Department of Insurance

Agents, Consultants, Solicitors and Adjusters

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

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) (Not Amended After Comments)

[807 KAR 005:015](#). Access and attachments to utility poles and facilities. (Filed with Emergency; "E" expires 11-22-2025)

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)

[907 KAR 001:835](#). Michelle P. waiver services and reimbursement. (Filed with Emergency; "E" exp. extended to 10-21-2025) (Not Amended After Comments)

Payment and Services

[907 KAR 003:100](#). Reimbursement for acquired brain injury waiver services. (Filed with Emergency; "E" exp. extended to 10-21-2025) (Not Amended After Comments)

[907 KAR 003:210](#). Acquired brain injury long-term care waiver services and reimbursement. (Filed with Emergency; "E" exp. extended to 10-21-2025) (Not Amended After Comments)

Certified Provider Requirements

[907 KAR 007:015](#). Reimbursement for home and community based waiver services version 2. (Not Amended After Comments) (Comments Received; SOC ext., due 05-15-2025)

Hospital Service Coverage and Reimbursement

[907 KAR 010:840](#). Hospital Rate Improvement Program. (Filed with Emergency; "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. (Not Amended After Comments)

[907 KAR 016:010](#). 1915(i) RISE Initiative Home and Community-Based Services (HCBS); Participant Eligibility. (Not Amended After Comments)

[907 KAR 016:015](#). Recovery, Independence, Support & Engagement (RISE) Initiative 1915(i) Home and Community-Based Services (HCBS); Provider Participation and Enrollment. (Not Amended After Comments)

[907 KAR 016:020](#). 1915(i) Home and Community-Based Services (HCBS) Recovery, Independence, Support & Engagement (RISE) Initiative; Covered Services. (Not Amended After Comments)

[907 KAR 016:025](#). Recovery, Independence, Support & Engagement Initiative (RISE) Program reimbursement provisions and requirements. (Not Amended After Comments)

****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.

COMPILER'S NOTE: 2025 RS HB 6, enacted by the General Assembly on March 27, 2025, altered the information to be provided at the time an administrative regulation is filed. Aside from formatting changes necessary to upload the regulation into the LRC's publication application, this regulation has been published as submitted by the agency.

**STATEMENT OF EMERGENCY
307 KAR 1:070E.**

This emergency administrative regulation is necessary to immediately establish and implement the requirements for the distribution of limited funds authorized by the General Assembly for the Kentucky Entertainment Incentive Program in 2025 Ky. Acts ch. 162, sec. 11 (2025 HB 622). The Cabinet for Economic Development will use additional processes to ensure the funds are used to maximize the benefits to the Commonwealth as expressed in the General Assembly's statement of the Program's purpose. The emergency administrative regulation sets forth the process, including eligibility, applications, approvals, and fee obligations. This emergency administrative regulation will not be replaced by an ordinary administrative regulation because of the changes to the Kentucky Entertainment Incentive Program structure that will become effective on July 1, 2025 pursuant to 2025 Ky. Acts ch. 91 (2025 SB 1).

ANDY BESHEAR, Governor
JEFF NOEL, Secretary

**CABINET FOR ECONOMIC DEVELOPMENT
(New Emergency Administrative Regulation)**

307 KAR 1:070E. Kentucky Entertainment Incentive Program.

EFFECTIVE: May 15, 2025

RELATES TO: KRS 154.12-100, 154.20-010, 154.20-020, 154.20-033, 154.61-010

STATUTORY AUTHORITY: KRS 154.10-030(26), 154.10-050(3), 154.12-100(3), 154.20-010(9), 154.20-020(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 154.10-030(26), 154.12-100(3), 154.20-010(9), and 154.20-020(2), authorize the Kentucky Partnership Board and the Kentucky Economic Development Finance Authority, through the Cabinet for Economic Development and its Secretary, to establish procedures and standards for the cabinet's programming, including the Kentucky Entertainment Incentive Program. This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the KRS Chapter 154.61 incentives.

Section 1. Definitions.

(1) "Above-the-line production crew" is defined by KRS 154.61-010(1).

(2) "Approved company" is defined by KRS 154.61-010(3).

(3) "Applicant" means an eligible company submitting an application for incentives under KRS 154.61-030.

(4) "Application" means an application for tax incentives filed with the cabinet pursuant to KRS 154.61-030.

(5) "Authority" is defined by KRS 154.61-010(4).

(6) "Below-the-line production crew" is defined by KRS 154.61-010(5).

(7) "Cabinet" is defined by KRS 154.61-010(6).

(8) "Commonwealth" is defined by KRS 154.61-010(7).

(9) "Common ownership" means two or more legal entities, such as corporations, limited liability companies, partnerships, and the like, where:

(a) The entities are owned by the same person(s);

(b) The same person(s) serves as officer(s) and/or director(s) of those entities; or

(c) The majority of one entity is owned by one or more of the other entities.

(10) "Compensation" is defined by KRS 154.61-010(8).

(11) "Continuous film production" is defined by KRS 154.61-010(9).

(12) "Eligible company" is defined by KRS 154.61-010(11).

(13) "Employee" is defined by KRS 154.61-010(12).

(14) "Enhanced incentive county" is defined by KRS 154.61-010(13).

(15) "Financial interest" means a pecuniary interest that a reasonable person would expect to influence the impartiality of the transaction.

(16) "Kentucky-based company" is defined by KRS 154.61-010(16).

(17) "Kentucky vendor" means an individual or entity that:

(a) Sells or rents a type of property of which more than a de minimis amount is regularly held in its inventory in the ordinary course of business in Kentucky, or provides a service not performed at the filming site but in Kentucky, which is the subject of the production expenditure, in its ordinary course of business;

(b) Has a physical location in Kentucky with at least one Kentucky resident employee working at such location on a regular basis. Registering with the Kentucky Secretary of State or appointing a registered agent in Kentucky does not establish a physical location in Kentucky for purposes of this definition;

(c) Is registered with the Kentucky Department of Revenue for collection of sales and use tax where required by law;

(d) Has a local Kentucky business license where required by law. The approved company is required to obtain a copy of the license from any Kentucky vendor where the total amount of purchases exceed \$50,000 for such vendor during the period considered in the application and approval by the authority; and

(e) For services rendered on set, such persons or vendors providing such services, are identified on the daily production reports or other reasonable evidence that such services were rendered on set is provided;

(18) "Negotiated" means an arm's-length transaction between two or more parties who are unrelated and unaffiliated, and entered into voluntarily in an open market where the parties acted in their own self-interest.

(19) "Non-resident" is any individual not meeting the definition of a "resident" under KRS 154.61-010(22).

(20) "Pass-through entity" is defined by KRS 141.010(7).

(21) "Person" is defined by KRS 154.61-010(20).

(22) "Program" means the Kentucky Entertainment Incentive Program established by KRS 141.383, 154.61-020, and 154.61-030.

(23) "Qualifying expenditure" is defined by KRS 154.61-010(21).

(24) "Qualifying payroll expenditure" is defined by KRS 154.61-010(22).

(25) "Resident" is defined by KRS 154.61-010(23).

Section 2. Qualifying Payroll Expenditures under the Kentucky Entertainment Incentive Program.

(1) Qualifying payroll expenditures submitted to the cabinet by an approved company shall only include those expenditures made in Kentucky for services performed in the Commonwealth by above-the-line production crew or below-the-line production crew.

(2) When submitting qualifying payroll expenditures for above-the-line production crew, an approved company shall demonstrate to the cabinet that the employee's salary was negotiated prior to commencement of the production. Salaries paid to employees with a financial interest in the approved company shall not be considered negotiated and shall not meet the requirements of a qualifying payroll expenditure.

(3) When submitting qualifying payroll expenditures made in the Commonwealth for services performed in the Commonwealth, an approved company shall demonstrate to the cabinet that the service was rendered on-set or rendered within the Commonwealth. Compensation for services conducted or rendered both in the Commonwealth and outside of the Commonwealth shall only qualify as a qualified payroll expenditure to the extent the service is physically rendered in the Commonwealth. If an approved company is unable to track the cost of the services physically rendered in Commonwealth, then some other reasonable method which approximates the cost of the services rendered in the Commonwealth may be used to determine the amount attributable to the Commonwealth subject to adjustment by the cabinet.

Section 3. Qualifying Expenditures under the Kentucky Entertainment Incentive Program.

(1) An approved company submitting qualifying expenditures to the cabinet shall only include expenditures made in the Commonwealth for one or more of the categories listed in KRS 154.61-010(21)(a)(1) through (9).

(2) Expenditures shall be considered made in the Commonwealth where they are made to a Kentucky vendor.

(3) Expenditures shall not be considered to be made in the Commonwealth when those expenditures are paid to a Kentucky vendor acting as a conduit, waypoint, or pass-through entity solely to enable the purchases or rentals to qualify as qualifying expenditures.

(4) Expenditures made to individuals or entities that share common ownership or a financial interest with an approved company are not qualifying expenditures. Common ownership extends to parent companies, subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the approved company.

(5) Failing to provide documentation when requested by the cabinet shall result in expenditures being disqualified and the claimed qualifying expenditure being excluded.

Section 4. Application Requirements.

(1) Applicants seeking incentives under the program shall submit an application to the cabinet that includes:

- (a) The name and address of the applicant;
- (b) Verification that the applicant is a Kentucky-based company;
- (c) The preliminary production script or a detailed synopsis of the script;
- (d) The locations where the filming or production will occur;
- (e) The anticipated date on which filming or production shall begin in Kentucky;
- (f) The anticipated date on which the applicant will complete incurring expenditures in Kentucky;
- (g) The total anticipated qualifying expenditures;
- (h) The total anticipated qualifying payroll expenditures for resident and nonresident above-the-line crew by county;
- (i) The total anticipated qualifying payroll expenditures for resident and nonresident below-the-line crew by county;
- (j) The address of a Kentucky location at which records of the production will be kept;

(k) An affirmation that if not for the incentive offered under this subchapter, the eligible company would not film or produce the production in the Commonwealth;

(l) Proof of funding for the project. Acceptable proof shall include:

- 1. Film completion bond or SAG bond or IATSE bond;
- 2. Payroll statements;
- 3. Bank statements;
- 4. Financing or funding agreements; or
- 5. Commitment letters.

(m) Whether the applicant has a distribution contract for the project; and

(n) Whether the applicant has previously received approval for incentives under the program, and, if so, shall specify the year(s) of such approval and amount(s) of incentives received in each year. This information shall include incentives received by any other entity with common ownership or any individual with a financial interest in the applicant. Common ownership extends to parent companies,

subsidiaries, or any other related individuals or entities deriving income, profits, or loss from the applicant.

(2) Applicants shall submit a completed application no later than fifteen (15) calendar days prior to the date upon which applicant seeks to have the application reviewed by the Authority.

(3) Within ten (10) calendar days of receiving an application, the cabinet shall notify the applicant:

(a) That the cabinet received the application;

(b) Whether, upon initial review, the applicant appears to meet the criteria of an eligible company or whether the cabinet requires additional verification or documentation; and

(c) That, provided the applicant has not exceeded the individual incentive limitation set forth in Section 5 of this regulation, either:

1. Based upon the annual allocated funds for the program, enough uncommitted incentives remain in the program's calendar year to move forward with an economic analysis and ranking of the application; or

2. Based upon the remaining annual allocated funds for the program, the cabinet will not move forward with the application.

Section 5. Incentive Awards. To effectuate the purposes of the program set forth in KRS 154.61-020(1), the cabinet shall:

(1) limit the amount of incentive awards received by any single approved company, not otherwise meeting the definition of continuous film production, to no more than ten percent (10%) of the total annual tax credit cap under KRS 154.61-020(4). In determining whether this limit has been met, the cabinet shall consider the applicant in conjunction with any approved company sharing common ownership or a financial interest with the applicant; and

(2) limit the amount of incentive awards approved for all applicants in any single calendar month to no more than ten (10) percent of the total annual tax credit cap under KRS 154.61-020(4). In the event the amount of incentive awards approved does not meet the ten (10) percent limitation set forth in this subsection, the remainder shall carry forward to the subsequent calendar month.

Section 6. Economic Analysis.

(1) The cabinet shall conduct an economic analysis of each application.

(2) The analysis shall evaluate each application on:

- (a) The percentage of spend in the Commonwealth in relation to the total amount anticipated to be spent on a project;
- (b) The percentage of total production costs in Kentucky compared to above-the-line and below-the-line production crew costs;
- (c) The anticipated percentage of project filming in enhanced incentive counties;
- (d) The percentage of anticipated employed Kentucky residents and total above-the-line and below-the-line production crew;
- (e) The amount of time filming will occur in Kentucky; and
- (f) The presence of a distribution contract.

(3) The cabinet shall then rank each application submitted under the program based upon the program's purposes set forth in KRS 154.61-020(1)(a) through (d). Ranking shall prioritize applications with more Kentucky-based jobs, employed Kentucky residents, and percentage of spend going to Kentucky-based vendors in relation to the total amount of proposed spend on a project or incentives sought by an eligible company.

(4) Upon completion of the project, submission of qualifying expenditures and qualifying payroll expenditures, and certification of eligible expenditures by an independent certified public accountant, the cabinet may reduce the approved incentive amount to an approved company based upon the variation between the approved company's application for incentives and actual expenditures submitted to the cabinet.

Section 7. Fees. Applicants seeking incentives under the program shall include with their application:

(1) A nonrefundable application fee in the amount of:

(a) Two hundred fifty dollars (\$250) where the total amount of qualifying expenditures and qualifying payroll expenditures is less than fifty thousand dollars (\$50,000);

(b) Five hundred dollars (\$500) where the total amount of qualifying expenditures and qualifying payroll expenditures is between fifty thousand dollars (\$50,000) and one hundred thousand dollars (\$100,000); or

(c) One thousand dollars (\$1,000) where the total amount of qualifying expenditures and qualifying payroll expenditures is more than one hundred thousand dollars (\$100,000); and

(2) An administrative fee of one-half of one percent (0.5%) of the estimated amount of tax incentive sought or five hundred dollars (\$500), whichever is greater.

JEFF NOEL, Secretary

APPROVED BY AGENCY: May 14, 2025

FILED WITH LRC: May 15, 2025 at 10:24 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 24, 2025 at 10:00 a.m. Eastern Time at the Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 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: Matthew Wingate, General Counsel, Cabinet for Economic Development, Mayo Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, phone: (502) 782-1948, fax (502) 564-3256, email: matthew.wingate@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Matthew Wingate and Dawn Powers

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, criteria, fee structure, and economic analysis to evaluate applications for the Kentucky Entertainment Incentive Program.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to administer the Kentucky Entertainment Incentive Program as required by statute.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program.

(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 a framework for prioritizing applications based upon the purpose of the Kentucky Entertainment Incentive Program statutes.

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

(a) How the amendment will change this existing administrative regulation: N/A.

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

(c) How the amendment conforms to the content of the authorizing 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 impacts the applicants to the Kentucky Entertainment Incentive Program.

(4) Provide an analysis of how the entities identified in question (3)

will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Regulated entities will be able to participate in the Kentucky Entertainment Incentive Program through the established process.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Recipients will be able to participate in the Kentucky Entertainment Incentive Program.

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

(a) Initially: No expenses or an unknown amount will be incurred.

(b) On a continuing basis: No expenses or an unknown amount will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Pursuant to KRS 154.61-020, the total tax incentive amount of the Kentucky Entertainment Incentive Program is \$75,000,000. Sources of funding for staffing are provided from General Funds provided to the Cabinet and restricted funds from application fees as set by KRS 154.61-030(5).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: KRS 154.61-030(5) establishes the fees used in this administrative regulation. This regulation does not increase any fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 154.10-030(26), 154.10-050(3), 154.12-100(3), 154.20-010(9), 154.20-020(2), 154.61-010, 154.61-020, 154.61-030.

(2) Identify the promulgating agency and any other affected state units, parts, or divisions: Cabinet for Economic Development, other agencies have not been identified.

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.

(3) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? The Cabinet does not expect a change to revenues or cost savings in subsequent years.

(4) Identify additional regulated entities not listed in questions (2) or (3): Additional regulated entities include applicants to the Kentucky

Entertainment Incentive Program.

(a) Estimate the following for the first year:

Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation.

Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation.

Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(b) How will expenditures, revenues, or cost savings differ in subsequent years? Expenditures: The Cabinet does not anticipate expenditures as a result of this administrative regulation. Revenues: The Cabinet does not anticipate revenues as a result of this administrative regulation. Cost Savings: The Cabinet does not anticipate cost savings as a result of this administrative regulation.

(5) Provide a narrative to explain the:

(a) Fiscal impact of this administrative regulation: The administrative regulation implements the application process and review criteria and requirements for the Kentucky Entertainment Incentive Program. The administrative regulation does not create a fiscal impact.

(b) Methodology and resources used to determine the fiscal impact: N/A.

(6) Explain:

(a) Whether this administrative regulation will have an overall negative or adverse major economic impact to the entities identified in questions (2) - (4). (\$500,000 or more, in aggregate) The administrative regulation will not have a major economic impact – as defined by KRS 13A.010 – on regulated entities.

(b) The methodology and resources used to reach this conclusion: This administrative regulation does not create a 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 Medicaid Services
Division of Fiscal Management
(Emergency As Amended at ARRS, May 13, 2025)

907 KAR 10:840E. Hospital Rate Improvement Program.

EFFECTIVE: May 13, 2025

RELATES TO: KRS 45.229, 142.303, 205.565, 205.637, 205.638, 205.639, 205.640, 205.6405, 205.6406, 205.6407, 205.6408, 216.380, 42 C.F.R. 413.17, 433.51, 438.340, **438.6**, 440.140, 447.271, 447.272, 42 U.S.C. 1396a, 1395ww

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.560, 205.6406(13), 205.6411, 205.6412, 42 C.F.R. 447.252, 447.253, 42 U.S.C. 1396a

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed, or opportunity presented, by federal law to qualify for federal funds. KRS 205.6406(13) requires the department to promulgate an administrative regulation to implement the Hospital Rate Improvement Program, KRS 205.6405 to 205.6408. This administrative regulation establishes the requirements for implementing the Hospital Rate Improvement Program for qualifying hospitals.

Section 1. Definitions.

- (1) "Assessment" is defined by KRS 205.6405(1).
- (2) "Department" means the Department for Medicaid Services or its designee.
- (3) "Federal financial participation" is defined by 42 C.F.R. 400.203.
- (4) "Program year" is defined by KRS 205.6405(14).
- (5) "Qualifying hospital" is defined by KRS 205.6405(16).
- (6) "Received date" means the date a claim is accepted and approved into the Medicaid Management Information System and does not mean the date a claim is actually paid.
- (7) "Upper payment limit" or "UPL" is defined by KRS 205.6405(19).

Section 2. Hospital Rate Improvement Program.

(1) Prior to the start of each program year and in accordance with the payment methodology required by KRS 205.6406(2), the department shall calculate for each qualifying hospital:

- (a) A per-discharge uniform add-on amount that the qualifying hospital is eligible to receive as a supplemental payment for the program year for Medicaid fee-for-service discharges; and
- (b) A per discharge uniform add-on amount that the qualifying hospital is eligible to receive as a supplemental payment for the program year for Medicaid managed care discharges.

(2) With the exception of the initial implementation year, no less than thirty (30) days prior to the beginning of each program year, the department shall provide each qualifying hospital written notice of the total per-discharge uniform add-on amounts for both Medicaid fee-for-service and Medicaid managed care discharges. The notice shall include the data sources and methodologies used to arrive at the value for each variable upon which the qualifying hospital's per-discharge uniform add-on amounts shall be calculated for the program year.

(3) For each quarter in a program year, the department shall:

- (a) Calculate each qualifying hospital's supplemental payments for Medicaid fee-for-service and Medicaid managed care in accordance with KRS 205.6406(3) through (11) by:

1. Excluding all inpatient claims with discharge dates preceding October 1, 2018 from enhanced payment calculations;

2. Reducing the number of inpatient claims eligible for enhanced reimbursement by the number of previously enhanced claims that have been voided in the Medicaid Management Information System; and

3. Excluding from enhanced payment calculations partial or adjusted inpatient claims that have previously received an enhanced payment;

(b) Make a quarterly Medicaid fee-for-service supplemental payment to each qualifying hospital, or its designee acting as a fiscal intermediary, in accordance with the methodology in KRS 205.6406(3)(a) and (c); and

(c) Make a quarterly Medicaid managed care supplemental payment to each qualifying hospital, or its designee acting as a fiscal intermediary, in accordance with the methodology in KRS 205.6406(3)(b), (d), and (e).

(4) Payment of the quarterly Medicaid managed care supplemental payment shall be made by distribution to each Medicaid managed care organization through a quarterly supplemental capitation payment.

(5) The department shall submit with, or prior to, the quarterly supplemental capitation payment directions to the Medicaid managed care organization for the payment of the quarterly Medicaid managed care supplemental payments to qualifying hospitals.

(6) In accordance with KRS 205.6406(6), each Medicaid managed care organization shall remit to each qualifying hospital, or its designee, as directed by the department the quarterly Medicaid managed care supplemental payment within five (5) business days of receipt of the quarterly supplemental capitation payment. The department shall establish contractual penalty provisions to require that each Medicaid managed care organization remit the required amounts within five (5) business days.

(7) In accordance with KRS 205.6406(9), a qualifying hospital may seek review by the department of any quarterly supplemental payment that the qualifying hospital suspects is in error.

(a) The qualifying hospital shall submit a detailed listing of any disputed claim or claims for department consideration and potential updates to the Medicaid Management Information System.

(b) Once each claim is received and validated in the Medicaid Management Information System, the department shall adjust the qualifying hospital's future quarterly supplemental payment to account for any warranted correction.

(c) If the department determines that a correction is not warranted, the hospital may request an administrative appeal pursuant to 907 KAR 1:671.

(8) In order to receive a supplemental payment and to pay the assessment for that quarter, an entity shall be a qualifying hospital each day of a quarter for the program year.

(9) Medicaid Management Information System (MMIS) fee-for-service and managed care encounter data, queried by the claim received date, shall be utilized to calculate the quarterly payments.

(10) For each quarter in a program year, the department shall:

(a) Calculate each qualifying hospital's per-discharge hospital assessment in accordance with the methodology in KRS 205.6406(3)(g) and (h); and

(b) Provide notice to each qualifying hospital in accordance with KRS 205.6406(3)(i).

(11) A qualifying hospital's per-discharge hospital assessment shall be calculated using the Medicare cost report period ending in the calendar year that is two (2) calendar years prior to the first day of a program year. For example, for the program year beginning July 1, 2019, cost report periods ending in calendar year 2017 shall be utilized.

(a) If a qualifying hospital's cost report period referenced in this subsection is greater than or less than a normal calendar year of 365

days, the total discharges used in accordance with KRS 205.6406(3)(g) shall be annualized to a 365-day period.

(b) If a qualifying hospital is newly enrolled in the Medicaid program and does not have cost report information available for the period established in this subsection, the department may utilize the cost report information of a comparable hospital to approximate the newly enrolled hospital's utilization.

(12) A qualifying hospital shall pay its calculated per-discharge hospital assessment in accordance with KRS 205.6406(7).

(13) If a hospital assessment is not received in a timely manner, the department may deny or withhold future quarterly supplemental payments until the assessment is submitted.

(14) A qualifying hospital may authorize a third-party entity to serve as a fiscal intermediary to facilitate the implementation of this administrative regulation by providing letter notice to the department.

Section 3. Reporting Requirements.

(1) Throughout a program year, a qualifying hospital shall submit any documentation or information to the department that the department requests in a timely manner as designated by the department. This request may include any documentation pertaining to:

(a) Resolution of a quarterly supplemental payment that the qualifying hospital suspects is in error; or

(b) Quality metrics set forth in the department's Quality Strategy filed with the Centers for Medicare and Medicaid Services pursuant to 42 C.F.R. 438.340.

(2) If a qualifying hospital fails to provide the department with any requested documentation in a timely manner, the department may deny or withhold future quarterly supplemental payments, until the documentation is submitted.

Section 4. Kentucky Trauma Hospital Rate Improvement (K-THRI).

(1) If consistent with federal approval, the department shall operate K-THRI as a supplemental payment arrangement that provides an average commercial rate reimbursement for inpatient hospital services, outpatient hospital services, and professional services.

(a) The methodology for determining a rate increase shall be applied equally to all providers within K-THRI.

(b) Adjustments to payments shall be made as necessary to ensure that aggregate hospital rate improvement program payments and K-THRI payments do not exceed the statewide average commercial rate limit.

(c) K-THRI payments shall be made by distribution to each Medicaid managed care organization through a quarterly supplemental capitation payment.

(d) The department shall submit with, or prior to, the K-THRI payment directions to the Medicaid managed care organization for the payment of the quarterly K-THRI payment to qualifying hospitals.

(e) In accordance with KRS 205.6406(6), each Medicaid managed care organization shall remit to each qualifying hospital, or its designee, as directed by the department the K-THRI supplemental payment within five (5) business days of receipt of the quarterly K-THRI supplemental capitation payment. The department shall establish contractual penalty provisions to require that each Medicaid managed care organization remit the required amounts within five (5) business days.

(f) The payments received by the K-THRI providers shall be reconciled to actual utilization on a quarterly basis after a reasonable claims runout period. Future payments shall be withheld or increased in order to reconcile K-THRI hospitals to the amount of the enhanced payment.

(2)

(a) Twenty (20) percent of the amount calculated shall be determined by the department and withheld by the managed care organization.

(b) The amount withheld shall be subject to the qualifying hospital meeting the requirements established pursuant to the separate university directed hospital rate improvement program established pursuant to 42 C.F.R. 438.6[an annual

listing of twenty-one (21) performance quality measures established by the department]. The quality measures shall be identical to the performance measures that academic hospitals meet under the separate hospital rate improvement program for academic hospitals.

(c) In order to be eligible for a quality performance payment, a K-THRI provider shall meet the performance target on the[at least seven (7) of the twenty-one (21)] annual metrics listed pursuant to paragraph (b) of this section.

(d) If less than the established performance target[seven (7) of the twenty-one (21)] metrics are met, there shall be no partial payment of the quality performance payment.[For illustrative purposes only, a K-THRI provider meeting criteria for five (5) of the twenty-one (21) metrics would not receive any partial or pro-rated quality withhold payment.]

(e) The initial performance targets shall be a two (2) percent improvement over the most recent program year's established targets.

(f) In order to qualify for evaluation pursuant to this subsection a measure shall have at least twenty (20) cases in the K-THRI hospital during the evaluation period. A measure that does not meet the twenty (20) case threshold shall be considered as a reporting-only measure and shall not be included in determining the value-based payments.

(3) Consistent with KRS 205.6412, in order to be eligible for the K-THRI portion of the HRIP program, a provider shall:

(a) Have a trauma center that has received a designation as of Level II, III, or IV;

(b) Be located in a county with a higher proportion of residents enrolled in Medicaid than the statewide median; and

(c) Have an agreement with a university affiliated graduate medical education program or a pediatric teaching hospital to host and provide clinical rotations at that facility to train providers.

(4) The methodology for determining a rate increase under this Section shall be applied to all qualifying hospitals equally as a uniform dollar increase.

Section 5. Upper Payment Limit. A supplemental payment referenced in this administrative regulation is not intended to cause aggregate Medicaid hospital reimbursement to exceed the aggregate statewide upper payment limit for privately-owned and non-state government-owned hospitals established in:

(1) 42 C.F.R. 447.271;

(2) 42 C.F.R. 447.272; or

(3) Any other applicable statute or administrative regulation.

Section 6.[Section 5.] Federal Approval and Federal Financial Participation. The department's coverage of services pursuant to this administrative regulation shall be contingent upon:

(1) Receipt of federal financial participation for the coverage; and

(2) Centers for Medicare and Medicaid Services' approval for the coverage.

FILED WITH LRC: May 13, 2025

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

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

OFFICE OF ATTORNEY GENERAL
Opioid Abatement Advisory Commission
(As Amended at ARRS, May 13, 2025)

40 KAR 9:010. General application procedure.

RELATES TO: KRS 15.291, 15.293

STATUTORY AUTHORITY: KRS 15.291(6)~~15.293~~
NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.291(6) requires the Kentucky Opioid Abatement Advisory Commission [~~the~~ **"commission" or "KYOAAC"**] to promulgate administrative regulations to administer funds received by the commission. This administrative regulation establishes the application procedure for funding requests under KRS 15.291 and 15.293, the duties required of the commission, the duties required of those that receive commission funds, and other related issues.

Section 1. Definitions.

- (1) "Entity" is defined by KRS 14A.1-070(7).
- (2) "Governmental agency" is defined by KRS 65.940(5).
- (3) **"KYOAAC" or "commission" means the Kentucky Opioid Abatement Advisory Commission.**

(4) "Member" means a commission member as established in KRS 15.291(2), whether voting or non-voting.

Section 2. Eligible Applicants. An entity or governmental agency shall be eligible for opioid abatement funding if the entity or governmental agency:

(1) Submits an application through the online KYOAAC Grant Portal, which shall be available at or linked to from [at] <https://ag.ky.gov/Resources/Opioid-Commission/Pages/default.aspx> [h] <https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission-.aspx>;

(2) Complies with the requirements established in this administrative regulation;

(3) Meets the criteria in KRS 15.291(5); and

(4) Is not debarred or suspended from contracting with the Commonwealth.

Section 3. Application.

(1) To submit an application using the KYOAAC Grant Portal, an applicant shall be required to become an approved state vendor.

(2) Non-conforming or incomplete applications shall not be considered.

Section 4. Review of Applications.

(1) The commission shall review applications and distribute funds at least once per year [~~on a continuous basis~~].

(2) If the commission requests supplementation of an application, or otherwise inquires about an application, the point of contact shall acknowledge receipt within seven (7) calendar days and subsequently respond to the commission **within thirty (30) calendar days in a timely manner**. Failure to do so shall result in the application being deemed withdrawn.

(3) Contingent upon available funding, the commission shall fund a successful [an] application in whole or in part, if the funding does not exceed the sum requested in the application.

(4) In awarding funds, the commission shall consider:

(a) Compliance with applicable law;

(b) The entity or governmental agency's record and responsibility in utilizing effectively any funds received previously from the commission or from the counties, consolidated local governments, urban county governments, and cities of the Commonwealth, as established in KRS 15.293(4);

(c) The geographic reach of the application;

(d) Amounts received by an entity or governmental agency from the commission or from the counties, consolidated local

governments, urban county governments, and cities of the Commonwealth, as established in KRS 15.293(4);

(e) [~~The utility and effectiveness of any part of the application;~~]

(f) [~~The~~] The extent to which Kentucky residents are served by the application;

(g) [~~The~~] The extent to which prior allocations from the commission have served similar purposes;

(h) [~~The~~] The extent to which the application proposes to serve a portion of the population that otherwise would not receive similar services;

(i) [~~The~~] The extent to which the application proposes to incorporate relevant partnerships that are likely to increase the efficiency and effectiveness of programming;

(j) [~~The~~] The extent to which the application **aligns with the funding priorities set annually and published by the commission** [~~proposes, among other things, to educate the public about opioid misuse and opioid use disorder, reduce the occurrence of opioid misuse and opioid use disorder, promote resistance to opioid misuse and opioid use disorder, promote the effective treatment of opioid use disorder, or combat the effects of opioid misuse, including co-occurring mental health issues;~~];

(k) [~~The~~] The extent to which the application activities align with accepted evidence-based practices; or

(l) [~~The~~] The sufficiency of records to validate the requested amounts.

Section 5. Recipients' Duties.

(1) Entities and governmental agencies that receive funding shall submit regular financial reports through the KYOAAC grant portal as required by contract [~~notarized quarterly certifications to the commission due by:~~]

(a) [~~March 31;~~]

(b) [~~June 30;~~]

(c) [~~September 30; and~~]

(d) [~~December 31.~~]

(2) [~~Entities and governmental agencies shall submit certifications using the KYOAAC Certification Form.~~]

(3) [~~Certifications shall be required until the recipient exhausts all funds received from the commission and until the recipient has submitted a certification stating that all funds have been exhausted.~~]

(4) [~~Separate certifications shall be required for each funding award.~~]

Section 6. Noncompliance.

(1) Noncompliance shall include:

(a) Materially falsified information in any certifications filed pursuant to or required by KRS 15.291, KRS 15.293, or 40 KAR Chapter 9;

(b) Failure to meet grant reporting [~~certification submission~~] deadlines; and

(c) Failure to expend funds in conformity with the enumerated purposes established in KRS 15.291, pursuant to KRS 15.293(5).

(2) The commission shall require entities or governmental agencies to reimburse the commission for any funds expended in a noncompliant manner.

(3) The commission shall require noncompliant entities or governmental agencies to forfeit any remaining funds received from the commission.

(4) The commission shall bar noncompliant entities or governmental agencies from receiving funds from the commission.

(5) The commission shall report noncompliance to the Department of Law for appropriation determination as to if further action is necessary to ensure compliance with opioid-related agreements.

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Section 7. Commission Appointments. The term of a member appointed pursuant to KRS 15.291(3)(b) shall begin upon the commission's first meeting after the member's appointment.

Section 8. Incorporation by Reference.

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

[(a)] "KYOAC Grant Portal," available at or linked to from <https://ag.ky.gov/Resources/Opioid-Commission/Pages/default.aspx> [~~<https://ag.ky.gov/Priorities/Tackling-the-Drug-Epidemic/Pages/Opioid-Abatement-Advisory-Commission.aspx>~~], is incorporated by reference[- and]

[(b)] [KYOAC-Certification-Form, December 2022].

(2) This material shall be inspected, copied, or obtained, subject to copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

FILED WITH LRC: May 13, 2025

CONTACT PERSON: Jessica Bowman, Executive Advisor, Office of the Attorney General, 1024 Capital Center Drive, Frankfort, Kentucky 40601, phone (502) 696-5362, fax (502) 564-2894, email jbowman@ky.gov.

EDUCATION AND LABOR CABINET Kentucky Board of Education Department of Education (As Amended at ARRS, May 13, 2025)

701 KAR 5:055. Removal hearing procedures.

RELATES TO: KRS 156.132

STATUTORY AUTHORITY: KRS 156.070, 156.132

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.132 authorizes the Kentucky Board of Education to suspend or remove [~~local board of education members, -superintendents[-]~~] and public school officers upon a finding of misconduct or certain other offenses. This administrative regulation establishes procedures to be followed prior to and during the evidentiary hearing regarding the charges brought for suspension or removal.

Section 1. Definition. "Officer being charged" or "officer charged" means a [~~district board member, -superintendent of schools[-]~~] or other public school officer who is charged with an offense under KRS 156.132.

Section 2. Preliminary Matters. Before the matter is submitted for final decision, the statement of charges may be amended or supplemented. If the amended or supplemented statement of charges presents new charges, the officer being charged shall be afforded a reasonable opportunity, and not less than twenty (20) days, to prepare his defense.

Section 3. Prehearing Procedures.

(1) The testimony of a material witness may be taken by deposition if:

(a) The witness will be unavailable at the time and date of the scheduled hearing or the witness cannot be compelled to attend; and

(b) Written authorization of the hearing officer is provided or there is agreement of the parties.

(2) If there is no agreement between the parties, the party requesting the deposition shall file a written request with the hearing officer stating:

(a) The name and address of the witness whose testimony is desired;

(b) The nature and materiality of the testimony; and

(c) The reasons why the witness will be unable or cannot be compelled to attend the hearing.

(3) Upon a proper showing, the hearing officer may issue an interim order requiring the witness to appear and to testify by deposition.

(4) The request for deposition shall be filed as soon as it becomes known that a witness will be unavailable at the time and

date of the scheduled hearing. An objection shall be filed no more than three (3) days after the filing of the written request.

(5) The cost of the deposition shall be paid by the party requesting the deposition.

Section 4. Hearing Procedures.

(1) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B.

(2) At the request of a party or on his own volition, the hearing officer may reschedule a hearing if there is good cause or the parties agree to reschedule the hearing.

(3) The party seeking the continuance shall file with the hearing officer a written request stating the reason for the request or a statement indicating the agreement of the parties. If the request to reschedule is made by a party, the requesting party shall file the request at least ten (10) days prior to the scheduled hearing. An objection to the request shall be filed within three (3) days after the filing of the request.

This is to certify that the chief state school officer has reviewed and recommended this administrative regulation prior to its adoption by the Kentucky Board of Education, as required by KRS 156.070(5).

FILED WITH LRC: May 13, 2025

CONTACT PERSON: Todd G. Allen, General Counsel, Kentucky Department of Education, 300 Sower Boulevard, 5th Floor, Frankfort, Kentucky 40601, phone 502-564-4474, fax 502-564-9321, email regcomments@education.ky.gov.

PUBLIC PROTECTION CABINET Office of Claims and Appeals Board of Tax Appeals (As Amended at ARRS, May 13, 2025)

802 KAR 1:010. Tax appeal procedures.

RELATES TO: KRS [~~42.027, -~~]Chapter 13B, 49.220, 49.230, 49.240, 49.250[- EO 2020-708]

STATUTORY AUTHORITY: KRS 49.010, 49.020, 49.220(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 49.010(4)(b) and 49.020(7)(a) authorize[authorizes]the Office of Claims and Appeals to promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the office's statutory authority. [KRS 49.020(7)(a) grants the board the authority to promulgate, amend and repeal administrative regulations to carry out the provisions and purposes of the board's statutory authority.] [Executive Order 2020-708 ("Order") requires that the Kentucky Claims Commission be abolished and the Office of Claims and Appeals be immediately established within the Public Protection Cabinet, and to include the Board of Tax Appeals. The Order also sets forth the powers and duties of the Board of Tax Appeals, and authorizes the board to promulgate regulations necessary to immediately carry out the provisions and purposes of the Order and the board's statutory authority. KRS 49.020(5) authorizes the board to promulgate administrative regulations that are necessary to carry out the provisions and purposes of the board's statutory authority.] KRS 49.220(1) authorizes the board, with exclusive jurisdiction, to hear and determine appeals from final rulings, orders, and determinations of any agency of state or county government affecting revenue and taxation and requires that board hearings be conducted in accordance with KRS Chapter 13B and administrative regulations promulgated by the board.

This administrative regulation establishes the procedures governing the processing of appeals of taxes imposed by governmental entities[tax appeals].

Section 1. Definitions.

(1) "Board" means the Board of Tax Appeals.

(2) "Office" means the Office of Claims and Appeals.

Section 2. Rules for Filing Tax Appeals with the board.

(1) Initiation of tax appeal. A party wishing to appeal a final ruling, order, or determination of any agency of state or county

government affecting revenue or taxation shall file a petition with the board for a formal hearing in accordance with KRS Chapter 13B.

(2) Timing. The initial petition of appeal shall be received by the board within thirty (30) days of the date of mailing of the final ruling, order, or determination of the agency of state or county government that is the subject of the appeal. If the determination is not mailed, then the initial petition shall be considered timely[as received] if received by the board within thirty (30) days of the date of issuance.

(a) An untimely appeal shall be dismissed.

(b) To dispute a finding by the board or its staff that a petition was untimely filed, a party may:

1. Provide evidence of when the envelope containing the mailing was entered into the postal service by providing the cancelled postmarked envelope or may provide information from the postal service concerning the date of the introduction of the envelope containing the mailing into the system; or

2. Provide any other evidence concerning when the final ruling, order, or determination was issued.

(c)(b) If the appeal is timely filed, but is otherwise deficient, the board, office, or hearing officer shall notify the petitioner of deficiencies and allow fifteen (15) business days to amend the petition.

(3) Format and content. A petition of appeal shall be legibly written, typed, or printed and contain:

(a) A statement of all relevant issues of fact and law;

(b) A statement certifying that the information contained in the petition of appeal is true and correct to the best knowledge of the petitioner or counsel, if represented by an attorney;

(c) The signature of the petitioner or the signature of counsel, if represented by an attorney;

(d) The petitioner's mailing address, telephone number, and email address;

(e) If represented by an attorney, the petitioner's attorney's name, mailing address, telephone number, and email address; and

(f) A copy of the final ruling, order, or determination to be reviewed.

(4) Upon receiving a petition of appeal, the board shall provide notice to:

(a) The appellee that an action has been filed;

(b) The petitioner that the petition of appeal has been received; and

(c) The petitioner's counsel, if represented by an attorney.

(5) Upon receiving a Petition of Appeal, the appellee or the appellee's attorney shall file an entry of appearance within thirty (30) days of the date of the notice of appeal provided by the board. The entry of appearance shall contain the mailing address, telephone number, and email address of the appellee and the appellee's attorney, if applicable.

Section 3. Rules Applicable to All Filings.

(1) Filings. All documents shall[may] be filed either:

(a) In person or by private delivery to Board of Tax Appeals, 500 Mero Street, 2 SC1, Frankfort, Kentucky 40601;

(b) By mail to the address listed above; or

(c) By electronic mail to taxappeals@ky.gov if the document can be sent in one (1) electronic message.

(2) Service.

(a) Any party who files a pleading or motion with the board and[or] hearing officer shall notify all other parties to the appeal by serving upon each party a copy of the pleading or motion filed. A filed pleading or motion shall be accompanied by a certification stating:

1. That a copy has been served on each party, or if the party is represented by counsel, on the party's counsel; and

2. The method of service used.

(b) Service upon a party shall be made by delivering a copy to the attorney or party, by electronic mail, or by mailing it to the attorney or party at the last known address. Service is complete upon mailing, unless the serving party learns or has reason to know that it did not reach the person to be served. Service by electronic mail shall be considered complete when sent if properly addressed. Documents filed by electronic mail shall be considered received when sent if properly addressed.

Section 4. Representation in Proceedings before the board.

(1) If the appeal is by an individual, the individual may proceed without an attorney or engage counsel to provide representation.

(2) An individual who is not an attorney shall not be permitted to represent any other individual or legal entity who is a party to an appeal.

(3) In accordance with Supreme Court Rule 3.020, if the appealing party is a corporation, joint venture, partnership, LLC, estate, or any entity other than an individual as identified in subsection (1) of this section, the entity shall be represented by an attorney on all matters before the board, including the filing of the appeal.

(4) An attorney licensed to practice in another state, but not the Commonwealth of Kentucky, shall be permitted to represent a party before the board if the attorney complies with Supreme Court Rule 3.030(2).

Section 5. Discovery.

(1) Discovery may be obtained without prior order of the board or hearing officer. Except to the extent the provisions of this section differ, the Kentucky Rules of Civil Procedure (CR) governing depositions and discovery shall apply.

(2) In addition to the provisions of CR 26 addressing opinions and use of expert witnesses:

(a) Absent a stipulation between the parties or an order issued by the board or hearing officer providing otherwise, and at least ninety (90) days before the date set for the hearing, a party shall disclose to the other party or parties the identity of any witness qualified as an expert by knowledge, skill, experience, training, or education the party may use at the hearing to provide expert testimony; or

(b) If the evidence is intended solely to contradict or rebut evidence on the same subject matter of a witness identified by another party, within thirty (30) days after the other party's disclosure.

(3) The board or hearing officer may deny, limit, or require discovery.

(4) If a party fails to comply with an order regarding discovery, the board or hearing officer may order that the:

(a) Matters that the requesting party was seeking to establish through discovery shall be taken as having been established for the purposes of the hearing;

(b) Noncomplying party shall be prohibited from introducing related documents or testimony at the hearing;

(c) Appeal be dismissed or relief be granted as requested by the opposing party;

(d) Appeal be stayed until the order is obeyed; or

(e) Noncomplying party, the advising attorney, or both pay the reasonable costs, including attorney's fees, caused by the failure to comply.

(5) A response to discovery under subsection (1) of this section shall not be filed with the board unless required by order of the board or hearing officer.

Section 6. Prehearing or Status Conference and Hearing Schedule.

(1) In any appeal assigned to a board member or hearing officer, the board or hearing officer may schedule a prehearing or status conference. The prehearing or status conference may be conducted by telephone or other electronic means upon reasonable notice to all parties, which consists of prior notice of not less than five (5) days, unless otherwise agreed to by the parties.

(2) A prehearing or status conference may be used to set a hearing date, discuss jurisdictional matters, settlement possibilities, discovery, preparation of stipulations, clarification of issues, rulings on witnesses, taking of evidence, issuance of subpoenas, mediation, and other matters that will promote the orderly and prompt conduct of the hearing.

(3) If the board member or hearing officer and parties cannot agree upon a hearing date, the board member or hearing officer shall set the matter for hearing no later than six (6) months from the date of the conference.

(4) Upon conclusion of the prehearing or status conference, the board member or hearing officer shall issue an order including all matters determined at the prehearing or status conference.

Section 7. Prehearing Filings.

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(1) At least thirty (30) days prior to the hearing, a party shall file with the board or hearing officer a:

(a) Prehearing summary that contains a:

1. Summary of the party's position on any issue of fact in dispute;
2. Summary of the party's position on any issue of law raised by the appeal; and

3. Written statement of facts to which the party agrees and any facts which a party does not dispute;

(b) List of the names, addresses, and phone numbers, ~~if known,~~ of all witnesses the party expects to call to testify as a witness at the hearing;

(c) Copy of all exhibits that the party intends to introduce at the hearing;

(d) Proposed findings of fact and conclusions of law; and

(e) Proposed final order if the appeal is heard by the board, or a proposed recommended order if the appeal is heard by a hearing officer.

(2) The prehearing filings required by this section shall satisfy the requirements under KRS 13B.090(3) establishing a party's right to inspect a list of witnesses and documentary or tangible evidence at least five (5) days prior to the hearing. The board may issue a prehearing order modifying discovery procedures or deadlines, or mandating additional requirements for prehearing filings.

(3) The parties may file proposed findings of fact and conclusions of law.

Section 8. Motion Practice.

(1) Any party may file a motion. Any party affected by a motion or pleading may file a response to the motion or pleading within twenty (20) ~~thirty (30)~~ days from the date on which the motion or pleading was served.

(2) A moving party may file a reply to another party's response. The reply shall be filed within fifteen (15) days from the date the response was served. Other replies or responses shall not be filed, unless prior approval is granted by the board or hearing officer.

Section 9. Briefs.

(1) A party shall file with the board ~~and~~or hearing officer any brief required by order of the board or hearing officer.

(2) The board or hearing officer may require a party to file a post-hearing brief or to supplement at any time a brief already filed to assist in adjudicating the hearing. A brief shall include the signature of the party, or the party's counsel.

Section 10. Summary Disposition.

(1) At any time after the commencement of an appeal, a party may move for a summary disposition of the whole or a part of the appeal by filing a motion that:

(a) Asserts that there are no disputed material facts as to one (1) or more of the issues before the board or hearing officer;

(b) Includes a statement specifying which material facts are undisputed. Assertions of a material undisputed fact or facts may be submitted to the board or hearing officer through affidavits or responses made by another party to any discovery request, including answers to interrogatories, admissions, and depositions. Facts stated in the petition of appeal, including exhibits attached to the petition, may be relied upon as undisputed material facts by the appellee; and

(c) States that any issue before the board or hearing officer for which summary disposition is sought is a matter of legal, and not factual, interpretation.

(2) Response.

(a) Within twenty (20) days after a party moves for summary disposition, any other party may file a response presenting the party's position on issues of law and fact, which shall include any affidavit, written response to discovery requests, deposition testimony, or statements in the Petition of Appeal, demonstrating the party's assertion that a material fact or facts are disputed.

(b) Failure of a nonmoving party to respond within twenty (20) days to the motion for summary disposition or to request additional time to respond to the motion may result in the board or hearing officer finding there are no disputed factual issues to be considered in deciding the legal issues.

(3) If the nonmoving party files a response to the motion for summary disposition, the moving party shall have ten (10) days to file a reply to the response.

(4) The board or hearing officer may grant a motion for summary disposition in whole or in part. If the board or hearing officer grants a summary disposition as to one (1) or more issues, but not all issues, then the remaining issues shall be heard by the board or hearing officer in accordance with this administrative regulation and KRS Chapter 13B.

(5) When a hearing officer rules on a dispositive motion but ~~the~~such ruling does not dispose of the appeal, a party aggrieved by the determination of the hearing officer may request the board review the ruling within twenty (20) days of the issuance of the determination by the hearing officer. The non-moving party shall have a right to respond to the motion for board review and such shall be filed no later than fifteen (15) days following the filing of the motion for board review. The moving party shall have no right to reply.

Section 11. Other. Except as otherwise stated in KRS Chapter 49 or this administrative regulation, the conduct of hearings shall be governed by the procedures established in KRS Chapter 13B.

Section 12. The Certified Record of Proceedings. The official record of a matter before the board shall be forwarded by the clerk of the board to the Circuit Court, or other reviewing court, within twenty (20) days of the filing of a petition for judicial review, as provided in KRS 13B.140(3) and KRS 49.250. The record may be filed with the clerk of the court on an electronic storage device, including CD or USB flash drive.

Section 13. Subpoenas. The board, hearing officers, and parties shall use the form adopted by the board for the issuance of subpoenas, both in personam and duces tecum, and ~~this~~said form is ~~herein~~ incorporated by reference.

(1) Subpoenas may be issued by any person over the age of eighteen (18) and execution of service shall be attested to by completion of the "Proof of Service" portion of the form.

(2) Copies of any documents received in response to the issuance of a subpoena shall be furnished to all parties to the action.

(3) Prior to the issuance of a subpoena by a party or its counsel, ~~the~~such party shall request approval of the board or hearing officer for ~~the~~such issuance. The party shall not issue or serve the subpoena until ~~approved~~approve by the board or hearing officer.

Section 14. Incorporation by Reference.

(1) "Subpoena", January 2025, is incorporated by reference;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero Street, 2 SC 1, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and is available online at: <https://kycc.ky.gov/Documents/802%20KAR%201-010-BTA.pdf> [https://kycc.ky.gov/Newstatic-info.aspx?static_id=161].

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Board of Claims
(As Amended at ARRS, May 13, 2025)**

802 KAR 2:010. Negligence claims before the Board of Claims.

RELATES TO: KRS~~[12.027,]~~ 49.020, 49.040, 49.090, 49.120~~[, EO 2020-708]~~

STATUTORY AUTHORITY: KRS 49.010(4)(b), [KRS 49.020(7)(a)]~~(5)]~~

NECESSITY, FUNCTION, AND CONFORMITY: ~~[Executive Order~~

2020-708 ("Order") requires that the Kentucky Claims Commission be abolished and that the Board of Claims, and the Office of Claims and Appeals be established. The Order also sets forth the powers and duties of the Board of Claims and the Office of Claims and Appeals and authorizes the board to promulgate emergency regulations necessary to carry out the provisions and purposes of the Order and the board's statutory authority.] KRS 49.010(4)(b) and 49.020(7)(a)[(5)] ~~authorize~~ **authorizes** the board to promulgate administrative regulations that are necessary to carry out the provisions and purposes of the board's statutory authority. KRS 49.020(5)[220(4)] authorizes the board, with exclusive jurisdiction, to investigate, hear proof, and to compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its cabinets, departments, bureaus, or agencies, or any of its officers, agents, or employees while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies. This administrative regulation establishes the procedures governing these claims.

Section 1. Definition.

(1) "Board" means the Board of Claims.

(2) "Office" means the Office of Claims and Appeals.

Section 2. Filing Claims. Form and content. A claim shall be legibly written, typed, or printed on the Board of Claims claim form, or submitted through the online portal, and contain:

(1) The name, address, telephone number, and email address of the claimant;

(2) The amount of the claim; and

(3) A statement of the facts that:

(a) Show the claimant may be entitled to relief pursuant to KRS 49.010 through 49.180; and

(b) Enables the agency against which a claim is made to investigate the claim and prepare its defense; ~~and~~

(4) The signature of the claimant and counsel for claimant, if any, ~~and~~[-];

(5) Additional documents and attachments, if necessary for a full statement of the claim.

Section 3. Rules Applicable to All Filings.

(1) Filings. All claims shall be filed either; ~~All documents may be filed;~~

(a) In person or by private delivery to the Board of Claims, 500 Mero Street, 2 SC1, Frankfort, Kentucky 40601;

(b) By mail to the address listed above; or

(c) By electronic mail to <mailto:negligenceclaims@ky.gov>, if the document can be sent in one (1) electronic message; ~~or~~[-];

(d) Through the Board's online claim filing portal: <https://kycc.ky.gov/NegClaim/>.

(2) Service.

(a) Any party who files a pleading or motion with the board or hearing officer shall notify all other parties to the claim by serving upon each party a copy of the pleading or motion filed. A filed pleading or motion shall be accompanied by a certification stating:

1. That a copy has been served on each party, or if the party is represented by counsel, on the party's counsel; and

2. The method of service used.

(b) Service upon a party shall be made by delivering a copy to the attorney or party, electronic mail, or by mailing it to the attorney or party at the last known address. Service is complete upon mailing[-] unless the serving party learns or has reason to know that it did not reach the person to be served. Service by electronic mail shall be considered complete when sent if properly addressed. Documents filed by electronic mail shall be considered received when sent if properly addressed.

(3) Extension of time. An extension of time to file a response, motion, other pleading, brief, proposed finding of fact, or conclusion of law shall be granted:

(a) On agreement of the parties; or

(b) Upon a showing of good cause.

Section 4. Representation in Proceedings before the Board.

(1) If the claim is by an individual, the individual may proceed without an attorney or engage counsel to provide representation.

(2) An individual who is not an attorney shall not be permitted to represent any other individual or legal entity who is a party to the claim.

(3) In accordance with Supreme Court Rule 3.020, if the claimant is a corporation, joint venture, partnership, LLC, estate, or any entity other than an individual as identified in subsection (1), the entity shall be represented by an attorney on all matters before the board, including filing the claim.

(4) An attorney admitted to practice in another state, but not the Commonwealth of Kentucky, shall be permitted to represent a party before the board if the attorney complies with Supreme Court Rule 3.030(2).

(5) If an attorney is not identified in the claim form or is later retained to represent a claimant after the filing of the claim form, the attorney shall enter an appearance in the record within ten (10) days of being retained.

Section 5. Response to Claims.

(1) Upon receipt of a completed claim, the board shall submit a copy of each claim to the head of the agency against which the claim is filed, or the attorney representing the agency against which the claim is filed.

(2) The agency against which a claim has been filed shall respond to the board and the claimant within thirty (30) days of receiving the claim.

(3) If the agency against which a claim is filed admits liability in its response, a final order shall be entered.

Section 6. Claims Not Requiring a Hearing Under KRS 49.090(3).

(1) If the agency against which a claim is filed fails to respond within thirty (30) days, the board or a board member assigned by the chair shall:

(a) Enter a show cause order; ~~or~~

(b) ~~Recommend an order of dismissal; or~~

~~Deem the facts contained in the claim admitted and render a decision~~ **an award**.

(2) If the response filed by the agency denies negligence in a claim not requiring a hearing pursuant to KRS 49.090(3), the board or board member shall decide the claim and render a decision.

(3) Within fourteen (14) days of the decision, any party may request a full board review by written notice to the board.

Section 7. Claims Requiring a Hearing under KRS 49.090(3).

(1) If the agency fails to respond within thirty (30) days, the board shall issue a show cause order or the matter shall be assigned to a hearing officer.

(2) If the response filed by the agency denies negligence in a claim requiring a hearing pursuant to KRS 49.090(3), a hearing officer shall be assigned, and notice of the assignment shall be provided to the parties.

Section 8. Prehearing or Status Conference and Hearing Schedule.

(1) The hearing officer shall schedule a prehearing or status conference, which may be conducted by telephone or other electronic means:

(a) Within thirty (30) days of the assignment of the claim; and

(b) Upon reasonable notice to all parties, which consists of prior notice of not less than five (5) days, unless agreed to otherwise by the parties.

(2) The hearing officer may convene the prehearing or status conference or order the affected state agency to convene the conference.

(3) A prehearing or status conference may be used to discuss jurisdictional matters, settlement possibilities, discovery, preparation of stipulations, clarification of issues, rulings on witnesses, taking of evidence, issuance of subpoenas, mediation, and other matters that will promote the orderly and prompt conduct of the hearing.

(4) The hearing officer and the parties shall set an agreed date for the hearing at the prehearing or status conference. If the hearing officer and parties cannot agree upon a hearing date, the hearing

officer shall set the matter for hearing no later than six (6) months from the date of the conference, unless the parties have otherwise agreed to hold the claim in abeyance.

(5) Upon conclusion of the prehearing or status conference, the hearing officer shall issue an order including all matters determined at the prehearing or status conference.

(6) The hearing officer shall notify the board of the date and time for the hearing. The officer shall:

(a) Reserve a place within the proper venue to conduct the hearing;

(b) Select a method by which to record the proceedings, which may include court reporter, audio recording, or audiovisual recording~~[a court reporter to be present at the hearing to record the proceedings]~~; and

(c) Notify the parties and the court reporter, if applicable, of the date, time, and place of the hearing.

Section 9. Motion Practice.

(1) Any party may file a motion.

(2) Any party affected by a motion or pleading may file a response to the motion or pleading within twenty (20)~~[thirty (30)]~~ days from the date on which the motion or pleading was served.

(3) A moving party may file a reply to another party's response. The reply shall be filed within ten (10)~~[fifteen (15)]~~ days from the date the response was served. Other replies or responses shall not be filed~~[.]~~ unless prior approval is granted by the board or hearing officer.

(4) If a response is not filed within twenty (20)~~[thirty (30)]~~ days, the board or hearing officer shall issue an order on the motion within sixty (60) days of the date the response was due.

Section 10. Discovery.

(1) Discovery may be obtained without prior order of the board or hearing officer. Except to the extent the provisions of this section~~[Section]~~ differ, the Kentucky Rules of Civil Procedure (CR) governing depositions and discovery shall apply.

(2) In addition to the provisions of CR 26 addressing opinions and use of expert witnesses:

(a) Absent a stipulation between the parties or an order issued by the board providing otherwise, and at least ninety (90) days before the date set for the hearing, a party shall disclose to the other party or parties the identity of any witness qualified as an expert by knowledge, skill, experience, training, or education the party may use at the hearing to provide expert testimony; or

(b) If the evidence is intended solely to contradict or rebut evidence on the same subject matter of a witness identified by another party, within thirty (30) days after the other party's disclosure.

(3) The board or hearing officer may deny, limit, or require discovery.

(4) If a party fails to comply with an order regarding discovery, the board or hearing officer may order that the:

(a) Matters that the requesting party was seeking to establish through discovery shall be taken as having been established for the purposes of the hearing;

(b) Noncomplying party shall be prohibited from introducing related documents or testimony at the hearing;

(c) Claim be dismissed or relief be granted as requested by the opposing party;

(d) Claim be stayed until the order is obeyed; or

(e) Noncomplying party, the advising attorney, or both pay the reasonable costs, including attorney's fees, caused by the failure to comply.

(5) A response to discovery under subsection (1) of this section shall not be filed with the board unless required by order of the board or hearing officer.

Section 11. Briefs. A party shall file with the board and~~[or]~~ hearing officer any brief required by order of the board or hearing officer. The board or hearing officer may require a party to file a post-hearing brief or to supplement at any time a brief already filed to assist in adjudicating the hearing. A brief shall include the signature of the party, or the party's counsel.

Section 12. Summary Disposition. At any time after the commencement of the claim, a party may move for a summary disposition of the whole or a part of the claim by filing a motion that:

(1) Asserts that there are no disputed material facts as to one (1) or more of the issues before the board or hearing officer;

(2) Includes a statement specifying which material facts are undisputed. Assertions of a material undisputed fact or facts may be submitted to the board or hearing officer through affidavits or responses made by another party to any discovery request, including answers to interrogatories, admissions, and depositions. Facts stated in the claim, including exhibits, may be relied upon as undisputed material facts by the appellee; and

(3) States that any issue before the board or hearing officer for which summary disposition is sought is a matter of legal, and not factual, interpretation.

(4) Within twenty (20) days after a party moves for summary disposition, any other party may file a response presenting the party's position on issues of law and fact, which shall include any affidavit, written response to discovery requests, deposition testimony, or statements in the claim, demonstrating the party's assertion that a material fact or facts are disputed.

(5) If the nonmoving party files a response to the motion for summary disposition, the moving party shall have ten (10) days to file a reply to the response.

(6) The board or hearing officer may grant a motion for summary disposition in whole or in part. If the board or hearing officer grants a summary disposition as to one (1) or more issues, but not all issues, then the remaining issues shall be heard by the board or hearing officer in accordance with this administrative regulation and KRS Chapter 13B.

Section 13. Conduct of Hearing.

(1) Except as otherwise established in KRS Chapter 49~~[or]~~ this administrative regulation, or an order from the board or hearing officer, the Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to board proceedings~~[the conduct of hearings shall be governed by the procedures established in KRS Chapter 13B.]~~

(2) For purposes of discovery and motion practice, the Kentucky Rules of Civil Procedure shall apply to proceedings before the board.

(3) The board or hearing officer may~~[, at its discretion,]~~ waive application of the Kentucky Rules of Evidence if:

(a) The parties agree to the waiver; or

(b) It is reasonable to grant the waiver because the rules are inappropriate for the claim[as justice so requires].

Section 14. Admission of Hearsay. Notwithstanding Section 13 of this administrative regulation, during a final hearing, the board or the hearing officer may admit hearsay evidence if it is the type that a reasonable and prudent person would rely upon in daily affairs. However, this evidence shall not be sufficient in itself to support the board or hearing officer's findings of fact unless it would be otherwise admissible over objections in a civil action.

Section 15.~~[Section 14.]~~ Board Decision.

(1)

(a) Each contested claim requiring a hearing pursuant to KRS 49.090(2) shall be submitted to the board at its next meeting following the submission of the recommended order, except for Agreed Orders.

(b) The board shall issue its final order in accordance with KRS 49.080.

(c) The stated deadlines within which the board shall render a final order shall commence upon the last filing of any exceptions to the recommendation.

(2) The board, or a majority of its members, shall render a decision on each contested claim requiring a hearing pursuant to KRS 49.090(3) and each request for a full board review of a claim decided by an individual member.

(3) In rendering the final order, the board shall consider the record including the recommended order and any exceptions duly filed to the recommended order.

(4) The board may accept the recommended order of the hearing officer and adopt it as the final order of the board, or it may

reject or modify, in whole or in part, the recommended order, or it may remand the matter, in whole or in part, to the hearing officer for further proceedings as appropriate.

(5) If the final order differs from the recommended order, it shall include separate statements of findings of fact and conclusions of law. The final order shall also include the date the board rendered the order, the date it was served on the parties, and to whom it was served, and a statement advising the parties fully of available appeal rights.

(6) Unless waived by the party, a copy of the final order shall be transmitted to each party or to his attorney of record.

(7) The matter shall be deemed finally adjudicated if:

(a) In a claim under \$2,500, no full board review has been requested; [or]

(b) The claim has been the subject of full board review; or

(c) No judicial appeal has been filed.

Section 16.~~[Section 15.]~~ Payment of Awards. Within thirty (30) days after an order of the Board of Claims making an award has become final, the agency making payment of the award shall furnish to the Board of Claims a copy of any check reflecting the payments.

Section 17. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Board of Claims claim form", January 2025;

(b) "Board of Claims subpoena form", January 2025; and []

(c) "Agency's Answer to the Claimant and Board of Claims form", January 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero Street, 2 SC 1, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. and is available online at: https://kycc.ky.gov/newstatic_Info.aspx?static_ID=678 ~~https://kycc.ky.gov/Newstatic_info.aspx?static_id=160~~.

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Crime Victims Compensation Board
(As Amended at ARRS, May 13, 2025)**

802 KAR 3:010. Crime victims compensation.

RELATES TO: KRS[~~12.027,~~13B.100, 49.010, 49.020, 49.260 - 49.490, 216B.015, 216B.400], EO 2020-708]

STATUTORY AUTHORITY: KRS 49.010(4)(b), 49.020(7)(a), 49.300(1), 49.370(2)(b)

NECESSITY, FUNCTION, AND CONFORMITY: ~~[Executive Order 2020-708 ("Order") requires that the Kentucky Claims Commission be abolished and the Office of Claims and Appeals be established to include the Crime Victims Compensation Board. The Order also sets forth the powers and duties of the Crime Victims Compensation Board and authorizes the board to promulgate regulations necessary to immediately carry out the provisions and purposes of the Order and the board's statutory authority.]~~ KRS 49.020(7)(a) ~~(1)~~ and 49.300(1) ~~authorize~~ authorizes the Crime Victims Compensation Board to promulgate administrative regulations that are necessary to carry out the provisions of KRS 49.270 through 49.490. During the 2024 Regular Session, the General Assembly passed Senate Bill 319, which amended KRS 49.280, 49.310, 49.340 - 49.370, 49.400, and 216B.400. This administrative regulation establishes procedures for crime victims to file claims for compensation and further expounds on the requirements and provisions of the Crime Victims Compensation Board statutes.

Section 1. Definitions.~~[Definition-]~~

(1) "Board" means the Crime Victims Compensation Board.

(2) "Reckless" means a state of mind where the offender fails to perceive a substantial and unjustifiable risk that a particular result would occur.

(3) "Second degree of consanguinity" means individuals who are biologically related within two (2) degrees to the victim, either ascending or descending.

(4) "Sexual relationship" means a relationship in which the claimant and victim maintained a repeated and ongoing course of intimacy for an extended period.

(5) "Stepchild" means the biological or legally adopted offspring of the victim's legally-married spouse.

(6) "Stepparent" means the legal spouse of the victim's parent.[]

(7) "Stepsibling" means the biological or legally adopted offspring of the victim's stepparent.

(8) "Wanton" means a state of mind wherein the offender is aware of and consciously disregards a risk that a reasonable person in the same situation would not have disregarded.

Section 2. Claims Arising from Motor Vehicle Collisions. For purposes of a Crime Victims Compensation claim arising from injuries sustained in a vehicle accident, as established in KRS 49.280(3), the Board may find the vehicle operator acted recklessly or wantonly if:

(1) The vehicle operator is charged with or convicted of an offense related to the operation of the vehicle involving an element of recklessness or wantonness, including offenses under KRS 189A.010; or

(2) The vehicle operator was found to have, or admitted to having, operated a vehicle recklessly or wantonly in a criminal or civil action arising from the injury-causing incident.

Section 3. Eligible Claimants.

(1) The following individuals fall within the second degree of consanguinity:

(a) Parents of the victim;

(b) Children of the victim;

(c) Siblings and half-siblings of the victim;

(d) Grandparents of the victim; ~~and~~

(e) Grandchildren of the victim; and

(f) Stepchild, stepparent, or stepsibling of the victim.

(2) For purposes of KRS 49.310(1)(b), a surviving personal representative of the victim shall be a person appointed as the executor or administrator of the victim's estate by a competent court of jurisdiction or a person legally authorized to act on the victim's behalf or on behalf of the victim's estate.

(3) To be eligible for an award due to maintaining a sexual relationship with the victim, the claimant shall demonstrate that:

(a) The claimant and victim engaged in consensual sexual intercourse more than once; and

(b) The sexual relationship was ongoing at the time the crime occurred.

(4) Pursuant to KRS 49.310(1)(e), [No] more than two (2) primary caregivers of the victim shall **not** be eligible for an award pursuant to KRS 49.310(1)(e).

Section 4.~~[Section 2.]~~ Filing Claims.

(1) A claim shall be:

(a) Legibly written, typed, or printed on the Crime Victims ~~[Victim]~~ Compensation Form; and

(b) Signed by the claimant and the counsel representing the claimant, if any.

(2) A claim shall be filed ~~by~~:

(a) In person or by private delivery to the Crime Victims Compensation Board, 500 Mero Street, 2 SC1, Frankfort, Kentucky 40601;

(b) By ~~By~~ mail to the address listed above; ~~or~~

(c) By ~~By~~ electronic mail to crimevictims@ky.gov, if the document can be sent in one (1) electronic message; ~~or~~ []

(d) Through the online claims portal at: <https://kycc.ky.gov/CVOnline/home>.

(3) If applying for lost wages or loss of support, a claim shall be supplemented by:

(a) A notarized Employment Verification form; and

(b) If requested by ~~the~~ Board staff:

1. A Physician Statement form; or
2. A Mental Health Counselor's Report form.

Section 5. Claim Tracking Portal.

(1) The tracking portal shall allow claimants to obtain status updates regarding their claim and progress of the claim's investigation.

(2) A claimant shall have access to the tracking portal within one (1) week of the filing of the claim.

(3) A claimant or victim's personally identifiable information shall remain secure and confidential. (4) ~~No~~ Information that may be used to determine whether an individual filed a claim with the Board shall **not** be disclosed to unauthorized individuals.

Section 6. Timeframe for Processing Claims.

(1) A claim shall be considered filed on the date it is received by the Board either through the mail, personal delivery to the Board, the online claim portal, or the Board's official email.

(2) For claims filed after July 1, 2025, the claims investigator shall complete an investigative report on the claim within 120 days after it is assigned by the Board Clerk to the claims investigator.

(3) For claims filed after July 1, 2026, the claims investigator shall complete an investigative report on the claim within **ninety (90)(90)** days after it is assigned by the Board Clerk to the claims investigator.

Section 7. ~~Section 3.~~ Kentucky Medical Assistance Program.

(1) The Board shall cross-reference every claim with those claims that appear in the Kentucky Medical Assistance Program (KMAP) database maintained by the Cabinet for Health and Family Services.

(2) If a crime victim is covered by Medicare or Medicaid, the Board's staff **shall/will** provide the Board a list of:

- (a) All itemized medical charges for which the victim seeks compensation; and
- (b) The victim's services covered by medical assistance as reported in KMAP.

(3) Upon making an award to a Medicaid-eligible crime victim, the Board shall not consider any medical bills submitted by or on behalf of the victim for any KMAP-covered services.

(4) If the Board makes an award to a victim who received medical assistance for a KMAP-covered service, the KMAP as final payor shall not be responsible for the payment of any portion of the claim awarded by the Board.

Section 8. Lump Sum Payments to Survivors of Sexual Abuse.

(1) For purposes of KRS 49.370(7), a claimant seeking an award under this provision shall submit ~~the following~~:

- (a) Proof **that** the crime occurred more than ten (10) years prior to the date of filing of the claim;
- (b) Proof that the sexual assault kit was collected;
- (c) Proof of the collection date of the biological material;
- (d) Proof **that** the biological material went untested for an extended period; and
- (e) Anecdotal proof of the damages incurred as a result of the crime.

(2) The victim shall not be required to provide proof of actual expenses incurred.

Section 9. Incarcerated and Confined Persons.

(1) Pursuant to KRS 49.330(4), a victim of criminally injurious conduct incarcerated in a correctional facility or confined in an institution maintained and operated by the Cabinet for Health and Family Services may apply for compensation upon release from the facility. This provision applies regardless if the criminally injurious conduct occurred during or prior to the individual's incarceration.

(2) A victim of criminally injurious conduct shall not apply for compensation during incarceration or confinement.

Section 10. Default Claims and Leave to Refile.

(1) If a claimant or victim fails to submit all required documentation within ninety (90) days of submitting the initial application, or within ninety (90) days after such a requirement is

made by the Board, the claimant or victim shall be deemed in default.

(2) If the claimant or victim defaults on the claim, the Board may dismiss the claim with leave to refile.

(3) The claimant or victim may revive the claim by:

(a) Submitting a request to the Board Clerk **by(via)** letter or email; and

(b) Providing copies of the previously required documents and information that were not submitted within the initial ninety~~(-day)~~ (90) day period; or

(c) Indicating to the Board Clerk that no such documents exist.

(4) The claimant or victim shall not be required to submit a new application or any documentation previously submitted to the Board.

Section 11. Appeals of Board Decisions.

(1) Following the issuance of a recommended order by a board member or the executive director, the claimant, victim, or offender shall have fifteen (15) days from the date the recommended order is served within which to file with the board exceptions to the recommended order.

(2) The claimant, victim, or offender shall have the right and opportunity to attend the board meeting at which the recommended order will be considered and shall have the opportunity to be heard prior to the Board issuing a final order on the matter.

(3) Pursuant to KRS 49.340(8), the claimant, victim, or offender aggrieved by a final order of the Board may appeal by filing a petition for judicial review in the county where the claim accrued or in Franklin Circuit Court in accordance with KRS 13B.140.

Section 12. Decisions Based on Contributory Conduct.

(1) Denials, reductions, and reconsiderations of claims made pursuant to KRS 49.390(2) shall be based on a preponderance of the evidence. This standard of review ~~(also)~~ shall apply to the Board's analysis and deliberations regarding whether to apply contributory conduct in a claim under consideration. The Board shall consider the totality of the circumstances when assessing whether it is appropriate to consider contributory conduct to reduce or a deny a victim or claimant's claim.

(2) In denying, reconsidering, or reducing an award in accordance with KRS 49.390(2), the Board may consider ~~the following~~:

- (a) The victim's ability to have reasonably avoided the situation;
- (b) The extent and nature of the victim's injuries;
- (c) Exhibition or use of a deadly weapon;
- (d) The proportionate responsibility between the victim and the alleged offender(s);
- (e) The opinions and conclusions of law enforcement investigators assigned to the criminal case, if any;
- (f) The legal opinions and conclusions from prosecutorial agencies regarding the presentation of criminal charges and assessment of affirmative defenses, if any;
- (g) Whether there is a causal relationship between the victim's conduct and their injuries;
- (h) Whether the results of the victim's conduct were reasonably foreseeable to the victim; and
- (i) The degree of harm that occurred as a result of the criminally injurious conduct and whether future harm may occur if compensation is denied.

(3) Once the investigator completes his or her investigation and submits the investigation report to the assigned Board member, the Board member may review, among other available evidence, the opinions of law enforcement investigating officers and the prosecuting agency's assessment of evidence and application of affirmative defenses to determine whether there is a causal relationship between the criminally injurious conduct and the victim's conduct, and, if so, determine the proportionate responsibility of the victim and offender(s). Upon review, the Board member shall issue a recommended order, which shall include details regarding the assessment of contributory conduct, or remand the claim to the claims investigator if additional information is required to make a fully informed decision.

Section 13. Right to Counsel.

(1) A claimant shall have the right to retain counsel of their choosing.

(2) ~~(No)~~ Counsel shall **not** be appointed or provided by the Board to represent claimants.

Section 14. ~~[Section 4.]~~ Attorney's Fees. If a claimant is represented by an attorney and the attorney so requests, the board, may, as a part of any award or by separate order subsequent to the award, allow a reasonable attorney's fee for the filing of a claim and any subsequent proceedings. ~~The attorney's~~ **Such** fee shall not exceed fifteen (15) percent of the amount of the award, and shall be paid out of the award and not in addition to the award. ~~An~~ **No** attorney, representing a claimant, shall not contract for or receive as a fee any sum larger than fifteen (15) percent of the amount of the award. Any fee contract in violation of this provision shall be void.

Section 15. ~~[Section 5.]~~ Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Crime Victim Compensation Form", January 2025; ~~[August 2020;]~~

(b) "Employment Verification", August 2020;

(c) "Physician's ~~[Physician]~~ Statement", August 2020; ~~and]~~

(d) "Mental Health Counselor's Report", August 2020; ~~and,]~~

(e) "Subpoena form", January 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero Street ~~[St]~~ 2SC1, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at https://kycc.ky.gov/newstatic_info.aspx?static_id=158. ~~[http://cvcb.ky.gov/Pages/default.aspx.]~~

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Crime Victims Compensation Board
(As Amended at ARRS, May 13, 2025)**

802 KAR 3:020. Payment schedule for sexual assault examinations.

RELATES TO: KRS 49.020, 49.490, 216B.015, 216B.400, 403.707
STATUTORY AUTHORITY: KRS 49.010, 49.020, 49.300(1), 49.490, 216B.400(8), 216B.400(9)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 49.010(4)(b), 49.020 ~~(7)(a)~~ **(5)**, and 49.300(1) authorize ~~[authorizes]~~ the Crime Victims Compensation Board ~~[commission]~~ to promulgate administrative regulations to carry out the provisions and purposes of the Board ~~[commission]~~. KRS 49.490 and 216B.400(8) require the Board ~~[commission]~~ to administer the sexual assault victim assistance fund and pay the cost of a sexual assault examination. This administrative regulation establishes the reimbursement schedule for performing a sexual assault forensic medical examination. The General Assembly passed Senate Bill 319 in its 2024 Regular Session, which amended KRS 216B.400 to expand the types of services for which hospitals and healthcare providers are prohibited from charging sexual assault victims ~~[.]~~ when the victims receive such services related to the sexual assault. Instead, KRS 216B.400 requires the Crime Victims Compensation Board, through its Sexual Assault Examination Program, to directly pay healthcare providers for such services at rates not exceeding the Medicaid reimbursement rate for the same or similar services. KRS 216B.400 requires the board to pay for such services at a rate to be determined by administrative regulations promulgated by the board after consultation with the Sexual Assault Response Team Advisory Committee.

Section 1. Sexual Assault Examination Program.

(1) Reimbursement for performing a sexual assault forensic-medical examination pursuant to 502 KAR 12:010 shall be for the actual amount billed and shall not exceed:

(a) The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$200]~~ for a physician, sexual assault nurse examiner, or other qualified medical professional performing the examination;

(b) The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$250]~~ for an examination facility for use of an emergency or examination room;

(c) The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$400]~~ for an examination facility or laboratory that performed diagnostic laboratory testing; and

(d) The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$400]~~ for an examination facility where administered medications and pharmaceuticals were prescribed as a result of the examination and as part of basic treatment.

(2) Reimbursement for additional services related to a sexual assault forensic-medical examination requiring HIV post-exposure prophylaxis shall be for the actual amount billed and shall not exceed ~~[.]~~ ~~[the following limitations:]~~:

(a) The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$150]~~ for three (3) follow-up examinations ~~[.]~~ ~~[not to exceed a total of fifty (50) dollars per examination];~~

(b) Laboratory testing:

1. The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$150]~~ for initial testing conducted during the sexual assault examination in the examination facility; and

2. The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$245]~~ for follow-up testing conducted during the three (3) follow-up examinations ~~[.]~~ ~~[not to exceed:]~~

~~[a.] Fifty (50) dollars for testing conducted during day five (5) to day seven (7) of prophylactic treatment;]~~

~~[b.] Ninety (90) dollars for testing conducted after day twelve (12) of prophylactic treatment; and]~~

~~[c.] Seventy-five (75) dollars for testing conducted near or at the end of prophylactic treatment; and]~~

(c) Medications:

1. The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[\$800]~~ for a twenty-eight (28) day supply of HIV prophylaxis medication ~~[.]~~ ~~[not to exceed:]~~

~~[a.] \$200 for the first seven (7) day supply; and]~~

~~[b.] \$600 for the remaining twenty-one (21) day supply; and]~~

2. The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing ~~[Thirty (30) dollars]~~ for a twenty-eight (28) day supply of anti-nausea medication; ~~and:]~~

3. The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing for all other forms of prophylactic or medically necessary medication administered as a result of the exam.

~~(3)(d)~~ **(4)** Strangulation Assessments: The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing for strangulation assessments for a physician, sexual assault nurse examiner, or other qualified medical professional performing the assessment.

~~(4)(e)~~ **(5)** Other Tests and Services: The Medicaid reimbursement rate set by the Department for Medicaid Services on the date of filing for all other tests and services related to the assault, exam, or treatment performed on the date of the initial exam or within twelve (12) hours before or after the exam if treatment does not occur on calendar date of the exam.

~~(5)(f)~~ **(6)** Children's Advocacy Centers: Exams performed by Children's Advocacy Centers, pursuant to 907 KAR 3:160, shall be reimbursed at a rate not to exceed the Medicaid reimbursement rate for such exams set by the Department for Medicaid Services on the date of filing.

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:
 (a) "SAFE Exam/Treatment Billing Form", January 2025;
 (b) "SAFE Evidentiary Report", January 2025;
 (c) "Comprehensive Child Sexual Assault Medical Exam/Treatment Billing Form", January 2025;
 (d) "HIV Post-Exposure Exam/Treatment Voucher", January 2025;
 (e) "HIV Post-Exposure Initial Exam/Treatment Billing Form", January 2025;
 (f) "HIV Post-Exposure First Follow-Up Exam/Treatment Billing Form", January 2025;
 (g) "HIV Post-Exposure Second Follow-Up Exam/Treatment Billing Form," January 2025; **and**
 (h) "HIV Post-Exposure Third Follow-Up Exam/Treatment Billing Form," January 2025.
 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero St 2SC1, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at: https://kycc.ky.gov/Newstatic_info.aspx?static_id=159.

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
 Office of Claims and Appeals
 Crime Victims Compensation Board
 (As Amended at ARRS, May 13, 2025)**

802 KAR 3:030. Crime victims compensation awards.

RELATES TO: KRS 49.260 - 49.490, 216B.015, 216B.400
 STATUTORY AUTHORITY: KRS 49.010(4)(b), 49.020(7)(a), 49.300(1), 49.370(2)(b)
 NECESSITY, FUNCTION, AND CONFORMITY: During the 2024 Regular Session, the General Assembly passed Senate Bill 319, which amended KRS 49.370 by expanding the types of expenses the Crime Victims Compensation Board is authorized to award to crime victims. KRS 49.010(4)(b) and 49.020(7)(a) authorize the board and office to promulgate administrative regulations[regulation] to carry out its[their] statutory authority. KRS 49.300(1) authorizes the Crime Victims Compensation Board to promulgate administrative regulations to carry out the provisions and purposes of the Board's enabling statutes. KRS 49.370(2)(b) authorizes the Board to promulgate administrative regulations to establish additional guidelines for awards. This administrative regulation promotes efficiency in processing certain claim types by establishing eligibility criteria, subsets of eligible expenses, and providing guidelines for which forms of documentation crime victims need to substantiate claims.

Section 1. Relocation.

(1) For purposes of a claim for relocation expenses pursuant to KRS 49.370(2)(a)(1), a minor is a victim's dependent if:
 (a) [~~The minor is a victim's dependent if:~~]The minor is the victim's biological child;
 (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
 (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
 (2) A victim or their dependent shall[must] provide written proof of relocation from one (1) primary residence to another that occurred within six (6) months of the crime, which resulted from the victim or dependent's concern for the safety of themselves or other persons living at the residence as a result of the crime.
 (3) A claimant may recover the following types of expenses related to their relocation:
 (a) Moving and travel expenses;
 (b) Security deposit;
 (c) Application fee;
 (d) First and last month's rent;

(e) Utility deposit;
 (f) First month's utilities;
 (g) Down payment on the purchase of a residence;
 (h) Closing costs;
 (i) First month's mortgage payment; and
 (j) Any other relocation-related expenses the Board deems should be paid in the interests of justice.

Section 2. Temporary Housing.

(1) For purposes of a claim for relocation expenses pursuant to KRS 49.370(2)(a)(1), a minor is a victim's dependent if:
 (a) The minor is the victim's biological child;
 (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
 (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
 (2) A victim or their dependent shall[must] provide written proof of temporary housing costs incurred within thirty (30) days of the crime, which resulted from the victim or dependent's inability to stay in their primary residence due to the crime.
 (3) A claimant may recover the following types of expenses related to their temporary housing:
 (a) Lodging expenses, including at hotels, homestays, or similar accommodations;
 (b) Travel expenses between the temporary housing and primary residence;
 (c) Meal expenses;
 (d) Expenses incurred for products necessary to maintain basic hygiene and health, which arose due to the victim's inability to stay at their primary residence; and
 (e) Any other temporary housing-related expenses the Board deems should be paid in the interests of justice.

Section 3. Rehabilitative or Wellness Practices.

(1) For purposes of a claim for rehabilitative and wellness practices pursuant to KRS 49.370(2)(a)(6), a minor is a victim's dependent if:
 (a) The minor is the victim's biological child;
 (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
 (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.
 (2) If a claimant engages in rehabilitative or wellness practices as the result of the crime, the Board may reimburse for expenses incurred for the[such] practices only if a licensed healthcare provider prescribed or ordered the treatment as a result of the crime.

Section 4. Court Proceedings Related to the Crime. A victim and the victim's caregiver, if applicable, may recover the following types of expenses incurred for purposes of attending criminal court proceedings related to the crime:

(1) Travel;
 (2) Parking;
 (3) Lodging;
 (4) Meals; and
 (5) Any other expenses related to attending crime-related criminal court proceedings that the Board deems should be paid in the interests of justice.

Section 5. Tattoo Removal for Victims of Human Trafficking.

(1) Victims of human trafficking submitting claims for expenses for removal of tattoos received as a result of or related to the human trafficking crime shall submit the following:
 (a) A police report or other documentation verifying the individual was trafficked;
 (b) Documentation or evidence that the tattoo(s) resulted from being trafficked; and
 (c) Receipts or invoices for removal of the tattoo(s).
 (2) An award under this section shall only be made for tattoos that have been completely removed.

Section 6. Reimbursement for Replacement of Items Seized as Evidence.

(1) For purposes of a claim for replacement of items seized as evidence pursuant to KRS 49.370(2)(d), a minor is a victim's dependent if:

- (a) The minor is the victim's biological child;
- (b) The minor is the victim's adopted child as adjudicated by a court with competent jurisdiction; or
- (c) The victim has legal custody over the minor pursuant to an order of a court with competent jurisdiction.

(2) Claimants requesting reimbursement for replacement of items seized as evidence shall submit ~~the following~~:

- (a) A court order ~~from a court~~, inventory list, or evidence sheet itemizing the seized items; and
- (b) Receipts, invoices, or estimates for the replaced items.

Section 7. Replacement of Windows and Locks. Claimants requesting reimbursement or payment for replacement or repair of windows and locks damaged as a result of the crime shall submit ~~the following~~:

- (1) A police report or other documentation that the windows and locks were damaged during the commission of the crime;
- (2) Documentation or proof that the property where the damage occurred was the victim's primary residence or primary place of business; and
- (3) Receipts, invoices, or estimates for the repairs or replacement windows or locks.

Section 8. Medical Expenses. Claimants requesting reimbursement or payment for medical expenses incurred as a result of the crime shall submit the following documentation as proof of the eligible expenses:

- (1) Copies of itemized medical billing statements for medical treatment provided to the claimant as a direct result of the crime.
- (2) If itemized billing statements are not available, non-itemized medical billing statements shall be accepted if:
 - (a) The medical records from the visit are submitted along with the non-itemized medical billing statements; or
 - (b) The service provider submits a letter on its letterhead attesting that the services provided on the non-itemized billing statements are for medical treatment the claimant or victim required as a direct result of the victimization.

Section 9. Mental Health Counseling Expenses.

- (1) Claimants requesting reimbursement or payment of mental health counseling expenses shall submit the following documentation as proof of the eligible expenses:
 - (a) Mental Health Counselor's Report completed by the claimant's or victim's therapist or mental health clinician;
 - (b) Treatment plan devised by the claimant or victim's therapist or mental health clinician; and
 - (c) Copies of itemized billing statements for mental health treatment provided to the claimant or victim as a direct result of the crime.
- ~~(d)[1.] If in the event~~ itemized billing statements are not available, non-itemized billing statements shall be accepted if:
 - 1.[2.] The therapist or clinician notes from the visit are submitted along with the non-itemized medical billing statements; or
 - 2.[3.] The service provider submits a letter on its letterhead attesting that the services provided on the non-itemized billing statements are for mental health treatment the claimant or victim required as a direct result of victimization.

(2) The two (2) year ~~two-year~~ limitation on mental health counseling shall begin upon initial mental health counseling treatment and expire upon the passage of two (2) years, subject to the following provisions:

- (a) If the claimant or victim pauses mental health counseling treatment recommended pursuant to the provider's treatment plan, the two (2)-year period shall also pause; and
- (b) If and when the claimant or victim resumes regular mental health counseling treatment pursuant to the provider's treatment plan, the running of the two (2)-year period shall resume.

Section 10. Lost Earnings.

(1) Claimants requesting reimbursement of lost earnings shall provide the following documentation as proof of the loss of income arising from the crime:

- (a) Employment Verification Form completed by the claimant or victim's employer. If the claimant or victim is unable to obtain a completed Employment Verification Form, the Board may accept paystubs, tax returns, bank statements, or other documentary evidence to substantiate lost earnings. Bank statements shall clearly delineate direct deposit of earnings into the claimant or victim's bank account.
- (b) If the lost earnings resulted from physical injury sustained during the crime, a Physician's Statement Form ~~and~~.
- (c) If the lost earnings resulted from psychological injury or trauma sustained during the crime, a Mental Health Counselor's Report.
- (d) If the claimant or victim is unable to obtain a completed Physician's Statement or Mental Health Counselor's Report, the Board may accept the following alternate documentation to substantiate the medical necessity of the lost earnings:
 - 1. Medical records from a hospital, physician's office, counselor's office, or other legally registered medical service provider that provides medical or mental health treatment to the claimant or victim; and
 - 2. Return to work statements provided by the claimant or victim's treating physician or mental health clinician on provider letterhead.

(2) Family members of deceased victims may seek lost earnings constituting bereavement leave for any time missed from work during the four (4) weeks immediately following the victim's death.

- (a) Claimants requesting reimbursement of lost earnings constituting bereavement leave shall provide an Employment Verification Form completed by the claimant's employer as proof of the loss of income arising from the crime. If the claimant is unable to obtain a completed Employment Verification Form, the Board may accept paystubs, tax returns, bank statements, or other documentary evidence to substantiate lost earnings. Bank statements shall clearly delineate direct deposit of earnings into the claimant or victim's bank account.
- (b) A Physician's Statement or Mental Health Counselor's Report shall not be required for the Board to award a claimant lost earnings for time missed from work during the four (4) weeks immediately following the victim's death.
- (c) If the claimant seeks lost earnings for time missed from work beyond the four (4) week period immediately following the victim's death, the Board shall require a Physician's Statement or Mental Health Counselor's Report.

Section 11. Loss of Support. Claimants requesting reimbursement for loss of support as a result of the crime shall provide documentation as proof of the loss of support, which may include ~~but not limited to~~ documents or records outlining the amount of financial support provided by the victim or offender that was lost as a direct result of the crime, including ~~such as~~:

- (1) Paystubs, tax returns, or bank statements clearly delineating direct deposit of earnings into the offender or victim's bank account; or
- (2) Utility, rent, or mortgage bills or receipts for living or other expenses previously paid for by the victim or offender prior to the crime.

Section 12. Funeral and Burial Expenses. Claimants requesting reimbursement or payment of funeral and burial expenses shall submit the following documentation as proof of the eligible expenses:

- (1) A copy of the signed service contract from the funeral home, crematory, mortuary, cemetery, monument company, or other funeral or burial service provider for the victim's expenses; and
- (2) Invoices or receipts evidencing payments made to the service provider, if applicable. Unsigned service contracts shall be accepted as proof of the expense when the claimant otherwise meets the eligibility criteria for receiving compensation benefits from the Board pursuant to KRS 49.280(4) and 49.310(1).

Section 13.

(1) For purposes of awards of claims submitted by a victim's caregiver or caregivers pursuant to KRS 49.310(1)(e), ~~[no]~~ more than two (2) primary caregivers of a victim shall not receive awards under that subsection related to the same crime.

(2) In addition to all other required documentation, victim caregivers submitting claims pursuant to KRS 49.310(1)(e) shall provide documentation or proof substantiating that the individual is the victim's primary caregiver.

Section 14. Crime Scene Cleanup.

(1) Claimants or victims seeking reimbursement for crime scene cleanup shall submit the following documentation:

- (a) Proof the crime occurred at the claimant or victim's primary residence or business;
- (b) Proof of a need for crime scene cleanup services, including photos of the crime scene or other substantiating documentation;
- (c) Invoices or receipts for the cost of the cleanup; and
- (d) Proof that the cleanup services occurred within thirty (30) days of the crime.

(2) The Board may only award crime scene cleanup expenses sufficient to return the residence or business to its pre-crime condition.

Section 15. Collateral Source Offsets. Monetary amounts collected through crowd funding sources or websites shall not be considered a collateral source offset to an award to a claimant unless:

- (1) The crowdfunding fundraiser, when created, specifically identified the types of expenses the collected funds would cover;
- (2) The identified expense types are the same as expenses the claimant has requested and is eligible to receive in their crime victims compensation claim; and
- (3) The Board obtains or receives proof the collected funds were remitted to or on behalf of the claimant.

Section 16. Payment of Claim. When the Board awards a claim, the awarded expenses shall be paid as follows:

- (1) If the claimant paid the expense in full, the Board shall issue payment directly to the claimant.
- (2) If the claimant has incurred the indebtedness but not paid the expense, the Board shall issue payment directly to the service provider.
- (3) If the claimant has partially paid the expense and a balance remains due to the provider, the Board shall issue payment to the claimant in the amount he or she paid and a separate payment to the service provider for the unpaid balance.
- (4) If the eligible expenses exceed the applicable award maximum, the Board shall first award and issue payment to the claimant for amounts he or she paid out-of-pocket~~[out-of-pocket]~~, then award and issue payment to the provider for as much of the outstanding balance as may be paid within the applicable award maximum.
- (5) If the Board awards a claim that includes outstanding balances owed to multiple service providers, and the total of the outstanding balances exceeds the overall award maximum, the Board shall award expenses, and issue payment, to the eligible service providers on a pro rata basis.

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Crime Victims Compensation Board
(As Amended at ARRS, May 13, 2025)**

802 KAR 3:040. Additional award requests.

RELATES TO: KRS 49.260 - 49.490, 216B.015, 216B.400
STATUTORY AUTHORITY: KRS 49.010(4)(b), 49.020(7)(a), 49.300(1), and (2), and 49.370(2)(b) ~~[]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 49.020~~(7)(a)(1)~~ and 49.300(1) authorize the Crime Victims Compensation Board to promulgate administrative regulations that are necessary to carry out the provisions of KRS 49.270 through 49.490. ~~[The language of]~~ KRS 49.370 ~~[implicitly]~~ authorizes the Crime Victims Compensation Board to award additional awards to claimants or victims, or on their behalf, if the claimant or victim has additional eligible crime-related out-of-pocket~~[out-of-pocket]~~ expenses that arise after the board grants an initial award. This administrative regulation establishes procedures for crime victims to file additional award requests when new compensable expenses arise after the board awarded the victim's initial claim.

Section 1. Additional Award Requests. Pursuant to KRS 49.370, the board may grant additional awards to or on behalf of claimants or victims after the board has granted an initial award ~~if~~, in the event the claimant or victim incurs, or obtains proof of, additional eligible expenses after the grant of the initial award.

Section 2. Process for Additional Awards.

- (1) Claimants and victims may file additional award requests by mail, email, fax, or through the online claim filing portal.
- (2) As part of an additional award request, the claimant or victim shall submit ~~the following~~:
 - (a) A written request for an additional award; and
 - (b) Copies of the expenses that constitute the additional award request, along with supporting documentation.
- (3) A new claim form shall not be required for an additional award request.
- (4) To the extent practicable, any ancillary documentation required to substantiate the additional award request, which was submitted in the originating claim, shall be taken from the originating claim. The claimant or victim shall be notified by board staff if any additional ancillary documentation is required to substantiate the request.
- (5) All additional award requests shall be assigned a new claim number in the board's claim processing system.
- (6) The aggregate award totals from the originating claim and any additional awards shall not exceed the monetary award maximums established in KRS 49.370(5).

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Crime Victims Compensation Board
(As Amended at ARRS, May 13, 2025)**

802 KAR 3:050. Emergency awards.

RELATES TO: KRS 49.260 - 49.490, 216B.015, 216B.400
STATUTORY AUTHORITY: KRS 49.010(4)(b), 49.020(7)(a), 49.300, 49.360
NECESSITY, FUNCTION, AND CONFORMITY: During the 2024 Regular Session, the General Assembly passed Senate Bill 319, which amends KRS 49.360 to increase the amount a claimant may receive if granted an emergency award and requires the board to decide whether to grant or deny the emergency award request within two (2) weeks of receiving the request. KRS 49.010(4)(b), 49.020(7)(a), and KRS 49.300(1) authorize~~[authorizes]~~ the Crime Victims Compensation Board and Office of Claims and Appeals to promulgate administrative regulations necessary to implement the provisions of KRS 49.270 through ~~[KRS]~~ 49.490. This administrative regulation establishes the procedure for submitting a request for an emergency award and outlines the process and timeline for deciding an emergency award request.

Section 1. Emergency Award Requests. A claimant or victim submitting a request for an emergency award shall submit at the following documentation:

(1) Completed claim form; and
(2) Written request for emergency assistance on the Emergency Award Request form, which shall ~~outline~~ **the following**:

(a) **Outline** the details and amount of the request for emergency assistance; and

(b) **Provide an** explanation as to why the emergency assistance is needed, including how the claimant or victim will incur undue hardship if emergency assistance is not awarded.

Section 2. Processing of Emergency Award Requests.

(1) When the board receives an emergency award request, the claims investigator shall conduct a preliminary investigation to determine suitability for emergency assistance pursuant to KRS 49.360(1)(a) and (b). The preliminary investigation shall include ~~but not be limited to~~:

(a) Review of the emergency request, including its veracity;

(b) Review of the incident report, police report, or other documentation confirming the crime's occurrence;

(c) Verification of any applicable expenses that were submitted at, or before, the time when the emergency request was received; and

(d) Assessment regarding whether the claimant or victim will experience undue hardship if emergency assistance is not granted.

(2) Upon completion of the preliminary investigation, the claims investigator shall draft an investigative report outlining the findings of the preliminary investigation.

(3) Board staff shall then assign the claim to a board member to review the preliminary investigative report and complete ~~the following~~:

(a) A draft order; and

(b) A vote sheet on which the board member shall register their decision on the emergency award.

(4) The board member's decision and order shall be issued no later than two (2) weeks after receipt by the board of the emergency request.

(5) Following the decision on the emergency award request, board staff shall:

(a) Serve the order on the claimant; and

(b) If the request was awarded, provide payment to or on behalf of the claimant as soon as practicable.

Section 3. Incorporation by Reference.

(1) "Emergency Award Form", January 2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Claims and Appeals, 500 Mero St 2SC1, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. and is available online at: https://kycc.ky.gov/newstatic_info.aspx?static_id=158.

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Office of Claims and Appeals
Crime Victims Compensation Board
(As Amended at ARRS, May 13, 2025)**

802 KAR 3:060. Crime victim compensation offender debt collections.

RELATES TO: KRS 13B.100, 49.010, 49.020, 49.260 - 49.490, 216B.015, 216B.400

STATUTORY AUTHORITY: KRS 44.030, 45.237, 45.238, 45.241, 49.010(4)(b), 49.020(7)(a), 49.300(1), 49.470

NECESSITY, FUNCTION, AND CONFORMITY: KRS 49.010, 49.020, and 49.300 ~~authorize~~ **authorizes** the board to promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the board's statutory authority. ~~per~~ KRS 49.470 ~~establishes that~~ payment of claims by the board creates a debt owed to the state by a person found to have

committed a criminal act for any payment of benefits to ~~on~~ or on behalf of a victim under KRS 49.270 to 49.490. This administrative regulation establishes the procedures for collection of payments from offenders after awards have been made by the board to the victims of their crimes.

Section 1. Notice of Debt.

(1) If the offender is known, the board staff shall first determine whether the criminal matter has yet been reduced to judgment.

(a) If the matter remains pending, the board shall communicate with the prosecutorial agency handling the criminal prosecution and request that the board be listed as a recipient of a restitution order as part of the final judgment entered by the court.

(b) If the matter has already been prosecuted to judgment, the board shall contact the prosecutorial agency to explore if a restitution order could be entered or the judgment amended to allow for the inclusion of the board as a recipient of restitution in the amount paid by the board to the victim or the claimant.

(c) If the board is listed as a recipient of restitution in a final judgment or court order, the board shall notify the court, the prosecutorial agency, the Department of Corrections, or the Division of Probation and Parole ~~if in the event~~ the offender fails to remit payments to the board as ordered by the court.

(d) ~~Such~~ Notice shall also be provided to the offender and ~~or~~ his counsel of record in the criminal action wherein the court-imposed restitution.

(2) After locating the offender, a first notice of debt letter shall be sent to the offender, notifying the offender concerning the indebtedness to the board. **The letter shall include, and including** language about appeal rights.

(a) If the offender appeals the debt after receiving the notice of debt letter, the executive director of the Office of Claims and Appeals shall review the offender's appeal and the documentation for the underlying claim and issue a recommended order to the board recommending adjudication of the offender's appeal. The board shall render a decision on the offender's appeal at its next meeting, at which the offender shall have the opportunity to appear and be heard.

(b) Following consideration of the appeal, the board shall issue a final order adjudicating the offender's appeal. If the board denies the appeal, it shall resume efforts to collect the debt.

Section 2. Payment Agreements.

(1) The offender may be offered the option to enter into a payment agreement to pay the indebtedness on a monthly basis.

(a) Offenders who are incarcerated may enter into a payment agreement. The minimum payment shall be \$10.00 per month.

(b) If an incarcerated offender refuses to enter into a payment agreement, a Notice of Intercept ~~shall will~~ be sent to the Department of Corrections, which shall remit to the board fifty (50) percent of all state wages earned by the inmate on a monthly basis until the debt is paid in full.

(c) If an incarcerated offender enters into a payment agreement and subsequently fails to make monthly payments, the board shall issue a Notice of Intercept to the Department of Corrections, which shall remit to the board fifty (50) percent of all state wages earned by the inmate on a monthly basis until the debt is paid in full.

(2) Offenders who have been released or who were not subject to incarceration may enter into a payment agreement.

(a) The minimum monthly payment shall be ~~twenty-five (25) dollars~~ **\$25.00**.

(b) If a released offender refuses to enter into a payment agreement, the debt shall be referred to the Department of Revenue for collection as described in Section 3 **of this administrative regulation**.

(3) If an offender, whether or not incarcerated, fails to make payments as required in the payment agreement and is intercepted or has a collection action initiated, the offender may only revive the monthly payment agreement upon a showing of good cause why the offender failed to make the previous required payments.

(a) Good cause shall be determined by the executive director of the Office of Claims and Appeals.

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(b) The executive director in determining whether good cause exists to allow a monthly payment agreement to be revived shall consider:

1. Any extenuating circumstances articulated by the offender related to the offender's failure to make required payments;
2. Any changes in the offender's employment or wages;
3. Any modification of the offender's risk assessment or housing level by the correctional facility that could impact their ability to make payments on the debt; and
4. Any evidence of the offender's failure to receive notice of the debt owed.

Section 3. Forced Collection.

(1) If an offender who is not incarcerated fails to make monthly payments after establishment of a payment agreement, the debt shall be referred to the Department of Revenue for collection.

(2) Payments received shall be credited to the offender's account. The debt shall remain collectable until paid in full or the offender is determined to be deceased.

(a) If an offender dies while the debt is in collections or the offender is in default on a payment agreement, or otherwise is indebted to the board, the board may seek payment for the amount due from the estate of the offender.

(b) A subrogation lien in favor of the board may be filed in an offender's probate case or in a civil action if it[such] has been filed against the offender by the claimant.

(c) The board may employ any legal means to collect the debt from an offender, including initiating a civil action against the offender.

FILED WITH LRC: May 13, 2025

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**PUBLIC PROTECTION CABINET
Department of Alcoholic Beverage Control
(As Amended at ARRS, May 13, 2025)**

804 KAR 4:415. Direct shipper license.

RELATES TO: KRS 241.060(1), 243.027[~~– 241.060(1)~~][243.028, 243.029]

STATUTORY AUTHORITY: KRS 241.060, 243.027

NECESSITY, FUNCTION, AND CONFORMITY: KRS 243.027(4) requires the Department of Alcoholic Beverage Control to establish[set forth]the requirements and]the form for a direct shipper license application. In relation to the direct shipper license, KRS 241.060(1) authorizes the Department only to promulgate an administrative regulation to establish the license application. This administrative regulation establishes the direct shipper license application.

Section 1. Qualifications. To qualify for a direct shipper license, the applicant shall:

(1) Hold a current license, permit, or other authorization to manufacture alcoholic beverages in the state where it is located or a current license in this state under KRS 243.212 or 243.215 to supply alcoholic beverages;

(2) Submit to the department their[Provide a] current license, permit, or other authorization to manufacture, store, or supply alcoholic beverages in the state where the applicant is located through[via] the department's online portal at https://abcportal.ky.gov/BELLEExternal;

(3) Complete the online New[direct shipper] License Application through[via] the department's online[licensing] portal at https://abcportal.ky.gov/BELLEExternal; and

(4) [Provide the address of the applicant's premises; and]

[(5)] Pay the annual license fee established in KRS 243.030(33).

Section 2. Incorporation by Reference.

(1) "Online Direct Shipper License Application", October 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.

FILED WITH LRC: May 13, 2025

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**CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Division of Protection and Permanency
(As Amended at ARRS, May 13, 2025)**

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

RELATES TO: KRS 199.011, 199.640-199.680, 199.801, 600.020(25), 42 U.S.C. 622, 672, 675, 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/dcbs/dpp/Documents/stateagencyfostercareperdiemrates.pdf>.

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

- (1) A rate consistent with the assigned level of care for the adolescent parent; and
- (2) Inclusive of child care cost, the amount established in Section 8(1) of this administrative regulation for the committed child of an adolescent parent who is committed to the cabinet.

Section 10. Independent Living Programs.

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

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

- (a) \$99.50 per child for Level I or Level II; and
- (b) \$139.96 per child for Level III.

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

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

- (1) Department for the cost of room, board, and watchful oversight; and
- (2) Department for Medicaid Services or its designee for behavioral health treatment services.

Section 12. Provider Requirements.

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

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

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

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

2. Clinical services including:

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

3. Support services that:

- a. Identify necessary resources and coordinate services provided by a range of agencies or professionals;
- b. Allow a child to cope with the trauma, disability, or distress;
- c. Provide access to improving the educational or vocational status of the child; and
- d. Provide essential elements of daily living;

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

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

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

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

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

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

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

- 1. The Council on Accreditation; or
- 2. The Joint Commission.

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

Section 13. Utilization Review and Authorization of Payment.

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

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

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

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

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

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

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

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

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

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

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

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

Section 14. Redetermination.

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

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

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

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

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

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

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

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

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

(b) The date of admission.

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

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

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

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

Section 15. Reassignment.

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

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

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

1. A cover letter requesting a reassignment;

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

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

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

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

Section 16. Informal Dispute Resolution.

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

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

(a) Review the request; and

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

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

2. With notice provided to the contract agent.

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

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

Section 18. Incorporation by Reference.

(1) The following material is incorporated by reference:

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

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

(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: May 13, 2025

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

VOLUME 51, NUMBER 12– JUNE 1, 2025
ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

NONE

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](#).

PUBLIC PROTECTION CABINET
Kentucky Board of Registration for Professional
Geologists
(Amendment)

201 KAR 31:010. Fees.

RELATES TO: KRS 322A.050, 322A.060, 322A.070
STATUTORY AUTHORITY: KRS 322A.030(5), 322A.050, 322A.060(1), 322A.070(1), (3)
CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8(2). The Kentucky Board of Registration for Professional Geologists is not among the agencies listed in Section 8(3) that require additional certification by the Governor.
NECESSITY, FUNCTION, AND CONFORMITY: KRS 322A.040, 322A.050, and 322A.060 authorize the board to establish application, registration, renewal, and examination fees. KRS 322A.070(3) authorizes the board to replace registrations if needed. This administrative regulation establishes the fees charged by the board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

Section 1. Application Fee.

(1) The application fee for registration as a professional geologist or certification as a geologist-in-training shall be non-refundable pursuant to KRS 322A.050 and shall be paid with the filing of the application.

(2) The application fee for registration as a professional geologist or certification as a geologist-in-training shall be set at \$225.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$325.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board[\$450].

Section 2. Examination Fees. An applicant for registration as a professional geologist or certification as a geologist-in-training shall be responsible for payment of the required examination fee charged by the National Association of State Boards of Geology.

Section 3. Biennial Renewal Fees and Penalties. The fees established in subsections

(1) through (5) of this section shall be paid in connection with licensure and certification renewals and late renewal penalties. (1) The biennial renewal fee for registration as a professional geologist or certification as a geologist-in-training shall be set at \$250.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$375.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board[\$475].

(2) The late biennial renewal fee for registration or certification in active status as a professional geologist or certification as a geologist-in-training, including penalty, for late renewal during the ninety (90) day grace period shall be set at \$300.00 unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$400.00. Any such adjustment shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board[\$225].

(3) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training renewal after the end of the ninety (90) day grace period and before the registration or certification is revoked pursuant to KRS 322A.060(3) shall be set at \$350.00, unless adjusted by the Board, which may, upon approval of the Board, increase the fee to an amount not to exceed \$450.00.

Any such adjustment in fee shall be based on financial necessity, administrative costs, or other relevant factors deemed appropriate by the Board[\$275].

(4) In lieu of paying the biennial renewal fee, a person may opt to renew his or her registration or certification as inactive.

(a) The biennial inactive renewal fee shall be \$100.

(b) A registration or certification may be renewed in inactive status indefinitely.

(c) The late biennial renewal fee for registration or certification in inactive status shall be \$175.

(d) The reinstatement fee for registration as a professional geologist or certification as a geologist-in-training as an inactive renewal after the end of the ninety (90) day grace period and before the registration or certification is revoked pursuant to KRS 322A.060(3) shall be \$200.

(5) To reinstate a license from inactive status, a licensee shall remit the reinstatement fee in subsection (3) of this section.

Section 4. Duplicate Registration or Certification Fees. The fee for a duplicate of the original registration or certification certificate shall be ten (10) dollars.

Section 5. Board Approval Required for Fee Adjustment. Except as otherwise provided in this chapter, any fee increase pursuant to this section shall be approved by a super-majority vote of the Board at a public meeting open to public comment and shall not exceed the maximum amount established in this section.

WILLIAM BRAB, Board Chair

APPROVED BY AGENCY: May 5, 2025

FILED WITH LRC: May 14, 2025 at 2:17 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on July 23, 2025, at 1:00 p.m. Eastern Time at the Public Protection Cabinet, 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing at least five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on July 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 listed below.

CONTACT PERSON: Adrian L. Del Valle, Assistant Attorney General, Kentucky Office of the Attorney General, Office of Civil and Environmental Law, 700 Capital Avenue, Suite 118, (502) 696-5363, and Adrian.Delvalle@ky.gov; see also a publicly accessible link to the Public Protection Cabinet's public comment portal accessible at https://ppc.ky.gov/reg_comment.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Adrian L. Del Valle.

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the application, examination, biennial renewal, late renewal, inactive renewal, and reinstatement fees for professional geologists and geologists-in-training. It authorizes the Board to adjust certain fees based on financial necessity, administrative costs, or other relevant factors. The regulation

increases key fees, including raising the application fee from \$150.00 USD to \$225.00 USD, the biennial renewal fee from \$175.00 USD to \$250.00 USD, the late biennial renewal fee from \$225.00 USD to \$300.00 USD, and the reinstatement fee from \$275.00 USD to \$350.00 USD. For those maintaining an inactive license, the regulation sets the biennial renewal fee at \$100.00 USD, the late biennial renewal fee at \$175.00 USD, and the reinstatement fee at \$200.00 USD. Additionally, new “Section 5” requires any future fee adjustment to be approved by a super-majority vote of the Board at a public meeting open to public comment and prohibits any adjustment from exceeding the maximum amounts established in the regulation.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to enable the Board to charge fees that appropriately reflect the cost of administering its statutory responsibilities, including licensing, certification, renewals, enforcement, and oversight of professional geologists and geologists-in-training. The updated fee structure ensures the Board can maintain financial stability and continue delivering essential regulatory services without interruption. Without these adjustments, the Board would face a projected funding shortfall that could jeopardize its operational effectiveness. The regulation also includes a mechanism for future fee adjustments based on financial necessity, administrative costs, or other relevant factors, while safeguarding transparency by requiring any such adjustment to be approved by a super-majority vote of the Board at a public meeting open to public comment.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 322A.040, 322A.050, and 322A.060 authorize the board to establish application, registration, renewal, and examination fees. This administrative regulation establishes the fees charged by the Board to apply for registration or certification, sit for the examination, and renew and reinstate a registration or certification.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This proposed administrative regulation assists in the effective administration of KRS 322A.040, 322A.050, and 322A.060 by ensuring that the Board has the necessary funding to carry out its regulatory responsibilities, including processing applications, renewals, and reinstatements, and overseeing examinations. By setting appropriate fees and allowing adjustments based on financial necessity, the regulation helps maintain the Board's operations without any financial disruption. Additionally, the structured fee adjustment process ensures transparency and accountability, allowing the Board to adapt to inflation and changing administrative costs while maintaining compliance with statutory requirements.

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

(a) How the amendment will change this existing administrative regulation: This amendment revises the existing administrative regulation by increasing the application, biennial renewal, late renewal, inactive renewal, and reinstatement fees for professional geologists and geologists-in-training. These adjustments are intended to ensure the Board's continued financial stability and ability to fulfill its statutory functions, including licensing, compliance oversight, and administrative operations. The amendment also adds a new provision (“Section 5”) that authorizes the Board to adjust certain fees in the future based on financial necessity, administrative costs, or other relevant factors. To promote transparency and accountability, any such adjustment must be approved by a super-majority vote of the Board at a public meeting open to public comment. The regulation further establishes maximum fee limits for each adjustable fee category, ensuring that any future increases remain reasonable and subject to clear boundaries.

(b) The necessity of the amendment to this administrative regulation: This proposed amendment is necessary to ensure the Board has sufficient funds to cover operational expenses, including administrative costs and required services, to regulate professional geologists effectively. Without the fee increases, the Board faces a financial shortfall that could impact its ability to process applications, renewals, and reinstatements, as well as fulfill its statutory duties. The amendment also introduces a structured process for future fee

adjustments, allowing the Board to respond to financial needs while maintaining transparency and public accountability.

(c) How the amendment conforms to the content of the authorizing statutes: This proposed amendment conforms to KRS 322A.040, 322A.050, and 322A.060, which grant the Board authority to establish application, registration, renewal, and examination fees for professional geologists and geologists-in-training. The amendment increases these fees to ensure the Board remains financially stable while continuing to fulfill its regulatory duties. Additionally, it aligns with the statutes by establishing a clear process for adjusting fees based on financial necessity, ensuring that any changes remain within the Board's legal authority and are subject to public oversight.

(d) How the amendment will assist in the effective administration of the statutes: This proposed amendment will assist in the effective administration of KRS 322A.040, 322A.050, and 322A.060 by ensuring that the Board has sufficient financial resources to carry out its regulatory responsibilities, including processing applications, renewals, reinstatements, and examinations. By increasing fees and allowing for future adjustments based on financial necessity, the amendment helps prevent budget shortfalls that could disrupt the Board's operations. Additionally, the structured fee adjustment process promotes transparency and accountability, ensuring that any changes align with statutory requirements while maintaining the Board's ability to regulate the profession effectively.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Board only regulates individuals. No businesses, organizations, or state and local governments will be affected by this administrative regulation. The Board currently has 1,136 registrants and certification holders. The Board anticipates 58 new applications annually.

(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 individuals identified in question (3) will be required to pay the increased application, renewal, late renewal, inactive renewal, and reinstatement fees to obtain and maintain registration or certification. To avoid higher penalties, registrants must ensure timely renewal within the required period. Additionally, they should stay informed about potential future fee adjustments, which may be approved by a super-majority vote at a public meeting open to public comment, and adjust their financial planning accordingly to account for the increased costs of licensure and renewal.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): In complying with this amendment, each registrant or certification holder identified in question (3) will experience an increase in fees related to application, licensure renewal, late renewal, inactive renewal, and reinstatement. The application fee will increase from \$150.00 USD to \$225.00 USD, representing a \$75.00 USD increase. The biennial renewal fee will increase from \$175.00 USD to \$250.00 USD, and the late biennial renewal fee for inactive licensees will increase from \$225.00 USD to \$300.00 USD, each also reflecting a \$75.00 USD increase. The reinstatement fee for active licensees after the end of the ninety (90) day grace period and before the registration or certification is revoked will increase from \$275.00 USD to \$350.00 USD, a \$75.00 USD increase. Additionally, the regulation specifies certain fees for inactive status that predate this amendment. These include a biennial inactive renewal fee of \$100.00 USD, a late biennial renewal fee (inactive) of \$175.00 USD, and a reinstatement fee from inactive status after the end of the ninety (90) day grace period and before the registration or certification is revoked of \$200.00 USD. The amendment provides for a uniform cost without regard to odd or even numbered years.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): As a result of compliance with this amendment, registrants and certification holders will benefit from a financially stable and operationally effective Board, ensuring the continued processing of applications, renewals, and reinstatements without service interruptions. The increased fees will allow the Board

to cover administrative costs and operational expenses, maintaining its ability to regulate the profession and uphold licensing standards. Additionally, the structured fee adjustment process provides transparency and predictability, allowing registrants to plan for potential future increases while ensuring that any adjustments remain necessary and justifiable through a public approval process.

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

(a) Initially: There is no cost associated with implementing this proposed administrative regulation.

(b) On a continuing basis: There is no continuing cost associated with implementing this proposed administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The Board is funded exclusively through license application and renewal fees. The Board will fund any implementation and enforcement costs through its application, reinstatement, and renewal fees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement the changes in 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 increase existing fees.

(9) TIERING: Is tiering applied? No. Tiering is not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 322A.030, KRS 322A.050, 322A.060, 322A.070.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: The regulation is expressly authorized by KRS 322A.030, KRS 322A.040, KRS 322A.050, KRS 322A.060, and KRS 322A.070, all of which were enacted by 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 Registration for Professional Geologists, which operates under the umbrella of the Public Protection Cabinet. This agency is solely responsible for issuing and regulating licenses and certifications for geologists and geologists-in-training within the Commonwealth. No other state agencies, divisions, or governmental parts are impacted by this regulation beyond the Board itself.

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

1. Expenditures:

For the first year: There is no cost to administer this program for the first year.

For subsequent years: There is no cost to administer this program for subsequent years.

2. Revenues:

For the first year: The Board expects to realize an increase of approximately \$81,225.00 USD in revenue in the first full year this administrative regulation is in effect compared to what would have been realized under the existing fee structure. Again, the first year for the amended regulation corresponds to the next renewal period in 2025.

For subsequent years: The Board expects to realize an increase of approximately \$42,600.00 USD in revenue in the year after the first year after this administrative regulation goes into effect compared to what the Board would have received under the existing fee structure. After that year, the Board predicts marginally less increased revenue for each two-year renewal period based on the number of registrants and certificate holders continuing to decline.

3. Cost Savings:

For the first year: None. The regulation increases revenue but does not reduce the Board's operating costs.

For subsequent years: None. The Board's expenses remain unchanged, and no savings are expected.

(4)(a) Identify affected local entities (for example: cities, counties,

fire departments, school districts): No local entities are affected by this administrative regulation. It applies solely to individual professional geologists and geologists-in-training and has no fiscal or administrative impact on local governments or their subdivisions.

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

1. Expenditures:

For the first year: None. Local governments aren't involved in licensing or regulating professional geologists, so they won't face any new costs.

For subsequent years: None. This regulation remains limited in scope to state-level licensure.

2. Revenues:

For the first year: None. No new revenue is generated for local entities.

For subsequent years: None. Local governments are unaffected.

3. Cost Savings:

For the first year: There are no savings - just a continuation of the status quo.

For subsequent years: No cost reductions are expected.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): The only regulated entities affected are individual professional geologists and geologists-in-training. No businesses, institutions, or non-governmental entities fall under the scope of this regulation.

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

1. Expenditures:

For the first year: Individual licensees and new applicants will pay slightly more - specifically, \$75.00 more per transaction for things like applying for licensure or renewing it. For example, the application fee now stands at \$225.00 instead of \$150.00, and renewals increased from \$175.00 to \$250.00.

For subsequent years: The fee increases will remain in place, so the added cost will continue with each renewal or application cycle. No other new expenses are expected.

2. Revenues:

For the first year: Regulated individuals don't stand to earn revenue from this change; it's a licensing expense.

For subsequent years: The same applies - this is purely a cost to comply with licensing requirements.

3. Cost Savings:

For the first year: None. This change raises fees and doesn't introduce any savings.

For subsequent years: None. The regulation is about covering the Board's operating needs, it does not decrease costs for licensees or the Board.

(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 increases fees for professional geologists and geologists-in-training, which means individual licensees will pay more to apply, renew, or reinstate their licenses. While this does impose a modest financial impact on the regulated population, the tradeoff is necessary to keep the Board running smoothly and ensure it can continue processing licenses, enforcing standards, and maintaining oversight without disruption.

(b) Methodology and resources used to reach this conclusion: The conclusion was based on a side-by-side comparison of old and new fees, multiplied across the current number of licensees (just over 1,100). Even accounting for the fee increases, the overall financial effect on any individual remains limited and manageable.

(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): No, this regulation will not have a "major economic impact" as that term is defined under Kentucky law. The fee increases - while meaningful to individual licensees - are modest in scope and limited in frequency, occurring primarily on a biennial basis. The financial obligations introduced by the regulation are proportional to the cost of administering the licensure program and are not expected to cause substantial economic hardship for the individuals or entities

affected. For context, the most significant increase is \$75.00 per application or renewal cycle, and no local governments or private businesses are impacted. Because of this narrow and limited fiscal reach, the regulation does not meet the threshold for major economic impact under KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: This conclusion was reached by reviewing historical data on license and certification fee revenues, assessing how many individuals would be subject to the amended fees (currently 1,136 registrants), and projecting the total cost increase over the renewal cycle. The analysis considered the typical income levels of licensed geologists, the biennial renewal structure, and the fact that no other governmental or business entities are financially affected. Collectively, these factors confirmed that the economic impact remains moderate and does not rise to a statutory "major" level.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)**

301 KAR 2:221. Waterfowl seasons and limits.

RELATES TO: KRS 150.010(45), 150.025(1), 150.305(1), 150.330, 150.340(1), (3), 150.990

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

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

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

Section 1. Definitions.

(1) "Active military personnel" means a member of the Armed Forces on active duty, including members of the National Guard and Reserves on active duty other than for training.

(2) "Adult" means a person who is at least eighteen (1) years of age[has reached his or her 18th birthday].

(3) "Dark geese" means Canada geese, cackling geese, white-fronted geese, or brants.

(4) "Light geese" is defined by KRS 150.010(20).

(5) "Light geese conservation order" is defined by KRS 150.010(21).

(6) "Veteran" means a person who served in the active military, naval, air, or space service, and who was discharged or released therefrom under conditions other than dishonorable.

(7) "Waterfowl" is defined by KRS 150.010(45).

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

Section 2. Except as established in 301 KAR 2:222 or 2:225, a person shall not hunt waterfowl except during the seasons established in this administrative regulation.

Section 3. Season Dates.

(1) The duck, coot, and merganser season shall:

(a) Begin on Thanksgiving Day for four (4) consecutive days; and

(b) Be from December 7 through January 31.

(2) The dark geese season shall be from Thanksgiving Day through February 15.

(3) The light geese season shall be from Thanksgiving Day through February 15.

(4) The light geese conservation order season shall be from February 16 through March 31.

(5) A person shall not hunt light or dark geese in:

(a) The areas of Laurel River Lake as posted by sign; or

(b) Cave Run Lake and the public land inside the boundary formed by Highways 801, 1274, 36, 211, US 60, and Highway 826.

Section 4. Ballard Zone.

(1) The Ballard Zone includes the portion of Ballard County north and west of:

(a) The Ballard-McCracken County line to State Road 358;

(b) State Road 358 to US 60;

(c) US 60 to the city limits of Wickliffe; and

(d) The city limits of Wickliffe to the center of the Mississippi River.

(2) In the Ballard Zone, a person hunting waterfowl shall:

(a) Not hunt or establish a blind within:

1. 100 yards of another blind; or

2. Fifty (50) yards of a property line; and

(b) Not possess more than one (1) uncased or loaded shotgun while in a blind.

(3) The requirements of subsection (1) of this section shall not apply if the Light Geese Conservation Order, as established in Section 3 of this administrative regulation, is the only waterfowl season open, excluding falconry seasons.

Section 5. Bag and Possession Limits.

(1) Ducks. The daily limit shall be six (6), which shall not include more than:

(a) Four (4) mallards;

(b) Two (2) hen mallards;

(c) Three (3) wood ducks;

(d) Two (2) black ducks;

(e) Two (2) redheads;

(f) Three (3) pintails~~One (1) pintail~~;

(g) One (1) scaup beginning Thanksgiving Day for four (4) consecutive days and December 7 through December 17;

(h) Two (2) scaup beginning on December 18 through January 31;

(i) One (1) mottled duck; or

(j) Two (2) canvasbacks.

(2) Coot. The daily limit shall be fifteen (15).

(3) Merganser. The daily limit shall be five (5), which shall not include more than two (2) hooded mergansers.

(4) Dark geese. The daily limit shall be five (5), which shall not include more than:

(a) Three (3) Canada geese or cackling geese, in combination;

(b) Two (2) white-fronted geese; or

(c) One (1) brant.

(5) Light geese. The daily limit shall be twenty (20), except that there shall not be a limit during the light geese conservation order season.

(6) The possession limit shall be triple the daily limit, except that there shall not be a light geese possession limit.

Section 6. Shooting Hours. A person shall not hunt waterfowl except from one-half (1/2) hour before sunrise until:

(1) Sunset, except as established in 301 KAR 2:222; or

(2) One-half (1/2) hour after sunset if hunting light geese during the light geese conservation order season.

Section 7. Falconry Waterfowl Season and Limits.

(1) The season for waterfowl shall be from Thanksgiving Day through the last Sunday in February.

(2) The daily limit shall be three (3) waterfowl.

(3) The possession limit shall be nine (9) waterfowl.

Section 8. Permit for the Light Geese Conservation Order Season.

(1) A person hunting light geese during the light geese conservation order season shall first obtain a free permit by completing the online Snow Geese Conservation Order Permit process on the department's Web site at fw.ky.gov.

(2) A person hunting light geese during the light geese conservation order season shall submit a Snow Geese Conservation Order Permit Survey to the department by April 10.

Section 9. Special Youth Waterfowl Season.

(1) For the waterfowl season, the Saturday before Thanksgiving and the second Saturday in February shall be exclusive to youth hunters.

(2) A youth hunter shall be accompanied by an adult.

(3) If hunting, youth hunters shall comply with the provisions of 301 KAR 2:221 and 301 KAR 2:222 and also hunt on the applicable additional dates established in this administrative regulation.

(4) An adult accompanying a youth who is waterfowl hunting shall:

(a) Remain in a position to take immediate control of the youth's firearm;

(b) Not hunt ducks, coots, mergansers, and gallinules; or

(c) Not be required to possess a hunting license or waterfowl permit if he or she is not hunting.

Section 10. A Special Veterans and active Military Personnel Waterfowl Hunting Season.

(1) For the waterfowl season, the Sunday before Thanksgiving and the second Sunday in February shall be exclusive to veterans or active military personnel hunters.

(2) If hunting, veteran or active-duty military hunters shall comply with the provisions of 301 KAR 2:221 and 301 KAR 2:222 and also hunt on the applicable additional dates established in this administrative regulation.

(3) While in the field during the special veterans and active military personnel waterfowl hunting season, waterfowl hunters shall either have a state hunting license showing veteran status or carry proof of their veteran or active military personnel status. Acceptable forms of proof shall be a current military identification card, a VA-issued identification card, state issued driver's license or identification card with a veteran's designation, or an original or copy of a DD Form 214, DD Form 215, NGB Form 22, NGB Form 22-a, or DD Form 256.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Snow Geese Conservation Order Permit", April 2022; and
(b) "Snow Geese Conservation Order Permit Survey", April 2022.

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

(a) <https://app.fw.ky.gov/snowgoosesurvey/snowgoose.aspx> for the "Snow Geese Conservation Permit"; and

(b)

<https://app.fw.ky.gov/snowgoosesurvey/snowgoosesurvey.aspx> for the "Snow Geese Conservation Order Permit Survey."

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: April 24, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 9:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, KY 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written

comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes waterfowl seasons and bag limits within federal migratory bird hunting frameworks established in 50 CFR Parts 20 and 21 according to the U.S. Fish and Wildlife Service (USFWS).

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to establish waterfowl hunting seasons in accordance with the USFWS.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods for the taking of wildlife. KRS 150.600(1) authorizes the department to regulate the taking of waterfowl on public and private land.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by establishing hunting season and bag limit requirements and providing reasonable hunting opportunity consistent with state, national, and international management requirements.

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

(a) How the amendment will change this existing administrative regulation: This amendment will change the bag limit for northern pintails from 1 pintail daily to 3 pintails daily. New harvest models employed by the USFWS allow for increased harvest and this would allow Kentucky hunters to participate.

(b) The necessity of the amendment to this administrative regulation: Waterfowl seasons and limits are set on an annual basis following the establishment of federal frameworks by the USFWS each year. It is the Department's responsibility to allow quality hunting opportunity within these federal frameworks. The changes in bag limit maximizes the hunting opportunity allowed by federal frameworks.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 20,000 duck hunters in Kentucky which would benefit from increased bag limits on northern pintail.

(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 current changes in bag limits will be published in the fall waterfowl hunting guide and on the department's website. Hunters will need to follow all applicable amendments to the hunting bag limits.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be in compliance with Federal law.

(5) Provide an estimate of how much it will cost the administrative

body to implement this administrative regulation:

(a) Initially: There will not be an additional cost to implement this administrative regulation initially.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any fees or funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees directly or increase any fees indirectly.

(9) TIERING: Is tiering applied? Tiering was not applied. The same guidelines and limits apply to all waterfowl hunters.

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 150.025(1), 150.360, 150.600, 50 C.F.R. 20, 21

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife and to regulate bag limits. KRS 150.360 authorizes the department to restrict methods of taking wildlife. KRS 150.600 authorizes the department to regulate the taking of waterfowl on public and private land. This administrative regulation establishes requirements for the taking of waterfowl within reasonable limits and within the frameworks established by 50 C.F.R. Parts 20 and 21.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department's Wildlife Division and Law Enforcement Division.

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

1. Expenditures:

For the first year: No additional expenditures will be necessitated by the amendments to this administrative regulation during the first year.

For subsequent years: There will be no differences to expenditures in subsequent years.

2. Revenues:

For the first year: No revenue will be generated by amendments to this administrative regulation during the first year.

For subsequent years: There will be no differences to revenues in subsequent years.

3. Cost Savings:

For the first year: No cost savings will be generated by amendments to this administrative regulation during the first year.

For subsequent years: There will be no differences to cost savings in subsequent years.

(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): None

(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 no fiscal impact generated by the amendment to this administrative regulation. This is a small increase in the bag limit for one duck species. This species is harvested in low numbers in Kentucky so it is not expected to create increased participation.

(b) Methodology and resources used to reach this conclusion: Experience of KDFWR staff.

(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): These amendments will not have a "Major Economic Impact".

(b) The methodology and resources used to reach this conclusion: Experience of KDFWR staff.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Wildlife and Fisheries, Federal Code of Regulations, 50 CFR Part 20, Migratory Bird Hunting; Part 21, Migratory Bird Permits.

(2) State compliance standards. The Department of Fish and Wildlife Resources sets migratory bird seasons within the frameworks established by the U.S. Fish and Wildlife Service and published in 50 CFR Parts 20 and 21.

(3) Minimum or uniform standards contained in the federal mandate. 50 CFR Part 20 contains season frameworks for the earliest opening and latest closing date, the maximum number of days a species is open to hunting, and daily bag and possession limits. 50 CFR Part 21 defines permits and the necessary requirements to hold and possess migratory game birds before, during and after periods open for hunting.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Yes

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The federal mandate defines the regulatory frameworks that a state may allow. States are permitted to be more restrictive but not more liberal in their respective regulations. State management objectives necessitate more restrictive regulations to protect local, regional and/or state populations of birds important to Kentucky's migratory bird hunters. Restricting bag limits provides the state the ability to protect populations that may be of concern on the state level but not on a national scale. The greatest concentrations of migratory birds and the greatest hunting pressure often occur on public lands managed by the Department. The Department imposes more restrictive regulations on these lands in effort to meet migratory bird management objectives while still providing quality hunting opportunity.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (Amendment)

301 KAR 3:010. Public use of Wildlife Management Areas.

RELATES TO: KRS 13B, 150.025, 150.620, 150.640

STATUTORY AUTHORITY: KRS 150.025, 150.620

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an

independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the Kentucky Department of Fish and Wildlife Resources~~[department]~~ to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to impose and enforce special administrative regulations on lands acquired for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of Wildlife Management Areas, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

Section 1. Definitions.

(1) "Bait" means a substance composed of grains, minerals, salt, fruits, vegetables, hay or any other food materials, whether natural or manufactured, which may lure, entice, or attract wildlife.

(2) "Baiting" means to place, deposit, tend, distribute, or scatter bait.

(3) "Event" means:

- (a) An activity conducted by a group;
- (b) A commercial activity; or
- (c) A field trial.

(4) "Field trial" means an event where unleashed dogs are worked and judged.

(5) "Group" means:

- (a) A club, society or association;
- (b) Ten (10) or more persons who gather to conduct an event;

or

(c) A field trial.

(6) "Horse" means a horse, pony, mule, donkey, llama, or similar beast of burden.

(7) "Injurious substance" means a substance which may be injurious to aquatic life, wildlife, or wildlife habitat.

(8) "Mechanized vehicle" means a motor vehicle, bicycle, or other human conveyance except a wheelchair.

(9) "Motor vehicle" means a motor-driven conveyance, whether or not licensed for use on a public highway.

(10) "Ride" means to ride, drive, or lead a horse.

(11) "Special Use Wildlife Management Area" or "Special Use WMA" means a Wildlife Management Area that is subject to special restrictions due to safety concerns or recorded deed restrictions on the subject property prohibit.

(12)~~[(14)]~~ "Wildlife management area" or "WMA" means a tract of land:

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

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

Section 2. While upon a WMA, a person:

(1) Shall observe the hunting dates, limits, and other requirements that apply to the county in which the WMA is located, unless otherwise specified in:

- (a) This administrative regulation;
- (b) 301 KAR 2:049;
- (c) 301 KAR 2:132~~[301 KAR 2:178]~~;
- (d) 301 KAR 2:140;
- (e) 301 KAR 2:142;
- (f) 301 KAR 2:144;
- (g) 301 KAR 2:178;
- ~~(h) [(g)]~~ 301 KAR 2:222;~~[or]~~
- ~~(i) [(h)]~~ 301 KAR 2:225;~~or~~[-]
- ~~(j)~~ 301 KAR 2:300.

(2) Except for waterfowl or dove hunting, or legal hunting at night, a person who is hunting any species, or a person who is accompanying a hunter, shall wear hunter orange clothing pursuant to 301 KAR 2:172 while:

(a) On a WMA that is open for modern gun or muzzleloader deer seasons, pursuant to 301 KAR 2:178;

(b) Hunting within the sixteen (16) county elk zone when a firearms elk season is open, pursuant to 301 KAR 2:132; or

(c) Hunting within the bear zone during a bear firearms season, pursuant to 301 KAR 2:300.~~[Shall wear hunter orange garments as required in 301 KAR 2:172 when deer hunting with firearms is allowed.]~~

(3) May hunt small game, furbearers, or turkey by archery during the modern gun deer season, including the first two (2) days, if the statewide modern gun deer season is closed on that area.

(4) Unless specified otherwise in 301 KAR 2:049, shall not allow an unleashed dog from March 1 until the third Saturday in August, except when participating in:

(a) A department-authorized field trial;

(b) The spring squirrel season; or

(c) Training a retriever or other water dog, if:

- 1. The activity is authorized by a sign at the body of water; and
- 2. The dog remains leashed except while actively training in or within 100 feet of the body of water.

(5) Shall not:

(a) Hunt:

1. On a WMA or portion of a WMA designated by a sign as closed to hunting; or

2. At an established access point, launching ramp, or recreation area.

(b) Enter a portion of a Wildlife Management Area designated by a sign as closed to public access.

(c) Discharge a firearm within 100 yards of a residence or occupied building, whether or not the building is on a WMA.

(d) Camp, except in a designated area.

(e) Place or distribute bait or otherwise participate in baiting wildlife on a Wildlife Management Area. Bait shall not include the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the area is occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

(f) Hunt over bait.

(g) Place trail cameras on WMAs or public hunting areas unless the trail camera is externally labeled with the owner's Fish and Wildlife customer identification number.

Section 3. Horseback Riding. A person shall not:

(1) Ride a horse on a WMA except:

(a) On a trail or area specifically marked for horseback riding;

(b) A maintained public road open to public vehicular traffic;

(c) During an event where a horse is allowed under a permit issued under the provisions of Section 6 of this administrative regulation; or

(d) While engaged in a legal hunting activity.

(2) Allow a horse to roam or graze on department property.

(3) Tether a horse in a way that would cause damage to a tree or shrub.

(4) Participate in horseback riding during firearms seasons for turkey, deer, and elk unless participating or assisting in a legal elk hunt. Any persons legally riding horses during an elk hunt shall abide by the hunter orange requirements found in 301 KAR 2:132, Section 5(5).

Section 4. Prohibited Activities. Except as authorized by the department, on a WMA a person shall not:

(1) Damage a tree or shrub;

(2) Dump trash or litter;

(3) Set fires, except for an attended campfire;

(4) Leave a campfire unattended;

(5) Cut or damage a fence or gate;

(6) Deface or destroy a sign;

(7) Destroy, harvest, or glean a crop;

(8) Allow livestock to roam freely;

(9) Dump the contents of a holding tank, portable toilet, or other container holding human waste;

- (10) Deface or collect artifacts from historical or archeological sites;
- (11) Ignite fireworks or rockets;
- (12) Collect or remove plants;
- (13) Place or cause to be placed an injurious substance on land or water;
- (14) Engage in an activity which:
 - (a) Is commercial in nature and intent unless specified in Section 6(3) of this administrative regulation; or
 - (b) Could:
 - 1. Unreasonably interfere with other uses or users of the area;
 - 2. Pose a risk to persons or property; or
 - 3. Damage facilities, roads, trails, or ecosystems of the area.

Section 5. Use of Mechanized Vehicles. Except as specifically authorized by the department in this administrative regulation, on a WMA, a person shall not:

- (1) Use a mechanized vehicle except:
 - (a) On a maintained road open to public use; or
 - (b) In a designated parking area;
- (2) Park in a way that would:
 - (a) Block a road or gate; or
 - (b) Prevent access to a portion of the area.

Section 6. Group Permits.

(1) A group shall not conduct an event upon department property without obtaining a permit at least thirty (30) days before the date of the event.

(2) An applicant shall use the "Wildlife Management Area Use Permit Application."

(3) The department shall deny a permit for an event that involves:

- (a) The use of mechanized vehicles, except for travel to and from the area; or
- (b) An activity prohibited in Section 4 of this administrative regulation except that a commercial activity may be permitted if it is:
 - 1. An informational booth;
 - 2. A food vendor;
 - 3. For collecting registration or entrance fees;
 - 4. A similar ancillary activity authorized by the event permit; or
 - 5. An ecotourism event approved by the department.

(4) The department may:

- (a) Require the group to reschedule an event to avoid user conflicts;

- (b) Restrict an event to a specified location within the WMA;
- (c) Cancel a scheduled event if flooding, fire danger, or other unforeseen circumstances render the WMA unsafe or unsuitable for the event; or

(d) Require the group to provide portable sanitary toilet facilities if existing facilities on the WMA are inadequate for the expected size of the group.

(5) A group that holds a valid WMA use permit for an event on a shooting range shall:

(a) Maintain a sign-in sheet with participants required to sign-in prior to participating in the event; and

(b) Submit the sign-in sheet to the department within 30 days of the event by any method indicated on the application incorporated by reference in 301 KAR 3:015.

(6) [(5)] The department shall revoke the permit and cancel an event if the group's behavior:

- (a) Is rude, obnoxious, disruptive, or disorderly;
- (b) Creates a danger to the health or safety of other users;
- (c) Results in damage to the area; or
- (d) Violates a state or federal law.

[(7)] [(6)] The department may deny a permit to a group which has had a previous event canceled under subsection (5) of this section.

Section 7. Appeal of Permit Denial.

(1) A person who wishes to appeal the denial of a permit shall request a hearing in writing, postmarked or delivered in person to the department no later than ten (10) days after notification of denial.

(2) Upon receipt of the request for a hearing, the department shall:

(a) Appoint a hearing officer qualified to conduct hearings under the provisions of KRS Chapter 13B; and

(b) Schedule a hearing to be held either:

1. Prior to the next regularly scheduled meeting of the commission, if the request for a hearing is received more than thirty (30) days before the scheduled commission meeting; or

2. Within thirty (30) days, if the request for a hearing is received within thirty (30) days of the next scheduled commission meeting.

(3) The hearing officer shall conduct the hearing and present his recommendation at the commission meeting immediately following the hearing date.

(4) The department may present evidence and call witnesses to support the suspension or revocation.

(5) The commission shall make its decision by majority vote.

(6) A person may appeal a decision of the commission in accordance with the provisions of KRS Chapter 13B.

Section 8. On Wildlife Management Areas not owned by the department, provisions of this administrative regulation shall not apply if:

(1) An activity prohibited by this administrative regulation is allowed by the entity owning the property; or

(2) An activity allowed by this administrative regulation is prohibited by the entity owning the property.

Section 9. Special Use Wildlife Management Areas

(1) Special Use Wildlife Management Areas shall be established by the Department when safety concerns arising from the size of the property or the area surrounding the property are prevalent or due to recorded deed restrictions on the subject property.

(2) When safety concerns necessitate an area be designated a Special Use Wildlife Management Area, the area shall be subject to the following restrictions:

(a) The use of rimfire rifles, centerfire rifles, pistols, or single-projectile shotgun ammunition for hunting or target shooting shall be prohibited; and

(b) The use of air rifles shall be prohibited except .177-.25 caliber air rifles shall be allowed for small game hunting.

(3) Special Use Wildlife Management Areas established due to deed restrictions shall have restrictions consistent with those established in the recorded deeds for the area.

Section 10. [Section 9.] Incorporation by Reference.

(1) "Wildlife Management Area Use Permit Application", 2025 Edition [1998 Edition], is incorporated by reference.

(2) It may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601 from 8 a.m. to 4:30 p.m. Monday through Friday or online at: <https://fw.ky.gov/Licenses/Documents/WMAUserPermitApp.pdf>

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: April 24, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 11:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation authorizes the department to impose and enforce special administrative regulations on lands acquired for public hunting, fishing, and related recreational uses. This administrative regulation prohibits certain actions inconsistent with the intended purpose of Wildlife Management Areas, establishes requirements for other uses, and stipulates the procedure for obtaining group use permits on these areas.

(b) The necessity of this administrative regulation: The necessity of this administrative regulation is to allow safe public use of Wildlife Management Areas for hunting, fishing, and related recreational uses.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.620 authorizes the department to purchase or lease lands for the establishment and maintenance of public shooting, fishing and other recreational uses. Additionally, it allows for the operation of facilities on this land and for the subleasing of land.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the effective administration of the statutes by allowing for public hunting, fishing, and related recreational uses on land purchased or leased by the department in a safe manner.

(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 create Special Use Wildlife Management Areas that restrict certain public uses due to the size of the property, its location, or because of deed restrictions at the time of purchase. It allows for the use of trail cameras on WMAs if they are properly identified. Language was added to conform with hunter orange requirements as found in current Chapter 2 regulations. Also, a provision was added to require groups with a valid WMA user permit that hold events at a shooting range to provide the department with a sign-in sheet from those events within 30 days.

(b) The necessity of the amendment to this administrative regulation: These amendments are necessary to allow for safe public use of some WMAs.

(c) How the amendment conforms to the content of the authorizing statutes: See (1) (c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1) (d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: We have approximately 150,000 hunters that use our WMAs in a given year.

(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: Hunters who use Special Use WMAs will have to only utilize weapons or engage in activities as allowed by the restrictions on Special Use WMAs. Hunters who use trail cameras on a WMA will need to use an external label on them.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): WMA users will be able to safely use these public areas.

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

(a) Initially: There will be no initial administrative cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no cost to the department on a continuing basis beyond staff time needed to list on department run websites and pages.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase fees or 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 will directly or indirectly increase.

(9) TIERING: Is tiering applied? No. tiering is not applied because all WMA users will be treated 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 150.025(1), KRS 150.620

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing hunting seasons, bag limits, and methods of taking wildlife, and to make these requirements apply to a limited area or to the entire state. KRS 150.620 authorizes the department to purchase or lease lands for the establishment and maintenance of public shooting, fishing and other recreational uses. Additionally, it allows for the operation of facilities on this land and for the subleasing of land.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Fish and Wildlife Resources

(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): 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): None

(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 is no fiscal impact of this amendment.
- (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 major economic impact to KDFWR.
- (b) The methodology and resources used to reach this conclusion: N/A

**KENTUCKY HORSE RACING AND GAMING CORPORATION
(Amendment)**

810 KAR 3:020. Licensing of racing participants.

RELATES TO: KRS 12.357, 230.215, 230.260, 230.280, 230.290, 230.300, 230.310, 230.320, 230.330

STATUTORY AUTHORITY: KRS 12.357, 230.215(2), 230.240(2), 230.260(4), 230.290(2), 230.310(1)

CERTIFICATION STATEMENT: This certifies that this administration regulation complies with the requirements of 2025 RS HB6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the Kentucky Horse Racing and Gaming Corporation to regulate conditions under which horse racing shall be conducted in Kentucky. KRS 230.310(1) requires the corporation to establish licensing requirements for participation in horse racing. This administrative regulation establishes licensing procedures and requirements for participation in horse racing.

Section 1. Definitions.

(1) "Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business, trust, estate, company, corporation, limited liability company, association, club, committee, organization, lessor, lessee, racing stable, farm name, or other group of persons acting in concert.

(2) "Restricted area" means a portion of association grounds to which access is limited to licensees whose occupation or participation requires access, and to those individuals accompanying a licensee as permitted by the association.

Section 2. Persons Required to Be Licensed.

(1) A person shall not participate in pari-mutuel racing under the jurisdiction of the corporation without a valid license issued by the corporation.

(2) License categories shall include:

- (a) Association employee;
- (b) Assistant trainer;
- (c) Claiming;
- (d) Corporation member;
- (e) Corporation employee;
- (f) Dental technician;
- (g) Driver;
- 1. Qualifying-fair (QF) license;
- 2. Provisional (P) license; and
- 3. Full (A) license;
- (h) Driver/trainer;
- (i) Equine therapist;
- (j) Exercise rider;
- (k) Farm manager or agent;
- (l) Farrier;
- (m) Farrier apprentice;
- (n) Jockey;
- (o) Jockey agent;
- (p) Jockey apprentice;
- (q) Matinee driver;
- (r) Mutuel employee;
- (s) Owner;
- (t) Owner (Temporary);
- (u) Owner/assistant trainer;
- (v) Owner/trainer;
- (w) Owner/trainer/driver;

- (x) Owner/driver;
- (y) Racing official;
- (z) Special event employee;
- (aa) Stable agent;
- (bb) Stable employee;
- (cc) Steeplechase jockey;
- (dd) Trainer;
- (ee) Vendor;
- (ff) Vendor employee;
- (gg) Veterinarian;
- (hh) Veterinary assistant; and
- (ii) Veterinary technologist or technician.

(3) A person working at a licensed racing association in the Commonwealth shall obtain a valid license issued by the corporation. The executive director, chief racing steward, the presiding judge, or their designee may refuse entry or scratch any horse involving any person who, after being requested to obtain a valid license, fails or is unable to obtain a license.

(4)

(a) A person required to be licensed shall submit:

1. A completed written application on the form Licensing Application, 3-020-1, or a multi-jurisdictional license form pursuant to Section 8 of this administrative regulation; or

2. A written request for a waiver of the requirements of subsection 4(a) and Section 6 for a person holding another individual license issued by the Corporation.

(b) The written request for a waiver shall include at least the following information:

1. The name and contact information of the waiver applicant;

2. All horse racing and gaming licenses issued to the waiver applicant; and

3. The waiver applicant's current position and job description.

(c) The Corporation may grant or deny a waiver upon consideration of at least the:

1. Current horse racing and gaming licenses issued to the waiver applicant; and

2. Best interests and integrity of horse racing, pari-mutuel wagering, and sports wagering.[and]

[2.] [The fee required by Section 6 of this administrative regulation.]

(d)[(b)] A temporary license may be obtained by an authorized representative of an owner in accordance with Section 18 of this administrative regulation.

(e)[(c)] A conditional license may be issued by the corporation or its designee.

Section 3. General License Application Requirements for All Applicants.

(1) Any person required to be licensed by Section 2 of this administrative regulation and desiring to participate in horse racing in the Commonwealth may apply to the corporation for a license.

(2)

(a) An application, or request for a waiver in accordance with Section 2, may be submitted on or after October 1[November 1] of the calendar year preceding the calendar year in which the license is to be in force.

(b) An application, or request for a waiver in accordance with Section 2, shall be submitted no later than twenty-four (24) hours after an applicant has arrived on association grounds, unless a temporary license is obtained in accordance with Section 18 of this administrative regulation.

(c) The license application, or request for a waiver in accordance with Section 2, shall be reviewed and the license issued by corporation personnel.

(3) Information provided on or with a license application shall be complete and correct. Material misrepresentation by a license applicant or his or her agent shall result in an immediate license suspension, revocation, refusal, or denial, or imposition of a fine by the corporation or the chief racing steward or presiding judge.

(4)

(a) An applicant for licensing shall be a minimum of sixteen (16) years of age except as provided by paragraph (b) of this subsection.

An applicant may be required to submit a certified copy of his or her birth certificate or work permit.

(b) The corporation may grant an owner's license to a person less than sixteen (16) years of age if the person's parent or legal guardian is licensed by the corporation. An application under this subsection shall be signed by the applicant's parent or legal guardian in the presence of one (1) or more of the stewards or judges.

(5) An application from a person or other entity consisting of more than one (1) individual person desiring to race horses in the Commonwealth shall, upon request, in addition to designating the person or persons representing the entire ownership of the horses, be accompanied by documents which fully disclose the identity, degree, and type of ownership held by all individual persons who own or control a present or reversionary interest in the horses.

(6) The corporation shall notify an applicant that the license has been issued or denied. If all requirements for licensure are met, a license shall be issued to the license applicant.

Section 4. Additional Licensing Requirements for Standardbred Driver's License.

(1) A person desiring to drive a harness horse at a race meeting licensed by the corporation shall obtain a license from:

(a) The corporation; and

(b) The United States Trotting Association, Standardbred Canada, or appropriate international harness racing governing agency.

(2) Corporation licenses. A driver's license from the corporation shall be issued in one the following categories:

(a) A qualifying-fair (QF) license, which shall be valid for fairs, matinees, qualifying races, and if approved by the presiding judge, nonwagering races at extended pari-mutuel meetings;

(b) A provisional (P) license, which shall be valid at fairs, matinees, qualifying races, and extended pari-mutuel meetings; or

(c) A full (A) license, which shall be valid at all race meetings.

(3) License advancement. An applicant shall initially obtain a qualifying-fair license. Advancement to a provisional license and a full license shall be determined by Rule 17, Sections 1 through 10, of the United States Trotting Association, 2009/2010.

(4) General qualifications. An applicant for a driver's license shall:

(a)

1. Be at least sixteen (16) years of age for a (QF) license;

2. Be at least eighteen (18) years of age for a (P) or (A) license; and

3. Not be denied a driver's license solely on the basis of age if the applicant has previously held any type of license; and

(b) Submit satisfactory evidence of an eye examination indicating:

1. 20/40 corrected vision in both eyes; or

2. If one (1) eye is blind, at least 20/30 corrected vision in the other eye.

Section 5. Additional Licensing Requirements for Specific Licenses.

(1) Veterinary personnel.

(a) An application from a person desiring to treat, prescribe for, or attend to any horse on association grounds as a practicing veterinarian shall be accompanied by evidence that the person is currently licensed as a veterinarian by the Commonwealth of Kentucky.

(b) An application from a person desiring to work on association grounds as a veterinary technologist or veterinary technician shall be accompanied by:

1. Evidence that the person is currently registered as a veterinary technologist or veterinary technician by the Commonwealth of Kentucky; and

2. A Veterinarian Approval Form, KHRGC 3-020-4, signed by a licensed veterinarian certifying that the applicant is working for the veterinarian as required by KRS 321.443.

(c) An application from a veterinary assistant shall be accompanied by a Veterinarian Approval Form, KHRGC 3-020-4,

signed by a licensed veterinarian certifying that the applicant works for him or her as required by KRS 321.443.

(d) Equine therapist. An application from an equine therapist not defined by KRS Chapter 321 shall be accompanied by a Veterinarian Approval Form, KHRGC 3-020-4, signed by a licensed veterinarian and the chief state veterinarian attesting to the skill and integrity of the applicant.

(2) Farriers. An application from a person not previously licensed in the capacity of farrier shall submit a diploma or other document signifying successful completion of a farrier course or examination recognized by the American Farrier's Association, or submit a letter of recommendation from a licensed farrier.

(3) Standardbred Licensees.

(a) A standardbred owner, trainer, owner/trainer, driver, driver/trainer, owner/trainer/driver, or owner/driver shall have a valid license issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in order to participate in pari-mutuel racing in Kentucky.

(b) Any standardbred horse under lease shall race in the name of the lessee and a copy of the lease shall be filed with the clerk of the course. A standardbred horse shall not race under lease without an eligibility certificate issued by the United States Trotting Association, Standardbred Canada, or other appropriate international harness racing governing agency in the name of the lessee. Both the lessee and lessor shall be licensed by the corporation prior to post.

(c) If any licensed standardbred trainer is absent from a racing meet for more than six (6) days, the trainer shall appoint and have properly licensed a new trainer of record.

(4) Special event licenses.

[(a)] A special event license shall be:

[(a)][4.] Issued to employees who are employed by an association only for the duration of a special event; and

[(b)][2.] Valid for the days of the event only.

[(b)] [The duration of the license shall not exceed three (3) calendar days.]

Section 6. Licensing Fees.

(1) Except as provided by subsection (2) of this section, the following annual fees shall accompany the application and shall not be refundable:

(a) Association employee:

1. For thoroughbreds: \$25;

2. For standardbreds: \$25; or

3. For other horses: \$10;

(b) Assistant trainer:

1. For thoroughbreds: \$150; or

2. For other horses: \$35;

(c) Claiming: \$150;

(d) Dental technician: \$100;

(e) Driver: \$125;

(f) Driver/trainer: \$125;

(g) Equine therapist:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(h) Exercise rider: \$10;

(i) Farm manager or agent:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(j) Farrier:

1. For thoroughbreds: \$100;

2. For standardbreds: \$100; or

3. For other horses: \$35;

(k) Farrier apprentice:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; or

3. For other horses: \$25;

(l) Jockey:

1. For thoroughbreds: \$150; or

2. For other horses: \$35;

(m) Jockey agent:

1. For thoroughbreds: \$150; or
2. For other horses: \$35;

(n) Jockey apprentice:

1. For thoroughbreds: \$100; or
2. For other horses: \$35;

(o) Matinee driver: \$125;

(p) Mutuel employee:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$20;

(q) Owner:

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(r) Owner (temporary):

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(s) Owner/assistant trainer:

1. For thoroughbreds: \$150; or
2. For other horses: \$35;

(t) Owner/trainer:

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(u) Owner/trainer/driver: \$125;

(v) Owner/driver: \$125;

(w) Racing official:

1. For thoroughbreds: \$100;
2. For standardbreds: \$100; or
3. For other horses: \$35;

(x) Special event employee: \$10;

(y) Stable agent: \$50;

(z) Stable employee:

1. For thoroughbreds: \$10;
2. For standardbreds: \$5; or
3. For other horses: \$5;

(aa) Steeplechase jockey: \$150;

(bb) Trainer:

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(cc) Vendor:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25;

(dd) Vendor employee: \$25;

(ee) Veterinarian:

1. For thoroughbreds: \$150;
2. For standardbreds: \$125; or
3. For other horses: \$35;

(ff) Veterinary assistant:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25; or

(gg) Veterinary technologist or technician:

1. For thoroughbreds: \$50;
2. For standardbreds: \$50; or
3. For other horses: \$25.

(2) A military spouse meeting the requirements of KRS 12.357(1) shall not be required to pay the licensure fee if:

(a) The fee waiver is requested on the Licensing Application form, 3-020-1; and

(b) The documentation required by KRS 12.357(2) is submitted with the application.

(3) A replacement fee for a duplicate license shall be ten (10) dollars, except that this fee shall be waived for the first duplicate license issued during any calendar year.

Section 7. Fingerprinting.

(1) If requested by the corporation, a license applicant shall furnish to the corporation a set of fingerprints or submit to fingerprinting prior to issuance of a license.

(2) If the license applicant has been fingerprinted in the Commonwealth or another racing jurisdiction within the five (5) years preceding the date of the license application, then the corporation may accept the previous fingerprints or require new fingerprints.

(3) The cost of fingerprinting and fingerprint analysis shall be paid by the license applicant.

Section 8. Multi-state/National Licenses.

(1) In lieu of the corporation license application form, an applicant may submit an ARCI Multi-Jurisdiction Racing License Owner's Application or the National Racing License Application or Renewal Application.

(2) The corporation shall accept a multi-state or national license if it complies with licensing requirements in this administrative regulation and KRS Chapter 230.

Section 9. Consent to Investigate by License Applicants and Licensees. After an applicant files a license application, the corporation may:

(1) Investigate the criminal background, employment history, and racing history record of the applicant;

(2) Engage in research and interviews to determine the applicant's character and qualifications; and

(3) Verify information provided by the applicant.

Section 10. Search and Seizure.

(1) The corporation or designee may search any location described in KRS 230.260(7).

(2) The corporation or designee may seize any medication, drug, substance, paraphernalia, object, or device in violation or suspected violation of KRS Chapter 230 or KAR Title 810.

(3) A licensee shall:

(a) Cooperate with the corporation or designee during an investigation; and

(b) Respond correctly to the best of the licensee's knowledge if questioned by the corporation or designee about a racing matter.

(4) A licensee shall consent to out-of-competition testing in accordance with 810 KAR 8:040.

Section 11. Employer Responsibility.

(1)

(a) An employer shall not employ an unlicensed person for a position that requires a license under KRS 230.300 or 230.310 or this administrative regulation.

(b) If an employer violates subsection (a) of this subsection, the employer may be subjected to license suspension, denial, or revocation under KRS Chapter 230 or KAR Title 810.

(2) Every employer shall report in writing to the corporation or its designee, within twenty-four (24) hours, the discharge of any licensed employee, including the employee's name, occupation, and reason for the discharge.

(3) Every employer shall be responsible for ensuring compliance with all applicable employment laws.

(4) The license application of an employee shall be signed by the employer.

(5) A licensed employer shall carry workers' compensation insurance covering his or her employees as required by KRS Chapter 342.

Section 12. Financial Responsibility.

(1) A licensee shall maintain financial responsibility during the period for which the license is issued.

(2) A licensee's failure to satisfy a final judgment rendered against him or her by a Kentucky court, or a domesticated judgment from another jurisdiction, for goods, supplies, services, or fees used in the course of any occupation for which a license is required by this administrative regulation shall constitute a failure to meet the financial responsibility requirements of KRS 230.310.

(3) If the licensee fails to show just cause for his or her failure to satisfy the judgment, then his or her license may be suspended or

revoked until the licensee provides written documentation of satisfaction of the judgment.

(4) An applicant for a license may be required to submit evidence of financial responsibility to the corporation if a judgment has been rendered against him or her.

Section 13. Voluntary Withdrawal of License Application.

(1) A license applicant may with the approval of the license review committee voluntarily withdraw his or her license application from the license review process.

(2) If the applicant chooses to voluntarily withdraw his or her application, then the withdrawal shall not constitute a denial or suspension of a license and shall be without prejudice.

(3) The stewards or judges shall issue a ruling noting a withdrawal, and the ruling shall be communicated to the Association of Racing Commissioners International.

Section 14. License Review Committee.

(1) The executive director, chief racing steward, presiding judge, or director of licensing may refer a license application to the license review committee in lieu of denying the application.

(2) The license review committee shall be composed of the executive director or designee, the director of licensing or designee, the chief state steward or presiding judge or their designee, and at least one (1) other corporation member or corporation staff member as designated by the executive director. At least three (3) members of the committee shall participate in any license review committee meeting.

(3) If a referral to the committee is made, then a license shall not be issued until the committee makes a favorable ruling on the license application. The applicant may be required by the committee to appear personally. If the committee is unable to make a favorable ruling on the license application, then the committee may give the license applicant the opportunity to voluntarily withdraw his or her license application in accordance with Section 13 of this administrative regulation. If the license applicant does not wish to voluntarily withdraw his or her application, then the committee shall deny the application.

(4) The denial of the application may be appealed in accordance with KRS Chapter 13B.

(5) In the alternative, the corporation, the license review committee, or the executive director may refer the case directly to the corporation without denial or approval of the application.

Section 15. License Denial, Revocation, or Suspension.

(1) The corporation, executive director, chief racing steward or presiding judge, or director of licensing may deny a license application, and the corporation or chief state steward or presiding judge may suspend or revoke a license, or otherwise penalize in accordance with KRS 230.320(1) a licensee, or other person participating in horse racing, for any of the following reasons:

(a) The public interest, for the purpose of maintaining proper control over horse racing meetings or pari-mutuel wagering, may be adversely affected if the license is issued;

(b) The licensee or applicant has any felony or misdemeanor criminal conviction from any jurisdiction, including having entered into any form of diversionary program, within fifteen (15) years preceding the date of submission of a license application, provided all requirements of KRS 335B.010 et seq. are satisfied;

(c) The licensee or applicant has pending criminal charges or is criminally charged during the license period in any jurisdiction;

(d) The licensee or applicant has had a license issued by the legally constituted racing or gaming corporation of a state, province, or country denied, suspended, or revoked;

(e) The licensee or applicant has had a license issued by the Commonwealth revoked, suspended, or denied;

(f) The licensee or applicant has applied for and received a license at less than sixteen (16) years of age, except as permitted in Section 3 of this administrative regulation;

(g) The licensee or applicant has made a material misrepresentation, falsification, or omission of information in an application for a license;

(h) The licensee or applicant has been ejected, ruled off, or excluded from racing association grounds in the Commonwealth of Kentucky or a racetrack in any jurisdiction;

(i) The licensee or applicant has violated or attempted to violate a statute, administrative regulation, or similar rule respecting horse racing in any jurisdiction;

(j) The licensee or applicant has perpetrated or attempted to perpetrate a fraud or misrepresentation in connection with the racing or breeding of a horse or pari-mutuel wagering;

(k) The licensee or applicant has caused, attempted to cause, or participated in any way in an attempt to cause the pre-arrangement of a race result, or has failed to report knowledge of this kind of activity immediately to the stewards or judges;

(l) The licensee or applicant has demonstrated financial irresponsibility as described by Section 12 of this administrative regulation;

(m) The licensee or applicant has knowingly failed to disclose to the corporation complete ownership or beneficial interest in a horse entered to be raced;

(n) The licensee or applicant has misrepresented or attempted to misrepresent facts in connection with the sale of a horse or other matter pertaining to racing or registration of a thoroughbred;

(o) The licensee or applicant has offered, promised, given, accepted, or solicited a bribe in any form, directly or indirectly, to or by a person having any connection with the outcome of a race, or failed to report conduct of this nature immediately to the stewards or judges;

(p) The licensee or applicant has abandoned, mistreated, abused, neglected, or engaged in an act of cruelty to a horse;

(q) The licensee or applicant has engaged in conduct that is against the best interest of horse racing, or compromises the integrity of operations at a track, training facility, or satellite facility;

(r) The licensee or applicant has knowingly entered, or aided and abetted the entry, of a horse ineligible or unqualified for the race entered;

(s) The licensee or applicant has possessed on association grounds, without written permission from the corporation or the chief state steward or presiding judge, any appliance or device, other than an ordinary whip, which could be used to alter the speed of a horse in a race or workout;

(t) The licensee or applicant has violated any of the alcohol or substance abuse provisions in KRS Chapter 230 or 810 KAR 2:030;

(u) The licensee or applicant has failed to comply with a written order or ruling of the corporation, the stewards, or the judges pertaining to a racing matter or investigation;

(v) The licensee or applicant has failed to answer truthfully questions asked by the corporation or its representatives pertaining to a racing matter;

(w) The licensee or applicant has failed to return to an association any purse money, trophies, or awards paid in error or ordered redistributed by the corporation;

(x) The licensee or applicant has participated in or engaged in any conduct of a disorderly nature on association grounds, including:

1. Failure to obey the stewards' or judges' or other official's orders that are expressly authorized by KAR Title 810;

2. Failure to race when programmed unless excused by the stewards or judges;

3. Fighting;

4. Assaults;

5. Offensive and profane language;

6. Smoking on the track in colors during actual racing hours;

7. Warming up a horse prior to racing without colors; and

8. Disturbing the peace;

(y) The licensee or applicant has used profane, abusive, or insulting language to or interfered with a corporation member, employee or agent, or racing official, while these persons are in the course of discharging their duties;

(z) The licensee or applicant is unqualified to perform the duties for which the license is issued;

(aa) The licensee or applicant has discontinued or is ineligible for the activity for which the license is to be issued, or for which a previous or existing license was issued;

(bb) The licensee or applicant has made a material misrepresentation in the process of registering, nominating, entering, or racing a horse as Kentucky owned, Kentucky bred, or Kentucky sired;

(cc) The licensee or applicant has failed to pay a required fee or fine, or has otherwise failed to comply with KRS Chapter 230 or KAR Title 810;

(dd) The licensee or applicant has failed to comply with a written directive or ruling of the corporation or the chief state racing steward or presiding judge;

(ee) The licensee or applicant has failed to advise the corporation of changes in the application information as required by Section 17 of this administrative regulation;

(ff) The licensee or applicant has failed to comply with the temporary license requirements of Section 18 of this administrative regulation;

(gg) The licensee or applicant has violated the photo identification badge requirements of Section 21 of this administrative regulation;

(hh) The licensee or applicant has knowingly aided or abetted any person in violation of KRS Chapter 230, KAR Title 810, or any other statute or administrative regulation pertaining to horse racing;

(ii) The licensee or applicant has hired an unlicensed person required by KRS 230.300, 230.310, or this administrative regulation to be licensed;

(jj) The licensee or applicant, being a person other than a licensed veterinarian, has possessed on association grounds:

1. A hypodermic needle, hypodermic syringe, or other device that could be used to administer any substance to a horse, except as permitted by 810 KAR 8:010, Section 3(5); or

2. A medication, stimulant, sedative, depressant, local anesthetic, or any other foreign substance prohibited by KRS Chapter 230 or KAR Title 810; or

(kk) The licensee or applicant has manufactured, attempted to manufacture, or possessed a false license photo identification badge.

(2) A license suspension, revocation, or denial shall be reported in writing to the applicant by the chief steward or presiding judge, and to the ARCI by the Division of Licensing, to ensure that other racing jurisdictions shall be advised of the license suspension, revocation, or denial.

(3) A licensee or applicant may appeal the suspension, revocation, or denial in accordance with KRS 230.320 and Chapter 13B.

Section 16. Reciprocity.

(1) If a person's license has been denied, suspended, or revoked in another jurisdiction, the corporation may require reinstatement of the license in that jurisdiction before a license is granted by the corporation.

(2) If a person has been ruled off, excluded, or ejected from a racetrack in Kentucky or in another jurisdiction, the corporation may require reinstatement of the person at that track before a license is granted by the corporation.

Section 17. Changes in Application Information.

(1) The licensee or applicant shall report changes in any information required for licensing in writing to the corporation.

(2) Any change in information required for licensing shall be submitted in writing upon the "Change in Application Information Form", KHRGC 3-020-3, signed by the licensee, and filed at the corporation central office, within thirty (30) days of the change, unless it is information listed in subsection (3) of this section.

(3) The licensee shall report changes in information in writing within 72 hours of the occurrence for these items:

(a) Criminal charges;

(b) Criminal convictions;

(c) License denials and license suspensions of ten (10) days or more;

(d) License revocations or fines of \$500 or more in other jurisdictions;

(e) Racing related disciplinary charges pending in other jurisdictions; and

(f) Withdrawal, with or without prejudice, of a license application by the licensee in any jurisdiction.

Section 18. Temporary Licenses.

(1)

(a) Only an owner is eligible for a temporary license.

(b) A horse in a trainer's care shall not start in a race unless the owner has a current license or has an application for a temporary license, "Temporary Owner's License Application", KHRGC 3-020-2, on file with the corporation.

(c) A licensed trainer may apply for a temporary license on behalf of an owner for whom the licensed trainer trains.

(d) The corporation may refuse the license if the applicant fails to supply a name, Social Security number, and mailing address for a temporary license.

(e) A temporary license shall be valid for no more than thirty (30) days from the date of issuance and shall automatically lapse after the 30th day pending completion of all licensing procedures.

(f) Upon expiration of the thirty (30) day temporary license, the owner's license shall be suspended or the owner's horses shall be ineligible to race in Kentucky pending completion of all licensing procedures.

(g) Completion of all owner licensing procedures shall extend the owner's license to the end of the calendar year.

(h) If a temporary license expires prior to the completion of all owner licensing procedures, the applicant shall pay an additional licensing fee.

(2) An owner shall not be eligible to be issued more than one (1) temporary license in any calendar year.

(3) A temporary license shall not be valid for claiming.

Section 19. Eligibility for Multiple Licenses. More than one (1) license to participate in horse racing may be granted to a person except if prohibited by Section 20 of this administrative regulation due to a potential conflict of interest.

Section 20. Conflict of Interest.

(1) The license review committee and the chief state steward or presiding judge or their designees shall deny or refuse to process the license of a person, and the corporation or the chief state steward or presiding judge shall revoke or suspend the license of a licensee, who is determined to have a conflict of interest. A conflict of interest may exist if a spouse, immediate family member, or other person in a similar relationship to the licensee or applicant holds a license that the license review committee or chief state steward or presiding judge finds to be a conflict of interest with the licensee's or applicant's license. A finding of a conflict of interest may be appealed to the corporation pursuant to KRS 230.320 and KRS Chapter 13B.

(2) A racing official who is an owner of either the sire or dam of a horse entered to race shall not act as an official during that race.

(3) A person who is licensed as an owner or trainer, or who has any financial interest in a horse entered in a race, shall not participate in that race as any of the following:

(a) Racing official;

(b) Assistant starter;

(c) Practicing veterinarian for any horse other than the owner's;

(d) Veterinary technician, veterinary technologist, veterinary assistant, or equine therapist for any horse other than the owner's;

(e) Officer or managing employee;

(f) Track maintenance supervisor or employee;

(g) Outrider;

(h) Race track security employee;

(i) Farrier;

(j) Photo finish operator;

(k) Horsemen's bookkeeper;

(l) Racing chemist;

(m) Testing laboratory employee;

(n) Jockey;

(o) Apprentice jockey; or

(p) Jockey agent.

Section 21. License Photo Identification Badges.

(1)

(a) If a licensee desires access to restricted areas of a racing association grounds, then the licensee shall carry on his or her person at all times within the restricted area his or her assigned corporation license (photo identification badge).

(b) A photo identification badge is available to a licensee upon presentation of appropriate, valid photo identification by the licensee to corporation personnel at corporation licensing offices.

(2) A person shall present an appropriate license to enter a restricted area.

(3) The stewards or judges or racing association may require visible display of a license in a restricted area.

(4) A license may only be used by the person to whom it is issued, and a licensee shall not allow another person to use his or her badge for any purpose.

(5) Licensee credentials (photo identification badges) are the property of the corporation and shall be surrendered to the executive director, the stewards or judges, the corporation director of enforcement, or director of licensing, or designee, upon request.

Section 22. Duties of Licensees.

(1) A licensee shall be knowledgeable of this administrative regulation and, by acceptance of the license, agrees to abide by this administrative regulation.

(2) A licensee shall report to track security or the stewards or judges any knowledge the licensee has that a violation of this administrative regulation has occurred or may occur.

(3) A licensee shall abide by all rulings and decisions of the stewards or judges and the corporation, and all decisions by the stewards or judges and the corporation shall remain in force unless reversed or modified by the corporation or a court of competent jurisdiction upon proper appeal pursuant to KRS 230.330.

(4) Rulings and decisions of the stewards or judges may be appealed to the corporation, except those made by the stewards or judges as to:

(a) Findings of fact as occurred during and incident to the running of a race; and

(b) A determination of the extent of disqualification of horses in a race for fouls committed during the race.

(5) A licensee shall cooperate fully with all investigations and inquiries made by corporation representatives or association security, or both.

(6) A licensee shall obey instructions from corporation representatives or association security, or both.

(7) All licensees shall immediately report to the corporation any known or suspected irregularities, any violation of KRS Chapter 230 or KAR Title 810, or any wrongdoings by any person, and shall cooperate in any subsequent investigation.

Section 23. Common Law Rights of Associations. The validity of a license does not preclude or infringe on the common law rights of associations to eject or exclude persons, licensed or unlicensed, from association grounds.

Section 24. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Licensing Application", KHRGC 3-020-1, 02/2022;

(b) "Temporary Owner's License Application", KHRGC 3-020-2, 11/2018;

(c) "Change in Application Information Form", KHRGC 3-020-3, 4/2019;

(d) "Veterinarian Approval Form", KHRGC 3-020-4, 4/2019; and

(e) "Rule 17, Sections 1 through 10", United States Trotting Association, 2009/2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing Commission, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available at <http://khrc.ky.gov>.

JONATHAN RABINOWITZ, Chair

APPROVED BY AGENCY: May 13, 2025

FILED WITH LRC: May 13, 2025 at 11:43 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 22,

2025, at 9:00 a.m. at 4047 Iron Works Parkway, Lexington, Kentucky 40511. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing 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 July 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: Ashleigh Bailey, Title: Chief Legal Officer, Address: Kentucky Horse Racing & Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Phone: (859) 246-2040, Fax: (859) 246-2039, Email: Ashleigh.Bailey@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Ashleigh Bailey

(1) Provide a brief summary of:

(a) What this administrative regulation does: The administrative regulation establishes procedures by which individuals participating in horse racing are licensed by the Kentucky Horse Racing and Gaming Corporation ("KHRGC"), when they may be licensed, and that a license applicant may request a waiver based on their current licenses.

(b) The necessity of this administrative regulation: This regulation is necessary to ensure the integrity of horse racing in Kentucky by providing additional, more efficient options for the KHRGC and licensees participating in horse racing to issue or obtain a license.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The Kentucky Horse Racing and Gaming Corporation is vested with forceful control of horse racing in the Commonwealth. KRS 230.215(2)(a). The KHRGC is vested with jurisdiction and supervision over all live horse racing and pari-mutuel wagering in the state and over all associations and persons on associations grounds. KRS 230.260(1). The KHRGC shall have full authority to prescribe necessary and reasonable administrative regulations under which licensing at a horse racing facility shall be conducted in Kentucky. KRS 230.310. This regulation establishes licensing procedures to implement the statutory mandate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administrative of the statutes by providing more efficient options when licensing racing participants.

(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 allows a written request for a waiver of licensing requirements for racing participants and new language details the information required when requesting a waiver. The KHRGC may then grant or deny the request based on at least the current licenses issued to the waiver applicant and the best interests and integrity of horse racing, pari-mutuel wagering and sports wagering. It also adds language referencing a request for waiver as an option when referencing an application for license, changes the earliest date to submit a license application from November 1 to October 1, and removes the 3-day cap for special events licenses.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to provide a waiver option to racing participants who already hold a current license with the KHRGC in order to provide a more streamlined and efficient process for the racing participant and the KHRGC, changes the date to submit a licensing application to allow the KHRGC's staff to gather more applications when certain licensed associations have racing, and to give the KHRGC's staff more discretion in licensing applicants for special events.

(c) How the amendment conforms to the content of the authorizing statutes: The Kentucky Horse Racing and Gaming Corporation is vested with forceful control of horse racing in the Commonwealth. KRS 230.215(2)(a). The KHRGC is vested with jurisdiction and supervision over all live horse racing and pari-mutuel wagering in

the state and over all associations and persons on associations grounds. KRS 230.260(1). The KHRGC shall have full authority to prescribe necessary and reasonable administrative regulations under which licensing at a horse racing facility shall be conducted in Kentucky. KRS 230.310. These amendments provide necessary changes to the regulations establishing licensing procedures for racing participants in Kentucky.

(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 making necessary changes to the regulations setting requirements for licensing racing participants in Kentucky.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The KHRGC is affected by this administrative regulation, and any licensed participant in horse racing is potentially affected by this administrative regulation.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The amendment to the administrative regulation does not add any requirements or restrictions to entities identified in (3), but rather it removes certain requirements and grants flexibility to the regulated entities.

(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 is anticipated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Racing participants will have an option to request a waiver of the license application process based on their current license(s) with the KHRGC, making the application process less cumbersome for the licensee and the KHRGC. Furthermore, the KHRGC will have more flexibility and discretion in their licensing procedures.

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

(a) Initially: There is no anticipated continuing cost to administer the amendments to this administrative regulation.

(b) On a continuing basis: There is no anticipated continuing cost to administer the amendments to this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: There is no additional funding needed to implement and enforce the amendments in this administrative regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendments to this administrative regulation do not establish or increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied because this administrative regulation will apply to all similarly situated entities and individuals in the same manner.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: The statutory authority for this administrative regulation is KRS 12.357, KRS 230.215(2), KRS 230.240(4), KRS 230.290(2), and KRS 230.310(1).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Not applicable; this regulation is authorized by statutory guidelines by KRS 230.310.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Horse Racing and Gaming Corporation ("KHRGC").

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

1. Expenditures:

For the first year: No additional expenditures are anticipated.

For subsequent years: No additional expenditures for subsequent years are anticipated.

2. Revenues:

For the first year: No additional revenue is anticipated.

For subsequent years: No additional revenue for subsequent years is anticipated.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings for subsequent years are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(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): Regulated entities impacted by the regulation include licensed racing participants in Kentucky.

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

1. Expenditures:

For the first year: No additional expenditures are anticipated.

For subsequent years: No additional expenditures for subsequent years are anticipated.

2. Revenues:

For the first year: No additional revenue is anticipated.

For subsequent years: No additional revenue for subsequent years is anticipated.

3. Cost Savings:

For the first year: Regulated entities may experience cost savings based on the creation of a waiver option for those applicants who are already licensed by the KHRGC in another capacity. An estimate cannot be provided.

For subsequent years: Regulated entities may experience cost savings in subsequent years based on the creation of a waiver option for those applicants who are already licensed by the KHRGC in another capacity. An estimate cannot be provided.

(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 little to no fiscal impact as a result of the amendments to this administrative regulation.

(b) Methodology and resources used to reach this conclusion: The amendments remove requirements and give the racing participants and the KHRGC more flexibility and options in the licensing process. No new fees are created, and it will not increase costs for the racing participants nor generate additional revenue for the KHRGC.

(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): These amendments are not expected to have a major economic impact as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: No new fees are created, and it will not increase costs for racing participants nor generate additional revenue for the KHRGC. There will be little to no economic 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](#).

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Repealer)

301 KAR 1:017. Repeal of 301 KAR 1:015.

RELATES TO: KRS 150.090, 150.625, 150.990, 235.010, 235.990
STATUTORY AUTHORITY: KRS 150.620, KRS 235.280

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters the department has acquired. KRS 235.280 requires the department, with approval of the Department of Fish and Wildlife Resources Commission, to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state. This administrative regulation is still needed to establish size limits of boats and motors on small lakes for safety reasons and to minimize interference with other users and is being recodified to 301 KAR 6:015 for reorganizational purposes.

Section 1. 301 KAR 1:015, Boat and motor restrictions, is hereby repealed.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: May 2, 2026

FILED WITH LRC: May 2, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 1:00 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation is still needed to establish size limits of boats and motors on small lakes for safety reasons and to minimize interference with other users and is being recodified to 301 KAR 6:015 for reorganizational purposes.

(b) The necessity of this administrative regulation: This

administrative regulation is necessary to protect the safety of individuals boating on these small lakes and to minimize interference with other users.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.620 authorizes the department to promulgate administrative regulations governing lands and waters the department has acquired. KRS 235.280 authorizes the department to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation helps fulfill the purpose of KRS 150.620 and 235.280 by providing fair, reasonable, equitable, and safe use of small lakes in the state and is being recodified to 301 KAR 6:015 for reorganizational purposes.

(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 regulation will be repealed.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to repeal the regulation.

(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: N/A

(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 required.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): N/A

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

(a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees will be established.

(9) TIERING: Is tiering applied? Tiering was not applied.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation:

(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 Department of Fish and Wildlife Resources Division Fisheries and Division of Law Enforcement will be affected.

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

1. Expenditures:

For the first year: No expenditures will be experienced by this administrative regulation during the first year.

For subsequent years: No expenditures will be experienced to administer this administrative regulation in subsequent years.

2. Revenues:

For the first year: No revenue will be generated by this administrative regulation during the first year.

For subsequent years: No revenue will be experienced to administer this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: No cost savings will be generated by this administrative regulation during the first year.

For subsequent years: No cost savings will be experienced to administer this administrative regulation in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(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): N/A

(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 is no fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation will be repealed.

(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 to any entity identified in the questions above.

(b) The methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation will be repealed.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Repealer)**

301 KAR 2:031. Repeal of 301 KAR 2:030

RELATES TO: KRS 150.170, 150.412, 164.772

STATUTORY AUTHORITY: KRS 150.025, 150.175(11), 150.190

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to

promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(11) authorizes the department to issue a commercial guide license, which authorizes the holder to guide hunting and fishing parties. KRS 150.190 authorizes the department to ensure that an applicant for a commercial guide license is qualified to act as a commercial guide. This administrative regulation establishes the requirements for a commercial guide license.

Section 1. 301 KAR 2:030, Commercial Guide License, is hereby repealed.

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: April 24, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 10:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for commercial hunting and fishing guides.

(b) The necessity of this administrative regulation: This regulation is necessary to establish minimum regulatory standards and qualifications for commercial guides.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(11) authorizes the department to issue a commercial guide's license, which authorizes the holder to guide hunting and fishing parties. KRS 150.190 authorizes the department to ensure that an applicant for a commercial guide license is qualified to act as a commercial guide.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the minimum standards and qualifications for commercial guides and ensures that an applicant is qualified to act as a commercial guide.

(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 regulations will be repealed.
- (b) The necessity of the amendment to this administrative regulation: The repeal is necessary as the amendments to 301 KAR 3:150 shall include updated sections to address the subject matter contained in these regulations, thus making these regulations outdated and redundant.
- (c) How the amendment conforms to the content of the authorizing statutes: The requirements of the authorizing statutes shall be addressed in the updates to 301 KAR 3:150.
- (d) How the amendment will assist in the effective administration of the statutes: The repeal of these regulations and inclusion of their subject matter in 301 KAR 3:150 shall consolidate the regulatory requirements for commercial guiding in one regulation.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 380 commercial guides in Kentucky who are impacted 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: There will be no additional actions required to comply.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs to those identified in question (3).
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Commercial guides can find the regulation in a chapter that is more intuitive, thus making it easier to understand and comply with.
- (5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
 - (a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department.
 - (b) On a continuing basis: There will be no additional cost on a continuing basis.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees will be established.
- (9) TIERING: Is tiering applied? Tiering was not applied. The same requirements and limits apply to all commercial guides.

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 150.025, 150.175(11), 150.190
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 150.025 authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply statewide or to a limited area. KRS 150.175(11) authorizes the department to issue a commercial guide license, which authorizes the holder to guide hunting and fishing parties. KRS 150.190 authorizes the department to ensure that an applicant for a commercial guide license is qualified to act as a commercial guide. This administrative regulation establishes the requirements for a commercial guide license.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department's Divisions of Wildlife, Fisheries and Law Enforcement will be impacted by this

administrative regulation.

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

1. Expenditures:

For the first year: No expenditures will be experienced by this administrative regulation during the first year.

For subsequent years: No expenditures will be generated by this administrative regulation in subsequent year.

2. Revenues:

For the first year: No revenue will be generated by this administrative regulation during the first year.

For subsequent years: No revenue will be generated by this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: No cost savings will be experienced to administer this administrative regulation in subsequent years.

For subsequent years: No cost savings will be experienced by this administrative regulation in subsequent years.

- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

- (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): {Response}

- (b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:

For the first year: {Response}

For subsequent years: {Response}

2. Revenues:

For the first year: {Response}

For subsequent years: {Response}

3. Cost Savings:

For the first year: {Response}

For subsequent years: {Response}

- (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 of this administrative regulation.

- (b) Methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation will be repealed.

- (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 to any entity identified in the questions above.

- (b) The methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation will be repealed.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (New Administrative Regulation)

301 KAR 3:001. Definitions for 301 KAR Chapter 3.

RELATES TO: KRS 150.010, 150.025, 189.010

STATUTORY AUTHORITY: 150.025(1)(h)

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an

independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1)(h) requires the department to promulgate administrative regulations to carry out the purpose of the chapter. This administrative regulation establishes definitions for terms used in 301 KAR Chapter 3.

Section 1. Definitions

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

(2) "Aircraft" means a device that is used or intended to be used for flight in the air.

(3) "ATV" is as defined in KRS 189.010(24).

(4) "Bait"

(a) Means a substance composed of grains, minerals, salt, fruits, vegetables, hay, or any other food materials, whether natural or manufactured, that could lure, entice, or attract wildlife; and

(b) Does not mean the establishment and maintenance of plantings for wildlife, foods found scattered solely as the result of normal agricultural planting or harvesting practices, foods available to wildlife through normal agricultural practices of livestock feeding if the areas are occupied by livestock actively consuming the feed on a daily basis, or standing farm crops under normal agricultural practices.

(5) "Baiting" means to place, deposit, tend, distribute, or scatter bait.

(6) "Camp Piomingo" means a designated area within Otter Creek Outdoor Recreation Area that is leased from the department for an outdoor summer camp.

(7) "Club-operated shooting range" means a facility that is:

(a) Operated by a department-authorized entity for target shooting; and

(b) Open to the public during club events.

(8) "Commercial purposes" means taking nuisance wildlife in exchange for payment, trade, or associated with job duties as part of employment.

(9) "Conservation camp" means a tract of land:

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

(b) That is utilized to host conservation camps.

(10) "Department" is defined in KRS 150.010(8).

(11) "Enhanced Rabies Surveillance Zone" means Bell, Boyd, Bracken, Carter, Clay, Elliot, Fleming, Floyd, Greenup, Harlan, Johnson, Knott, Knox, Laurel, Lawrence, Leslie, Letcher, Lewis, Martin, Mason, McCreary, Pike, Perry, Robertson, and Whitley counties.

(12) "Event" means a planned activity conducted by the department or a group for the purpose of boating, fishing, hunting, shooting, trapping, or other recreational activity.

(13) "Exotic wildlife" means wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized.

(14) "Federally protected wildlife" means any wildlife species listed by the U.S. Fish and Wildlife Service as threatened or endangered, and any birds protected under the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act.

(15) "Field trial" means an organized event where unleashed hunting dogs are worked and judged.

(16) "Fishing outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take fish and which may have fishing guides authorized to assist clients on behalf of the license holder.

(17) "Fishing guide" means the holder of a valid license, issued by the department, which authorizes a person to assist a fishing outfitter license holder's clients in taking or attempting to take fish and is employed by or contracted with a fishing outfitter license holder.

(18) "Fishing helper" means a person who assists a fishing outfitter or fishing guide and is in the same boat or is directly alongside of the fishing outfitter or fishing guide if standing on a stream or riverbank while guiding others in the taking or attempting to take of fish.

(19) "Firing line" means the area where a weapon is shot or discharged, as designated by:

(a) Signage;

(b) A shooting bench; or

(c) A range officer.

(20) "Group" means:

(a) A club, society or association;

(b) Ten (10) or more persons who gather to conduct an event; or

(c) A field trial.

(21) "Harass" means any action that creates the likelihood of injury to wildlife by annoying it with aircraft or unmanned aircraft to such an extent as to significantly disrupt normal behavior patterns, which include breeding, feeding, or sheltering.

(22) "Horse" means a horse, pony, mule, donkey, llama, or similar beast of burden.

(23) "Hunting outfitter" means the holder of a valid license, issued by the department, which authorizes a person to solicit for guiding services or provide guiding services for clients in the taking or attempting to take wildlife and which may have hunting guides authorized to assist clients on behalf of the license holder.

(24) "Hunting guide license" means the holder of a valid license, issued by the department, which authorizes a person to assist a hunting outfitter license holder's clients in taking or attempting to take wildlife and is employed by or contracted with a hunting outfitter license holder.

(25) "Injurious substance" means a substance which may be harmful to wildlife, or wildlife habitat.

(26) "Mechanized vehicle" means a motor vehicle, bicycle, or other human conveyance except a wheelchair.

(27) "Mentee" means an individual who is participating or going to participate in a mentored event to receive guidance and instruction from a mentor to learn the lawfully compliant methods and techniques for engaging in the activity being performed in the mentored event.

(28) "Mentor" means an adult who:

(a) Has previously participated in a particular activity;

(b) Is well versed in the techniques, equipment, and safety concerns related to the activity that is to occur at an event.

(29) "Mentored event" means an event during a statewide season in which mentors accompany mentees.

(30) "Mobility-impaired" means an individual who meets the requirements of 301 KAR 3:026 Section 2(1).

(31) "Motor vehicle" as defined in KRS 189.010(19).

(32) "Novice" means a person who has not:

(a) Held the applicable license for an event activity for more than two (2) license years in total;

(b) Held the applicable license for an event activity within the past three (3) years;

(c) Successfully harvested the targeted species for an event within the past three (3) years; or

(d) For shooting and boating activities, participated in the activity more than five (5) times within the past three (3) years.

(33) "Nuisance wildlife" means vertebrate wildlife that causes or may cause damage or threat to agriculture, human health, safety, or property.

(34) "Nuisance wildlife control operator" or "NWCO" means the holder of a valid permit, issued by the department, which authorizes the taking of nuisance wildlife for commercial purposes.

(35) "Participant" means an individual who engages in boating, fishing, hunting, shooting, or trapping, as part of an event.

(36) "Pistol pit" means a shooting range that is established for target shooting with pistols.

(37) "Qualified assistant" means an individual who is participating in the activity with the mobility-impaired individual and designated by the mobility-impaired individual.

(38) "Rabies vector species" means a:

(a) Bats of any species (order Chiroptera)

- (b) Coyote (*Canis latrans*);
- (c) Gray fox (*Urocyon cinereoargenteus*);
- (d) Raccoon (*Procyon lotor*);
- (e) Red fox (*Vulpes vulpes*);
- (f) Spotted skunk (*Spilogale putorius*);
- (g) Striped skunk (*Mephitis mephitis*); or
- (h) Any hybrid of paragraphs (a) through (g) this subsection.

(39) "Range officer" means an individual designated as a National Rifle Association range officer, a National Shooting Sports Foundation range officer, a department hunter education instructor, or a law enforcement range officer, responsible for supervising a shooting range and ensuring compliance with this administrative regulation.

(40) "Ride" means to ride, drive, or lead a horse.

(41) "Rural habitat" means an area of the state not included within the boundaries of an incorporated or unincorporated city, village or borough, and having a population in excess of 1,500 inhabitants.

(42) "Safety zone" means an area downrange of a firing line where all public access is prohibited as designated by department signs.

(43) "Self-service trap shooting range" means a shooting range that is established for people to shoot at moving targets with a shotgun.

(44) "Shooting station" means a location on the firing line for one (1) person to shoot, as designated by:

- (a) Signage;
- (b) A shooting bench; or
- (c) A concrete pad.

(45) "Shooting range" or "range" means a public facility on lands owned or managed by the department through ownership, lease, license, or cooperative agreement, or a facility owned or managed by an affiliated partner of the department that is designated for the shooting of firearms or archery equipment.

(46) "Special Use Wildlife Management Area" or "Special Use WMA" means a Wildlife Management Area that is subject to special restrictions due to safety concerns or recorded deed restrictions on the subject property prohibit.

(47) "Tube range" means a shooting range established for target shooting through designated steel tubes.

(48) (3) "Unmanned aircraft" means an aircraft operated without the possibility of direct human intervention from within or on the aircraft.

(49) "Wildlife management area" or "WMA" means a tract of land:

- (a) Controlled by the department through ownership, lease, license, or cooperative agreement; and
- (b) Having "Wildlife Management Area" or "WMA" as part of its official name.

Approved by the Fish and Wildlife Commission

RICH STORM, Commissioner

APPROVED BY AGENCY: May 13, 2025

FILED WITH LRC: May 14, 2025 at 11:50 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 12:00 pm, at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes definitions for terms used in 301 KAR Chapter 3.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to avoid confusion when interpreting the meaning of terms used in 301 KAR Chapter 3.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1)(h) requires the department to promulgate administrative regulations to carry out the purpose of the chapter.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: By providing definitions for the terms used in 301 KAR Chapter 3, misinterpretation of the regulations should be minimized.

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

(a) How the amendment will change this existing administrative regulation: n/a

(b) The necessity of the amendment to this administrative regulation: n/a

(c) How the amendment conforms to the content of the authorizing statutes: n/a

(d) How the amendment will assist in the effective administration of the statutes: n/a

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals reading this regulation or any regulation in 301 KAR Chapter 3 will be affected.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional actions will need to be taken to comply with this regulation. This regulation simply provides definitions for terms in 301 KAR Chapter 3.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All individuals interpreting regulations within 301 KAR Chapter 3 will have a better understanding of the terms and all definitions will be located in one regulation.

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

(a) Initially: There will be no cost initially

(b) On a continuing basis: There will be no cost on a continuous basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No direct or indirect fees will be established.

(9) TIERING: Is tiering applied? No tiering is applied. This regulation applies to all individuals, businesses, and organizations impacted by the regulations in 301 KAR Chapter 1.

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 150.025(1)(h).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the

act: N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department's Divisions of Wildlife, Fisheries, Information and Education and Law Enforcement will be impacted.

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

1. Expenditures:

For the first year: No revenue will be generated by this administrative regulation during the first year.

For subsequent years: No expenditures will be experienced to administer this administrative regulation in subsequent years.

2. Revenues:

For the first year: No cost savings will be generated by this administrative regulation during the first year.

For subsequent years: No revenue will be experienced to administer this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: N/A

For subsequent years: No cost savings will be experienced to administer this administrative regulation in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(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): N/A

(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 is no fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation only contains definitions to be used in 301 KAR Chapter 3.

(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 to any entity identified in the questions above.

(b) The methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation only contains definitions.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(New Administrative Regulation)**

301 KAR 3:140. Take of Wildlife with Aircraft Prohibited.

RELATES TO: KRS 150.010, 150.025, 16 U.S.C.F.R. 742

STATUTORY AUTHORITY: KRS 150.010(46), KRS 150.025(1),

KRS 150.360

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.010(46) authorizes the Kentucky Department of Fish and Wildlife Resources to define methods of take. KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.360(1) authorizes the department to restrict methods of taking wildlife. This administrative regulation establishes the use of aircraft for the take of wildlife and is within the frameworks established by 16 U.S.C.F.R. 742.

Section 1. Unlawful use of aircraft or unmanned aircraft

(1) It shall be unlawful at any time for any person to use an aircraft or unmanned aircraft system:

(a) To fish, hunt, or take wildlife or to drive or herd any wildlife for the purpose of fishing, hunting, or taking; or

(b) To harass any wildlife.

(2) Except aircraft or unmanned aircraft systems may be used by:

(a) Department employees and contractors or agents acting on behalf of the Department when addressing human safety, law enforcement, research, management, or other needs approved by the department;

(b) Authorized landowners or their agents to engage in lawful wildlife damage control activities; and

(c) Commercial fishers for use in locating or removing invasive carp.

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: May 2, 2025

FILED WITH LRC: May 2, 2025 at 2:45 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 12:30 p.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the use of aircraft or unmanned aircraft for the taking of wildlife.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to effectively manage wildlife populations in Kentucky, specifically with the growing use of technology available for outdoor recreation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.360(2) authorizes the department to restrict methods of taking wildlife.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of statutes by establishing requirements for the use of aircraft in the field.

(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: Any individual interested in the use of aircraft to aid in hunting or fishing in Kentucky.

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

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Individuals will have to follow regulations in place for the use of aircraft while hunting or fishing in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3):

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

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

(a) Initially: There will be no additional cost to the agency to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the agency on a continual basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The state Fish and Game Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will not be an increase in fees or funding to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees nor does it indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied as all hunters and anglers are subject to the same restrictions.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: . 150.010, 150.025, KRS 150.360(2), C.F.R. 742

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: N/A

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Fish and Wildlife Resources

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

1. Expenditures:

For the first year: There is no expenditure from this amendment in the first year.

For subsequent years: There is no expenditure from this amendment in subsequent years.

2. Revenues:

For the first year: This amendment will not generate revenue in the first year.

For subsequent years: This amendment will not generate revenue in subsequent years.

3. Cost Savings:

For the first year: There is no cost savings realized for the first year.

For subsequent years: There is no cost savings realized in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(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): N/A

(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: N/A

(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 will be no major economic impact related to this amendment.

(b) The methodology and resources used to reach this conclusion: The experience and expertise of staff in the wildlife and law enforcement division along with discussions with state government counterparts in the southeast region related to their handling of this topic helped KDFWR staff evaluate the impact on the public.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (New Administrative Regulation)

301 KAR 4:120. Wildlife disease reporting.

RELATES TO: KRS 150. 015; KRS 150.105; KRS 150.720; KRS 150.722; and KRS 150.740

STATUTORY AUTHORITY: KRS 150.025

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to carry out the provisions of KRS Chapter 150 as established in KRS 150.025 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1), promulgated by the Commissioner with approval of the Commission in accordance with KRS 150.010(1), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.015 requires the Kentucky Department of Fish and Wildlife Resources with the duty to protect, preserve and conserve the fish and wildlife resources of the Commonwealth. KRS 150.025 (1)(h) authorizes the

Department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. Because of the impact of certain diseases found in livestock and poultry to the native fish and wildlife populations, the Department believes it is necessary to establish a listing of all reportable diseases which can be transmitted to fish and wildlife and set out the conditions under which the diseases shall be reported. This administrative regulation establishes a comprehensive list of reportable diseases and the conditions under which the diseases shall be reported.

Section 1. Definitions

(1) "CWD Surveillance Zone" means an area designated as being subject to special deer hunting regulations due to a CWD positive cervid detection.

(2) "Euthanasia" means the act of putting an animal to death in a humane manner using a lethal injection adhering to American Veterinary Medical Association Guidelines for the Euthanasia of Animals.

(3) "Exotic wildlife" means wildlife species that have never naturally existed in the wild in Kentucky, including species introduced by man that have become naturalized.

(4) "Fish" all wild and propagated finfish, mollusks, crustaceans, and other forms of aquatic animals, excluding aquatic mammals and birds. Including any part, spawn, or ovum of those animals.

(5) "Native wildlife" means wildlife species that have historically existed, currently exist, or have naturally expanded their range:

- (a) In the wild into Kentucky;
- (b) Without introduction by humans; and
- (c) Regardless of:
 1. Origin or location of an individual animal; and
 2. Being captive-bred or taken from the wild.

(6) "Rabies vector species" means a:

- (a) Bats of any species (order Chiroptera)
 - (b) Coyote (*Canis latrans*);
 - (c) Gray fox (*Urocyon cinereoargenteus*);
 - (d) Raccoon (*Procyon lotor*);
 - (e) Red fox (*Vulpes vulpes*);
 - (f) Spotted skunk (*Spilogale putorius*);
 - (g) Striped skunk (*Mephitis mephitis*); or
 - (h) Any hybrid of paragraphs (a) through (f) this subsection.
- (7) "Veterinarian" is defined by KRS 321.181(67).

Section 2. Duty to Notify. Every veterinarian, veterinary practice and personnel; veterinary diagnostic laboratory and personnel; laboratory providing diagnostics for native or exotic wildlife and fish for Kentucky; holder of captive wildlife; persons associated with any wildlife or fish sales or event establishment and personnel; transportation provider; commercial wildlife services, facility and personnel; or any other person or entity having knowledge of the existence of any reportable disease, as established in Section (3) of this administrative regulation, shall report the disease or condition to the KDFWR Wildlife Veterinarian.

Section 3. Diseases to be reported.

(1) The following diseases and conditions shall be reported to the KDFWR Wildlife Veterinarian:

- (a) Algal toxicosis;
- (b) Anaplasmosis;
- (c) Anthrax;
- (d) *Batrachochytrium dendrobatidis* (Chytridiomycosis);
- (e) *Batrachochytrium salamandrivorans* (Chytridiomycosis);
- (f) Bluetongue;
- (g) Botulism;
- (h) Brucellosis;
- (i) Canine Distemper Virus;
- (j) Chronic Wasting Disease (CWD);
- (k) *Clostridium piliforme* (Tyzzer's Disease);
- (l) Duck virus enteritis (Duck Plague);
- (m) *Echinococcus* spp. (Echinococcosis);
- (n) Epizootic Hemorrhagic Disease;
- (o) Hantaviruses;
- (p) Highly Pathogenic Avian Influenza;
- (q) Histomoniasis (Blackhead disease);

- (r) Lead Toxicosis;
- (s) *Leptospira interrogans* ssp. (Leptospirosis);
- (t) *Mycoplasma gallisepticum*;
- (u) *Mycoplasma agassizii*;
- (v) Mycotoxicosis (aflatoxins and fusariotoxins);
- (w) *Ophidiomyces ophiodiicola* (Snake fungal disease);
- (x) Paratuberculosis (Johne's disease);
- (y) Plague (*Yersinia pestis*);
- (z) *Pseudogymnoascus destructans* (White-nose Syndrome);
- (aa) Pseudorabies;
- (bb) Rabies;
- (cc) Rabbit Hemorrhagic Disease Virus;
- (dd) Ranavirus;
- (ee) Salmonellosis (*Salmonella enterica*, all serovars);
- (ff) SARS-CoV-2;
- (gg) *Sarcoptes scabiei* (Sarcoptic Mange);
- (hh) Theileriosis;
- (ii) Trichinellosis;
- (jj) Tuberculosis;
- (kk) Tularemia;
- (ll) Virulent Newcastle Disease;
- (mm) Vesicular Stomatitis;
- (nn) West Nile Virus (WNV);
- (oo) Any additional diseases or conditions listed by the World

Organization for Animal Health (WOAH) Listed Diseases including the Terrestrial Animal and Aquatic Animal disease list; and

(pp) Any disease or condition listed in the United States Department of Agriculture National List of Reportable Animal Diseases (NLRAD),

(2) Conditions of any etiology that meet any of the following criteria shall be reported immediately:

- (a) Chemical poisoning in wildlife and fish involving anticoagulant rodenticides, heavy metals, and pesticides.
- (b) Encephalitis or other central nervous system disease;
- (c) Unusual morbidity or mortality event in free-ranging wildlife, captive wildlife, and fish; or
- (d) Highly infectious conditions of any etiology, known or unknown.

Section 4. Notification Requirements for Reportable Diseases

(1) The notification shall be given to the Wildlife Veterinarian, Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601; telephone 502-892-4584 or wildlifehealth@ky.gov within forty-eight (48) hours of confirmation of a reportable disease defined in Section 3 of this regulation.

(2) The person reporting shall submit:

- (a) Name, address, and telephone number of the submitter of wildlife or fish;
- (b) The wildlife or fish species, age, sex, number of animals affected, and clinical signs;
- (c) A location address or GPS coordinates for wildlife and fish tested or affected;
- (d) The name, address, and telephone number of the veterinarian submitting the case; and
- (e) If different from submitter, name, address, and telephone number of the person reporting or holder of captive wildlife.

(3) A report submitted to the KDFWR Wildlife Veterinarian by a diagnostic laboratory of a condition suspected or diagnosed by a test result or other laboratory procedure shall constitute notification on behalf of the laboratory and the submitting veterinarian or holder.

Section 5. Euthanasia of Wildlife for Reportable Diseases.

(1) Individuals with the following qualifications may euthanize wildlife presented to them suspected of having a reportable disease as identified in Section 3 of this regulation.

- (a) KDFWR staff or representative of the department who is engaged in wildlife activities in an official capacity; or
- (b) Licensed Veterinarian authorized to practice veterinary medicine in Kentucky under KRS Chapter 321.

(2) Public Health Officials, acting in their official capacity, whose duties include euthanasia for reportable disease testing, may euthanize wild mammal species that bites a person, or wild mammal

species that shows symptoms of a rabies infection, as established in 902 KAR 2:070, Section 5 and KRS 258.085(1)(c) except bats found in non-living spaces with no known contact with humans may not be euthanized.

(3) Animal control officers that hold a valid Animal Euthanasia Specialist (AES) certification, pursuant to KRS 321.207(4) and 201 KAR 16:560, and who have completed an approved Wildlife Chemical Immobilization training may be authorized to euthanize rabies vector species, excluding bats, that are presented to them at a permitted facility and are suspected of having a reportable disease.

(a) To qualify for this authorization, the certified AES shall submit to the Department:

1. Proof they possess a valid Animal Euthanasia Specialist Certificate; and

2. Proof they completed and passed a San Diego Zoo Wildlife Alliance Academy (SDZWAA) Safe Capture Training course in Chemical Immobilization of Wildlife.

(b) Wildlife euthanized by certified Animal Euthanasia Specialist for reportable disease conditions must be presented to authorized personnel at permitted facilities and cannot be trapped or taken from the environment without a valid Nuisance Wildlife Control Operator permit per 301 KAR 3:120 or with a valid trapping license during a legal trapping season for that species KRS 150.175 and 301 KAR 2.251.

(c) Reporting Requirements for certified Animal Euthanasia Specialists:

1. In addition to the standard wildlife disease reporting requirements found in Section 4 of this regulation, certified Animal Euthanasia Specialists shall submit an annual report of total number euthanized wildlife (species, county, date, disease) submitted within 30 days of December 31st each year in which wildlife were euthanized.

2. A wildlife carcass not submitted for testing shall be:

a. Retained in cold storage; and

b. Reported to the Department Veterinarian within forty-eight (48) hours for proper disposition (phone 502-892-4584 or email at wildlifehealth@ky.gov).

Section 6. Approved Euthanasia Methods for certified Animal Euthanasia Specialist. Certified Animal Euthanasia Specialists euthanizing wildlife at an animal control facility certified pursuant to KRS 321.207 and 201 KAR 16:550 and 552 shall comply with approved methods for euthanasia as established in 201 KAR 16:562.

Section 7. Carcass Disposal

(1) Any cervids euthanized for reportable disease conditions shall be disposed of in accordance with 301 KAR 4:090 as established for taxidermists and shall not be transported outside of CWD surveillance zones for disposal in accordance with 301 KAR 2:172.

(2) Certified Animal Euthanasia Specialist shall dispose of carcasses in a way to prevent accidental exposure to other wildlife. Acceptable means of disposal include the following, if in accordance with 201 KAR 16:562, KRS 257.160 and local county and municipality waste disposal laws:

(a) Burying the carcass or parts in an opening in the earth at least four (4) feet deep and covered with at least three (3) feet of earth; or

(b) Depositing the carcass or parts in a contained landfill, as established in KRS Chapter 224 and meeting liner requirements per 401 KAR 48:080.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "American Veterinary Medical Association Guidelines for the Euthanasia of Animals", 2020 Edition.

(b) "Certified Animal Euthanasia Specialist Annual Wildlife Euthanasia Report", 2025 Edition;

(c) "The World Organization for Animal Health (WOAH) Listed Diseases and Non-Listed Affecting Wildlife", 2023 Edition.

(d) "United States Department of Agriculture National List of Reportable Animal Diseases (NLRAD)", 2023 Edition.

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

(a) <https://www.avma.org/sites/default/files/2020-02/Guidelines-on-Euthanasia-2020.pdf> for the "American Veterinary Medical Association Guidelines for the Euthanasia of Animals";

(b) <https://fw.ky.gov/Wildlife/Documents/CertAnimalEuthanasiaSpecialistAnnualReport.pdf> for the "Certified Animal Euthanasia Specialist Annual Wildlife Euthanasia Report";

(c) <https://fw.ky.gov/Wildlife/Pages/reportablewildlifedisease.aspx> for the "The World Organization for Animal Health (WOAH) Listed Diseases and Non-Listed Affecting Wildlife,"; and <https://fw.ky.gov/Wildlife/Pages/reportablewildlifedisease.aspx> for the "United States Department of Agriculture National List of Reportable Animal Diseases (NLRAD)".

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: April 24, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes reporting requirements for diseases of concern found in wildlife and establishes authority for various officials to perform euthanasia of wildlife suspected to have reportable diseases.

(b) The necessity of this administrative regulation: This regulation is necessary to provide local animal control agencies with a mechanism to euthanize wildlife suspected of disease, to provide public health officials with authority to euthanize animals suspected of rabies, and to help control the spread of wildlife diseases.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations regarding the take of fish and wildlife and to promulgate any other administrative regulation reasonably necessary to implement or carry out the purposes of KRS Chapter 150. Those purposes include to protect and conserve the wildlife of this Commonwealth so as to insure a permanent and continued supply of the wildlife resources of this state and to protect the food supply of this state. Protecting the wildlife of the Commonwealth from disease is essential to these purposes.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by providing means for which local officials can eliminate diseased

wildlife, public health officials can protect against rabies, and provide a centralized reporting system for wildlife diseases so Department staff can track the spread of diseases and coordinate efforts to combat them.

(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 veterinarians, veterinarian practices, veterinarian practice personnel, diagnostic laboratories, diagnostic laboratory personnel, holders of captive wildlife, wildlife rehabbers, persons associated with wildlife or fish sales or events, wildlife transporters, commercial wildlife services, facilities, and personnel, any other person or entity having knowledge of the existence of reportable wildlife diseases, public health officials engaged in rabies detection activities for wildlife, the Kentucky Board of Veterinary Examiners, and local governmental animal control officers possessing animal euthanasia specialist certification who are authorized to perform euthanasia of wildlife.

(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 entities will be required to report to KDFWR staff when reportable diseases are confirmed in fish or wildlife species. Animal euthanasia specialists will need to supply credentials to KDFWR to be allowed to euthanize wildlife and those engaging in euthanasia of wildlife will have annual reporting requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no additional costs for any of the entities identified in question 3, except animal euthanasia specialists who wish to obtain authorization to euthanize wildlife will be required to complete a wildlife chemical immobilization training course for a one-time fee of \$675. This fee is set and the training is provided by an international non-profit conservation organization.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The benefit to the entities will be enhanced wildlife disease monitoring for situational awareness, enhanced coordination and response for wildlife disease outbreaks, and for those entities with authority to euthanize wildlife, a mechanism for the entities to address and eliminate diseased wildlife. These benefits will also promote public safety for all citizens of the Commonwealth.

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

(a) Initially: There will be no added cost to KDFWR initially.

(b) On a continuing basis: There will be no added cost to KDFWR on a continuing basis.

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

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no need for an increase in fees or funding to administer this regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There is an indirect fee associated with the cost of a Wildlife Chemical Immobilization course (\$675). This course is an additional training required only for Certified Animal Euthanasia Specialist. Participants will be provided an in-depth training on how to chemical immobilize wildlife which is necessary prior to euthanasia as wildlife are not pets and required different techniques for restraint.

(9) TIERING: Is tiering applied? Tiering is not applied as all entities for which each section is applicable are treated the same. Certain sections are only applicable to certain government entities and personnel.

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 150.015, KRS 150.025 (1)(h)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 150.015 requires the Kentucky Department of Fish and Wildlife Resources with the duty to protect, preserve and conserve the fish and wildlife resources of the Commonwealth. KRS 150.025 (1)(h) authorizes the Department to promulgate administrative regulations necessary to carry out the purposes of KRS Chapter 150. Because of the impact of certain diseases found in livestock and poultry to the native fish and wildlife populations, the Department believes it is necessary to establish a listing of all reportable diseases which can be transmitted to fish and wildlife and set out the conditions under which the diseases shall be reported. This administrative regulation establishes a comprehensive list of reportable diseases and the conditions under which the diseases shall be reported.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Department of Fish and Wildlife Resources, Wildlife Division and Veterinarian

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

1. Expenditures:

For the first year: There is no cost to KDFWR in the first year.

For subsequent years: There is no cost to KDFWR in subsequent years.

2. Revenues:

For the first year: No additional revenue will be collected in the first year.

For subsequent years: No additional revenue will be collected in subsequent years.

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): Public health officials engaged in rabies detection activities for wildlife, the Kentucky Board of Veterinary Examiners, and local governmental animal control officers possessing animal euthanasia specialist certification who are authorized to perform euthanasia of wildlife.

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

1. Expenditures:

For the first year: There will be no additional costs for any of the entities identified, except certified animal euthanasia specialists who wish to obtain authorization to euthanize wildlife will be required to complete a wildlife chemical immobilization training course for a one-time fee of \$675. This fee is set and the training is provided by an international non-profit conservation organization.

For subsequent years: If an international non-profit conservation organization changed the cost of the training course, the fee could change in subsequent years. KDFWR does not set that fee.

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): Veterinarian practices, diagnostic laboratories, holders of captive wildlife, wildlife rehabbers, persons associated with wildlife or fish sales or events, wildlife transporters, commercial wildlife services, facilities, and personnel, any other person or entity having knowledge of the existence of reportable wildlife diseases.

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

(5)(a):

1. Expenditures:

For the first year: There is no additional cost for the entities identified in this section to report detections of diseases listed in this regulation.

For subsequent years: There is no additional cost for reporting detections of diseases listed in this regulation by the entities identified in this section for subsequent years. 2. Revenues: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A 3. Cost Savings:

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 no added cost to KDFWR on a continuing basis. There will be no need for an increase in fees or funding to administer this regulation. The only fiscal impact would be on local Animal Control who decide to have certified animal euthanasia specialist authorized to engage wildlife euthanasia activities.

(b) Methodology and resources used to reach this conclusion: There will be no additional costs to administer this regulation. Local Animal Control facilities that employee certified animal euthanasia specialist that voluntarily decide to engage in wildlife euthanasia are required to complete a training in wildlife chemical immobilization. The cost for this is set by international non-profit conservation organization and not determined by the agency. The required training in wildlife chemical immobilization was selected as it is approved by the National Animal Care & Control Association, which provides resources and standardize training for animal control professionals. Local Animal Control entities may choose to not engage in wildlife euthanasia activities and therefore would not be impacted by the one-time training fee.

(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 regulation will not have an overall negative or adverse major economic impact to the entities identified above.

(b) The methodology and resources used to reach this conclusion: There will be no additional costs to administer this regulation or reporting entities identified in this regulation. The only cost associated with this regulation is the one-time fee of \$675, specifically for animal control officers that hold a valid animal euthanasia specialist certificate who want to be authorized to engage in wildlife euthanasia activities. This fee is set by international non-profit conservation organization that is approved by the National Animal Care & Control Association. This is a voluntary and only required if local Animal Control facilities choose to engage in wildlife euthanasia activities.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Repealer)**

301 KAR 6:006. Repeal of 301 KAR 6:005

RELATES TO: KRS 235.040, 235.050, 235.070, 235.080

STATUTORY AUTHORITY: KRS 235.080

CERTIFICATION STATEMENT: The Kentucky Department of Fish and Wildlife Resources, pursuant to statutory authority to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state and otherwise carry out the provisions of KRS Chapter 235 as established in KRS 235.280 and KRS 235.290 and as an independent department of state government within the meaning of KRS Chapter 12 as established in KRS 150.021(1) and KRS 235.030, promulgated by the Commissioner with approval of the Commission in accordance with KRS 235.280 and KRS 150.025(1)(g), does hereby certify this administrative regulation is promulgated in compliance with Section 8 of 2025 RS HB6.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.080 requires the department to establish motorboat registration fees. This administrative regulation establishes the registration fees for the various classes of motorboats and will be incorporated to 301 KAR 5:022 License, Tag and Permit Fees.

Section 1. 301 KAR 6:005, Boat registration fees, is hereby repealed.

Approved by the Fish and Wildlife Commission:

RICH STORM, Commissioner

APPROVED BY AGENCY: April 3, 2025

FILED WITH LRC: April 28, 2025 at 11:51 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on July 31, 2025, at 11:30 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through July 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: Jenny Gilbert, Legislative Liaison, Kentucky Department of Fish and Wildlife Resources, 1 Sportsman's Lane, (502) 564-3400, fax: (502) 564-0506, email: fwpubliccomments@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jenny Gilbert

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes boat registration fees.

(b) The necessity of this administrative regulation: This regulation is necessary to establish motorboat registration fees for motorboat owners of Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 235.080 authorizes the department to promulgate administrative regulations to establish motorboat registration fees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the statutes by establishing the fees for motorboat registration for the various classes of motorboats.

(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 regulation will be repealed.

(b) The necessity of the amendment to this administrative regulation: The repeal is necessary as the amendments to 301 KAR 5:022 shall include updated sections to address the subject matter contained in these regulations, thus making this regulation outdated and redundant.

(c) How the amendment conforms to the content of the authorizing statutes: The requirements of the authorizing statutes shall be addressed in the updates to 301 KAR 5:022.

(d) How the amendment will assist in the effective administration of the statutes: The repeal of this regulation and inclusion of its subject matter in 301 KAR 5:022 shall consolidate the regulatory requirements for motorboat registration fees in one regulation for all department fees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 165,000 Kentucky registered motorboats that are impacted 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: There will be no additional actions required to comply.

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

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Motorboat owners can find the regulation in a chapter that is more intuitive, thus making it easier to understand and comply with.

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

(a) Initially: This administrative regulation change will result in no initial change in administrative cost to the Department.

(b) On a continuing basis: There will be no additional cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees will be established.

(9) TIERING: Is tiering applied? Tiering was not applied. The same requirements and limits apply to all registered motorboats for their various classes.

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 235.080

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 235.080 requires the department to establish motorboat registration fees. This administrative regulation establishes the registration fees for the various classes of motorboats and will be incorporated to 301 KAR 5:022 License, Tag and Permit Fees.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Fish and Wildlife Resources Division of Law Enforcement will be affected.

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

1. Expenditures:

For the first year: No expenditures will be experienced by this administrative regulation during the first year.

For subsequent years: No expenditures will be experienced to administer this administrative regulation in subsequent years.

2. Revenues:

For the first year: No revenue will be generated by this administrative regulation during the first year.

For subsequent years: No revenue will be experienced to administer this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: No cost savings will be generated by this administrative regulation during the first year.

For subsequent years: No cost savings will be experienced to administer this administrative regulation in subsequent years.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): N/A

(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): N/A

(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 is no fiscal impact of this administrative regulation.

(b) Methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation will be repealed.

(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 to any entity identified in the questions above.

(b) The methodology and resources used to reach this conclusion: No methodology or resources were used to reach this conclusion as this is administrative regulation will be repealed.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of May 13, 2025

Call to Order and Roll Call

The May meeting of the Administrative Regulation Review Subcommittee was held on Tuesday, May 13, 2025, at 1:00 p.m. in Room 149 of the Capitol Annex. Senator Stephen West, Co-Chair, called the meeting to order, and roll call was taken.

Present were:

Members: Senator Stephen West, Co-Chair; Representative Derek Lewis, Co-Chair; Senators Julie Raque Adams, Mike Wilson, and David Yates; and Representatives Deanna Gordon and Mary Lou Marzian.

LRC Staff: Stacy Auterson, Emily Caudill, Ange Darnell, Emily Harkenrider, Karen Howard, Anna Latek, Callie Lewis, and Carrie Nichols.

Guests: Jessica Bowman, Christopher Thacker, Office of the Attorney General; Erritt Griggs, Gordon Rowe, Jr., Personnel Cabinet; Todd Allen, Department of Education; Shelby Bevins-Sullivan, John Hardesty, Office of Claims and Appeals; Joshua Newton, Maggie Woods, Department of Alcoholic Beverage Control; Jonathan Scott, Melanie Taylor, Cabinet for Health and Family Services; and Norma Hatfield, Kinship Coalition.

Administrative Regulations Reviewed by this Subcommittee:

DEPARTMENT OF LAW: Kentucky Opioid Abatement Advisory Commission

040 KAR 009:010. General application procedure. Jessica Bowman, executive advisor, and Christopher Thacker, general counsel, represented the commission.

A motion was made and seconded to approve the following amendments: (1) to amend Section 4 to establish a deadline for responding to the commission's request for supplementation or other inquiries; and (2) to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1, 2, 4, and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

PERSONNEL CABINET: Personnel Board

101 KAR 001:325. Probationary periods. Erritt Griggs, general counsel, and Gordon Rowe, Jr., executive director, represented the board.

EDUCATION AND LABOR CABINET: Board of Education: Office of Chief State School Officer

701 KAR 005:055. Removal hearing procedures. Todd Allen, deputy commissioner and general counsel, represented the office.

A motion was made and seconded to approve the following amendment: to amend the STATUTORY AUTHORITY paragraph to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendment was approved.

PUBLIC PROTECTION CABINET: Office of Claims and Appeals: Board of Tax Appeals

802 KAR 1:010. Tax appeal procedures. John Hardesty, executive director, and Shelby Bevins-Sullivan, staff attorney, represented the board.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 7, 10, 13, and 14 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Board of Claims

802 KAR 2:010. Negligence claims before the Board of Claims.

In response to questions by Senator Yates, Mr. Hardesty stated that the filing deadlines in this administrative regulation were being revised to be more consistent with the deadlines established in 802 KAR 001:010. Both administrative regulations established provisions for adjudicating adversarial claims, typically between state agencies and individual taxpayers. Because the Board of Claims was exempted from the provisions of KRS Chapter 13B, administrative procedures were directly established through administrative regulation. To provide necessary flexibility, this administrative regulation included the option to waive certain Kentucky Rules of Evidence if the hearing officer and parties agreed or if the rules were inappropriate for the type of claim.

A motion was made and seconded to approve the following amendments: (1) to amend Section 13 to include the circumstances under which the board or hearing officer may waive application of the Kentucky Rules of Evidence; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 6, 10, 13, and 17 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to amend Section 6 to delete the option for the board to recommend an order of dismissal if the agency fails to respond to a claim within 30 days, while retaining the option to enter a show cause order or consider the facts of the claim admitted and render a decision. Without objection, and with agreement of the agency, the amendments were approved.

Crime Victims Compensation Board

802 KAR 3:010. Crime victims compensation.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1, 3 through 8, and 10 through 14 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

802 KAR 3:020. Payment schedule for sexual assault examinations.

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 and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

802 KAR 3:030. Crime victims compensation awards.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 3, 5 through 7, 9 through 13, and 16 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

802 KAR 3:040. Additional award requests.

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.

802 KAR 3:050. Emergency awards.

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.

802 KAR 3:060. Crime victim compensation offender debt collections.

A motion was made and seconded to approve the following amendments: to amend the STATUTORY AUTHORITY and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and

Sections 1 through 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

Department of Alcoholic Beverage Control: Licensing

804 KAR 004:415. Direct shipper 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 RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Section 1 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Medicaid Services: Hospital Service Coverage and Reimbursement

907 KAR 010:840E. Hospital Rate Improvement Program. Jonathan Scott, legislative and regulatory liaison, represented the department.

Co-Chair Lewis thanked the department for helping hospitals, especially in rural areas, through this administrative regulation.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to comply with the drafting requirements of KRS Chapter 13A; and (2) to amend Section 4 to: (a) clarify that the quality metrics that hospitals must meet to receive the supplemental payment are established in federal law; and (b) delete an example. Without objection, and with agreement of the agency, the amendments were approved.

Department for Community Based Services: Child Welfare

922 KAR 001:360. Private child care placement, levels of care, and payment. Melanie Taylor, division director, represented the department. Norma Hatfield, Kinship Coalition, appeared in support of this administrative regulation.

In response to questions by Senator Raque Adams, Ms. Taylor stated that the cost to implement the proposed per-diem rate increases was approximately \$10 million per biennium. The increases were not required by statute. Ms. Taylor stated that she was unsure whether or not this funding was specifically included in budget legislation and that she did not know how the discretionary funding was identified other than that the increases would be funded through existing cabinet funds. The cabinet did not promulgate administrative regulations to implement Senate Bill 151 from the 2024 Regular Session of the General Assembly because dedicated funds were not appropriated in the biennium budget legislation. Senator Raque Adams stated that the cabinet was implementing per diem increases in this administrative regulation that were not statutorily required or included in budget legislation; however, the cabinet was failing to implement Senate Bill 151, which was statutorily mandated. The Governor was not following the law, and discretionary funds were clearly available. While the increases in this administrative regulation were appropriate, the cabinet was demonstrating its ability but failure to implement Senate Bill 151.

Senator Wilson stated that he concurred with Senator Raque Adams and that it was the duty of the Executive Branch to implement statutory requirements.

In response to a question by Co-Chair West, Ms. Taylor stated that, because she was not involved in the cabinet's budget processes, she was unaware as to how the \$10 million for this administrative regulation was allocated. Co-Chair West stated that this administrative regulation demonstrated the Governor's hypocrisy by appropriating discretionary funds for a program that was not statutorily mandated, while simultaneously failing to implement a statutorily mandated program based on lack of funding.

In response to a question by Co-Chair West, Ms. Hatfield stated that, while she could not speak to the details of the discussions regarding Senate Bill 151, she agreed that these were conversations that needed to be conducted. Ms. Hatfield stated that Kinship Coalition was in full support of this proposed administrative regulation. According to a report from earlier this year, Kentucky had twice the national rate of child maltreatment cases. In October of

2023, the cabinet secretary stated that the cabinet would address the issues raised by Senate Bill 151, which would give caregivers more time to review placement options for vulnerable children. Many caregivers were unknowingly waiving per-diem payments because Senate Bill 151 remained unimplemented.

Co-Chair West stated that subcommittee members' comments regarding Senate Bill 151 were not intended to reflect on the per-diem increases in this administrative regulation, which he supported. He requested that the cabinet examine whether or not there was discretionary funding available to fully fund Senate Bill 151.

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.

Other Business: Co-Chair West stated that subcommittee members had been reappointed and it was necessary to elect Co-Chairs for this two-year term. The Speaker of the House, on January 2, 2025, appointed Representative Derek Lewis as Co-Chair of this subcommittee. A motion was made and seconded to renew Representative Lewis as House Co-Chair. Without objection, Representative Lewis was so endorsed.

Co-Chair Lewis stated that the President of the Senate, on January 7, 2025, appointed Senator Stephen West as Co-Chair of this subcommittee. A motion was made and seconded to renew Stephen West as Senate Co-Chair. Without objection, Senator West was so endorsed.

The following administrative regulations were deferred or removed from the May 13, 2025, subcommittee agenda:

DEPARTMENT OF LAW: Kentucky Opioid Abatement Advisory Commission

040 KAR 009:020. Local government application procedure.

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: Department of Insurance: Agents, Consultants, Solicitors, and Adjusters

806 KAR 009:360. Pharmacy Benefit Manager License.

ENERGY AND ENVIRONMENT CABINET: Public Service Commission: Utilities

807 KAR 005:015E. Access and attachments to utility poles and facilities.

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.

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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.

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

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

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

907 KAR 016:015. Recovery, Independence, Support and Engagement (RISE) Initiative 1915(i) Home and Community-Based Services (HCBS); provider participation and enrollment.

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

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

The subcommittee adjourned at 1:30 p.m. The next meeting of this subcommittee was tentatively scheduled for June 10, 2025, at 1 p.m. in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(10), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

None

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 51st year of the *Administrative Register of Kentucky*, from July 2024 through June 2025.

Locator Index - Effective Dates

L – 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 last year’s issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the last *Register* year ended.

KRS Index

L – 13

A cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each regulation submitted for publication during this *Register* year.

Certifications Index

L – 28

A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index

L – 32

A list of administrative regulations that have had technical, non-substantive amendments made during this *Register* year. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Because these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the *Administrative Register of Kentucky*; however, they are usually available on the Legislative Research Commission’s Web site.

Subject Index

L – 33

A general index of administrative regulations published during this *Register* year, and is mainly broken down by agency.

LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	Ky.R. Page No.	Effective Date	Regulation Number	Ky.R. Page No.	Effective Date
Administrative regulations published in previous Register years may appear in this index if a regulation had not completed the KRS Chapter 13A review process by the beginning of this Register year. The "Register number" or "Ky.R. number" is listed the first time a regulation is published during that Register year. Once the regulation has been published in another Register year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in prior Registers, please visit our online Administrative Registers of Kentucky .					
SYMBOL KEY:			201 KAR 036:100E	50 Ky.R. 1649	9-14-2024
* Statement of Consideration not filed by deadline			Am Comments	2002	3-5-2024
** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))			Replaced	51 Ky.R. 105	6-18-2024
*** Withdrawn before being printed in Register			Resubmitted	1238	11-26-2024
IJC Interim Joint Committee			Am Comments	1764	3-10-2025
(r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.			202 KAR 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
			307 KAR 001:070E	51 Ky.R. 1927	5-15-2025
			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
			Replaced	1454	5-6-2025
			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
			As Amended	1931	5-13-2025
			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

Regulation Number	46 Ky.R. Page No.	Effective Date	Regulation Number	46 Ky.R. Page No.	Effective Date
ORDINARY ADMINISTRATIVE REGULATIONS			017 KAR 006:030	50 Ky.R. 986	
011 KAR 004:080			Am Comments	1702	
Amended	50 Ky.R. 2238		As Amended	51 Ky.R. 37	
As Amended	51 Ky.R. 483	9-17-2024	As Amended at IJC	657	8-28-2024
011 KAR 015:090			030 KAR 002:011(r)	51 Ky.R. 1222	
Amended	50 Ky.R. 2240		As Amended	1644	
As Amended	51 Ky.R. 483	9-17-2024	030 KAR 007:011	50 Ky.R. 2110	10-1-2024
011 KAR 015:110			031 KAR 002:010		
Amended	50 Ky.R. 2245		Amended	50 Ky.R. 2247	
As Amended	51 Ky.R. 488	9-17-2024	As Amended	51 Ky.R. 239	11-5-2024
012 KAR 001:134	51 Ky.R. 1907		031 KAR 003:041	50 Ky.R. 2319	
012 KAR 001:144	51 Ky.R. 1908		As Amended	51 Ky.R. 240	11-5-2024
012 KAR 001:149	51 Ky.R. 1909		031 KAR 004:031	50 Ky.R. 2321	
012 KAR 001:164	51 Ky.R. 1910		As Amended	51 Ky.R. 241	
013 KAR 002:120	50 Ky.R. 2459		As Amended	657	12-31-2024
As Amended	51 Ky.R. 1416	2-25-2025	031 KAR 004:220	50 Ky.R. 2323	
013 KAR 002:130	50 Ky.R. 2461		As Amended	51 Ky.R. 220	11-5-2024
As Amended	51 Ky.R. 1417	2-25-2025	031 KAR 004:230	51 Ky.R. 818	
013 KAR 006:010	51 Ky.R. 596		As Amended	1253	4-2-2025
As Amended	1252	2-25-2025	031 KAR 005:026		
013 KAR 006:020	51 Ky.R. 598		Amended	50 Ky.R. 2250	
As Amended	1253	2-25-2025	As Amended	51 Ky.R. 244	
016 KAR 001:030			As Amended IJC	492	8-22-2024
Amended	51 Ky.R. 329	11-8-2024	031 KAR 005:040	50 Ky.R. 2326	
016 KAR 002:030			As Amended	51 Ky.R. 245	12-31-2024
Amended	51 Ky.R. 333	11-8-2024	040 KAR 005:010		
016 KAR 002:110	50 Ky.R. 2464		Amended	51 Ky.R. 1187	
As Amended	51 Ky.R. 489	9-17-2024	As Amended	1644	
016 KAR 002:140	50 Ky.R. 2466		040 KAR 009:010		
As Amended	51 Ky.R. 490	9-17-2024	Amended	51 Ky.R. 1696	
016 KAR 002:160			As Amended	1933	
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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

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23 U.S.C.	600 KAR 004:010	52 U.S.C.	921 KAR 003:030
25 U.S.C.	922 KAR 002:160	Pub.L. 108-173	806 KAR 017:570
26 U.S.C.	105 KAR 001:120 105 KAR 001:190 105 KAR 001:411 105 KAR 001:140 102 KAR 001:320 200 KAR 014:011 200 KAR 015:010 900 KAR 001:009 102 KAR 001:380 908 KAR 001:410 104 KAR 001:040 806 KAR 017:570 105 KAR 001:120 922 KAR 002:160 780 KAR 003:072 201 KAR 015:110 907 KAR 015:005 920 KAR 001:090 907 KAR 001:835 907 KAR 003:100 101 KAR 002:034 101 KAR 002:102 101 KAR 003:015	Pub.L. 109-171 Pub.L. 111-148 Pub.L. 111-5 Pub.L. 114-94 2022 Ky. Acts ch. 199 2023 Ky. Acts ch. 78	920 KAR 001:090 105 KAR 001:411 200 KAR 015:010 600 KAR 004:010 787 KAR 001:360 902 KAR 045:001 902 KAR 045:012 902 KAR 045:021 902 KAR 045:031 103 KAR 005:200 920 KAR 001:090
29 U.S.C.	405 KAR 010:001 405 KAR 010:015	Ky. Const. Sec. 172 Pres. EO 009	
30 U.S.C.	922 KAR 002:160		
34 U.S.C.	502 KAR 012:010		
38 U.S.C.	922 KAR 002:160 907 KAR 020:035 907 KAR 020:005 017 KAR 003:042 922 KAR 002:090 104 KAR 001:040 601 KAR 012:080 921 KAR 002:015 806 KAR 017:570 922 KAR 001:060 922 KAR 001:350 105 KAR 001:411 910 KAR 001:270 922 KAR 001:490 922 KAR 002:160 011 KAR 015:090 907 KAR 010:015 921 KAR 003:030 922 KAR 001:470 922 KAR 005:120 907 KAR 001:044 907 KAR 001:028 910 KAR 001:210 921 KAR 001:400 908 KAR 001:410 920 KAR 001:090 922 KAR 002:020 907 KAR 001:595 907 KAR 001:835 907 KAR 003:100 907 KAR 003:210 907 KAR 007:015		
42 U.S.C.			

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 7-16-2026
011 KAR 012:020	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:030	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:030	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:040	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:050	01-17-2025	To be amended; filing

Regulation Number	Letter Filed Date	Action
		deadline 7-16-2026
011 KAR 012:060	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:070	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 012:090	01-17-2025	To be amended; filing deadline 7-16-2026
011 KAR 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
011 KAR 017:070	10-01-2024	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
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 9-27-2026
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 4-4-2026
040 KAR 002:145	07-23-2024	Remain in Effect without Amendment
040 KAR 002:345	12-02-2024	Remain in Effect without Amendment
103 KAR 028:150	12-06-2024	Remain in Effect without Amendment
103 KAR 044:060	12-12-2024	To be amended; filing deadline 6-12-2026
106 KAR 002:040	11-22-2024	Remain in Effect without Amendment
201 KAR 002:400	12-02-2024	Remain in Effect without Amendment
201 KAR 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

Regulation Number	Letter Filed Date	Action
		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 5-22-2026
201 KAR 034:020	08-02-2024	Remain in Effect without Amendment
201 KAR 034:030	08-02-2024	Remain in Effect without Amendment
201 KAR 034:050	08-02-2024	Remain in Effect without Amendment
201 KAR 044:090	08-02-2024	Remain in Effect without Amendment
201 KAR 045:001	04-08-2025	Remain in Effect without Amendment
201 KAR 046:095	08-21-2024	Remain in Effect without Amendment
202 KAR 007:501	04-30-2025	To be amended; filing deadline 10-30-2026
202 KAR 007:565	04-30-2025	To be amended; filing deadline 10-30-2026
301 KAR 001:130	05-15-2025	Remain in Effect without Amendment
301 KAR 006:005	07-29-2024	To be amended; filing deadline 1-29-2026
302 KAR 050:070	01-14-2025	Remain in Effect without Amendment
302 KAR 100:030	01-17-2025	Remain in Effect without Amendment
401 KAR 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 2-28-2026
501 KAR 006:230	10-29-2024	To be amended; filing deadline 4-29-2026
505 KAR 001:130	01-31-2025	To be amended; filing deadline 7-30-2026
505 KAR 001:170	03-06-2025	To be amended; filing deadline 9-6-2026
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

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
601 KAR 009:205	04-25-2025	Remain in Effect without Amendment
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 5-25-2026
780 KAR 003:080	11-25-2024	To be amended; filing deadline 5-25-2026
803 KAR 001:100	11-21-2024	Remain in Effect without Amendment
803 KAR 050:010	01-31-2025	Remain in Effect without Amendment
804 KAR 004:230	09-25-2024	Remain in Effect without Amendment
804 KAR 004:390	10-30-2024	Remain in Effect without

Regulation Number	Letter Filed Date	Action
		Amendment
804 KAR 004:400	10-30-2024	To be amended; filing deadline 4-30-2026
804 KAR 004:410	10-30-2024	To be amended; filing deadline 4-30-2026
804 KAR 005:070	10-30-2024	Remain in Effect without Amendment
804 KAR 006:020	10-30-2024	Remain in Effect without Amendment
804 KAR 010:010	09-25-2024	Remain in Effect without Amendment
804 KAR 011:010	02-12-2025	Remain in Effect without Amendment
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 001:220	05-21-2025	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
805 KAR 005:010	05-13-2025	Remain in Effect without Amendment
805 KAR 005:030	05-13-2025	Remain in Effect without Amendment
805 KAR 005:070	05-13-2025	Remain in Effect without Amendment
805 KAR 007:010	05-13-2025	Remain in Effect without Amendment
805 KAR 007:020	05-13-2025	Remain in Effect without Amendment
805 KAR 007:030	05-13-2025	Remain in Effect without Amendment
805 KAR 007:040	05-13-2025	Remain in Effect without Amendment
805 KAR 007:050	05-13-2025	Remain in Effect without Amendment
805 KAR 007:060	05-13-2025	Remain in Effect without Amendment
805 KAR 007:070	05-13-2025	Remain in Effect without Amendment
805 KAR 007:090	05-13-2025	Remain in Effect without Amendment
805 KAR 008:010	05-13-2025	Remain in Effect without Amendment
805 KAR 008:030	05-13-2025	Remain in Effect without Amendment
805 KAR 008:040	05-13-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

Regulation Number	Letter Filed Date	Action
805 KAR 008:050	05-13-2025	Remain in Effect without Amendment
805 KAR 008:060	05-13-2025	Remain in Effect without Amendment
805 KAR 011:001	05-13-2025	Remain in Effect without Amendment
805 KAR 011:010	05-13-2025	Remain in Effect without Amendment
805 KAR 011:020	05-13-2025	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 6-2-2026
815 KAR 015:025	12-02-2024	To be amended; filing deadline 6-2-2026
815 KAR 015:027	12-02-2024	To be amended; filing deadline 6-2-2026
900 KAR 006:040	05-19-2025	Remain in Effect without Amendment
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 020:260	05-19-2025	Remain in Effect without Amendment
902 KAR 020:360	07-18-2024	Remain in Effect without Amendment
902 KAR 055:040	07-18-2024	Remain in Effect without Amendment
902 KAR 055:095	07-23-2024	To be amended; filing deadline 1-23-2026
902 KAR 100:022	05-19-2025	Remain in Effect without Amendment
902 KAR 100:052	05-19-2025	Remain in Effect without Amendment
902 KAR 100:070	05-19-2025	Remain in Effect without Amendment
902 KAR 100:072	05-19-2025	Remain in Effect without Amendment
902 KAR 100:100	05-19-2025	Remain in Effect without Amendment
902 KAR 100:142	05-19-2025	Remain in Effect without Amendment
902 KAR 100:180	10-09-2024	Remain in Effect without Amendment
906 KAR 001:200	05-19-2025	Remain in Effect without Amendment
907 KAR 001:045	10-21-2024	Remain in Effect without Amendment
907 KAR 001:047	10-21-2024	Remain in Effect without Amendment
907 KAR 001:102	10-21-2024	Remain in Effect without Amendment
907 KAR 001:260	02-05-2025	Remain in Effect without Amendment
907 KAR 001:720	02-05-2025	Remain in Effect without Amendment
907 KAR 001:755	02-05-2025	Remain in Effect without Amendment
907 KAR 001:780	02-05-2025	Remain in Effect without

Regulation Number	Letter Filed Date	Action
		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 001:260	05-19-2025	Remain in Effect without Amendment
910 KAR 003:020	10-08-2024	Remain in Effect without Amendment
920 KAR 001:060	05-19-2025	Remain in Effect without Amendment
921 KAR 002:016	01-21-2025	To be amended; filing deadline 4-3-2024
921 KAR 003:090	12-12-2024	Remain in Effect without Amendment
922 KAR 001:430	12-09-2024	Remain in Effect without Amendment
922 KAR 001:480	12-09-2024	Remain in Effect without Amendment
922 KAR 001:550	12-09-2024	Remain in Effect without Amendment
922 KAR 002:260	02-05-2025	Remain in Effect without Amendment
922 KAR 005:040	12-09-2024	Remain in Effect without Amendment
922 KAR 005:090	12-09-2024	Remain in Effect without Amendment

TECHNICAL AMENDMENT INDEX

The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments made during this year's *Administrative Register of Kentucky*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published to show the technical corrections in the *Register*. NOTE: Technical amendments may be available online for a short period of time before finalized versions of the technically amended regulations are available. To view regulations on the Legislative Research Commission Web site go to <https://apps.legislature.ky.gov/law/kar/titles.htm>.

‡ - A technical change was made to this administrative regulation during the promulgation process, pursuant to KRS 13A.320(1)(e).

† - A nonsubstantive change was made by the Compiler pursuant to KRS 13A.040(9).

Regulation Number	Date Corrected	Regulation Number	Date Corrected
201 KAR 020:095	1-3-2025	810 KAR 007:030	7-1-2024
201 KAR 020:506	6-25-2024	810 KAR 007:040	10-1-2024
401 KAR 051:001	3-7-2025	810 KAR 007:050	7-1-2024
704 KAR 003:307	3-4-2025	810 KAR 007:060	7-1-2024
806 KAR 017:585	8-1-2024	810 KAR 007:070	7-1-2024
806 KAR 039:030	11-12-2024	810 KAR 008:010	7-1-2024
808 KAR 015:030	12-9-2024	810 KAR 008:020	7-1-2024
809 KAR 001:002	7-1-2024	810 KAR 008:025	7-1-2024
809 KAR 001:003	7-1-2024	810 KAR 008:025	7-1-2024
809 KAR 010:001	7-1-2024	810 KAR 008:025	7-1-2024
809 KAR 010:002	7-1-2024	810 KAR 008:040	7-1-2024
809 KAR 010:003	7-1-2024	810 KAR 008:050	7-1-2024
809 KAR 010:004	7-1-2024	810 KAR 008:060	7-1-2024
809 KAR 010:005	7-1-2024	810 KAR 008:070	7-1-2024
809 KAR 010:006	7-1-2024	810 KAR 009:010	7-1-2024
809 KAR 010:007	7-1-2024		
809 KAR 010:008	7-1-2024		
810 KAR 002:001	7-1-2024		
810 KAR 002:010	7-1-2024		
810 KAR 002:020	7-1-2024		
810 KAR 002:030	7-1-2024		
810 KAR 002:040	7-1-2024		
810 KAR 002:050	7-1-2024		
810 KAR 002:060	7-1-2024		
810 KAR 002:070	7-1-2024		
810 KAR 002:080	7-1-2024		
810 KAR 002:090	7-1-2024		
810 KAR 002:100	7-1-2024		
810 KAR 003:001	7-1-2024		
810 KAR 003:010	7-1-2024		
810 KAR 003:020	7-1-2024		
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