



ADMINISTRATIVE REGISTER OF KENTUCKY

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

MEETING NOTICES

The **Administrative Regulation Review Subcommittee** is tentatively scheduled to meet on January 12, 2026 at 1:00 p.m. in room 149 Capitol Annex.

ARRS Tentative Agenda 1081 [Online agenda updated as needed.](#)

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

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

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for informational review of regulations, removed to either complete the public comment process, or are deferred or withdrawn by promulgating agencies.



Administrative Regulation Review Subcommittee
TENTATIVE Meeting Agenda
Monday, January 12, 2026 at 1 PM
Annex Room 149



1. CALL TO ORDER AND ROLL CALL

2. REGULATIONS FOR FULL REVIEW

AGRICULTURAL EXPERIMENT STATION

Feed

- [012 KAR 002:006](#). Definitions for 12 KAR Chapter 2. (Deferred from December)
- [012 KAR 002:011](#). Label format. (Deferred from December)
- [012 KAR 002:018](#). Guaranteed analysis. (Deferred from December)
- [012 KAR 002:026](#). Ingredients. (Deferred from December)
- [012 KAR 002:041](#). Drug and feed additives. (Deferred from December)
- [012 KAR 002:046](#). Poisonous or deleterious substances. (Deferred from December)
- [012 KAR 002:051](#). Manufacturing conditions. (Deferred from December)

COUNCIL ON POSTSECONDARY EDUCATION

- [013 KAR 002:111](#). Repeal of 013 KAR 002:110.

STATE BOARD OF ELECTIONS

Election Voting Systems

- [031 KAR 002:010](#). Preparation of ballots and voting systems prior to election day.
- [031 KAR 002:020](#). Accuracy test and setting of voting systems prior to election day.
- [031 KAR 002:030](#). E-poll book product certification.

Statewide Voter Registration

- [031 KAR 003:010](#). Current address of Kentucky registered voters and distribution of voter registration lists.
- [031 KAR 003:031](#). Voting precinct and address of overseas voter whose last place of residence in the Commonwealth is no longer a recognized residential address.
- [031 KAR 003:041](#). Electronic Voter Registration System.

Forms and Procedures

- [031 KAR 004:020](#). Election costs and county clerk reimbursement and form.
- [031 KAR 004:031](#). Reporting.
- [031 KAR 004:050](#). Removal procedure for precinct election officers.
- [031 KAR 004:071](#). Recanvass procedures.
- [031 KAR 004:080](#). Preclearance counties.
- [031 KAR 004:090](#). Mock election for school children.
- [031 KAR 004:100](#). Evaluation of precinct election officers.
- [031 KAR 004:120](#). Additional and emergency precinct officers.
- [031 KAR 004:131](#). Delivery and return of absentee ballots transmitted to covered voters via facsimile or electronically.
- [031 KAR 004:141](#). Submission of the federal postcard application via electronic mail.
- [031 KAR 004:150](#). Tracking registration of voters identifying with political organizations and groups, and voters of independent status.
- [031 KAR 004:160](#). Elections Emergency Contingency Plan.
- [031 KAR 004:170](#). Exceptions to prohibition on electioneering.
- [031 KAR 004:196](#). Consolidation of precincts and precinct election officers.
- [031 KAR 004:201](#). Chain of custody for records during an election contest.
- [031 KAR 004:220](#). Recount procedures.
- [031 KAR 004:230](#). Post-election audit procedures.

Voting

- [031 KAR 005:011](#). Use of the federal write-in absentee ballot.
- [031 KAR 005:026](#). Ballot standards and election security.
- [031 KAR 005:040](#). Questions regarding voter eligibility.

Help America Vote Act 2002

- [031 KAR 006:010](#). State-based administrative complaint procedure.
- [031 KAR 006:020](#). Provisional voting.
- [031 KAR 006:030](#). Uniform definition of a vote.
- [031 KAR 006:040](#). Elections and Voting Equipment Security Plan.

OFFICE OF THE ATTORNEY GENERAL**Office of Regulatory Relief**

- [040 KAR 012:100](#). Funeral planning declaration form.
[040 KAR 012:110](#). Cemetery companies and preneed cemetery merchandise sellers.
[040 KAR 012:120](#). Preneed funeral and burial contract sellers.
[040 KAR 012:130](#). Crematory authorities and inspections.

COMMISSION ON HUMAN RIGHTS**Human Rights**

- [104 KAR 001:010](#). Posting, distribution and availability of notices and pamphlets. (Filed with Emergency) ("E" expires 06-16-2026)

BOARDS AND COMMISSIONS**Board of Veterinary Examiners**

- [201 KAR 016:730](#). Approved allied animal professional (AAHP) programs; education requirements. (Deferred from November)
[201 KAR 016:731](#). Examination requirements for AAHP providers. (Amended After Comments)
[201 KAR 016:732](#). Application requirements for AAHP licenses – reinstatement. (Amended After Comments)
[201 KAR 016:735](#). Renewal requirements for AAHP licenses – renewal notice – expiration. (Deferred from November)
[201 KAR 016:737](#). Responsibilities for AAHP providers; limitations on practice. (Amended After Comments)
[201 KAR 016:762](#). Application requirements for veterinary facility registration; veterinarian managers; registered responsible parties. (Amended After Comments) (Deferred from December)
[201 KAR 016:767](#). Registered veterinary facilities – Duties of registered responsible parties and veterinarian managers. (Amended After Comments) (Deferred from December)
[201 KAR 016:772](#). Application requirements for AAHP facility registration; AAHP managers; Registered responsible parties. (Deferred from November)
[201 KAR 016:775](#). AAHP facilities – Renewal notice – Requirements for renewal and reinstatement. (Deferred from November)
[201 KAR 016:777](#). Registered AAHP facilities – Duties of registered responsible parties and AAHP managers. (Deferred from November)

Board of Examiners of Psychology

- [201 KAR 026:118](#). Psychology interjurisdictional compact. (Filed with Emergency) ("E" expires 06-30-2026)
[201 KAR 026:155](#). Licensed psychologist: application procedure and temporary license.
[201 KAR 026:160](#). Fee schedule. (Not Amended After Comments)
[201 KAR 026:171](#). Requirements for clinical supervision.
[201 KAR 026:175](#). Continuing education.
[201 KAR 026:190](#). Requirements for supervised professional experience.
[201 KAR 026:280](#). Licensed psychological associate: application procedures and temporary license.

ENERGY AND ENVIRONMENT CABINET**Department for Environmental Protection****New Source Performance Standards**

- [401 KAR 060:005](#). 40 C.F.R. Part 60 standards of performance for new stationary sources.

General Standards of Performance

- [401 KAR 063:002](#). 40 C.F.R. Part 63 national emission standards for hazardous air pollutants.

JUSTICE AND PUBLIC SAFETY CABINET**Department of Juvenile Justice****Child Welfare**

- [505 KAR 001:140E](#). Department of Juvenile Justice Policies and Procedures Manual: detention services. (Filed with Ordinary) ("E" expires 06-22-2026) (Not Amended After Comments)
[505 KAR 001:140](#). Department of Juvenile Justice Policies and Procedures Manual: detention services. (Filed with Emergency) ("E" expires 06-22-2026)
[505 KAR 001:410E](#). Restrictive housing and protective custody. (Filed with Ordinary) ("E" expires 06-22-2026) (Amended After Comments)
[505 KAR 001:410](#). Restrictive housing and protective custody. (Filed with Emergency) ("E" expires 06-22-2026)

EDUCATION AND LABOR CABINET**Board of Education****Office of Chief State School Officer**

- [701 KAR 005:150](#). Nontraditional instruction program.
[701 KAR 005:170](#). Waiver Requests. (Filed with Emergency; "E" expires 05-10-2026) (Amended After Comments)

Office of Instruction

- [704 KAR 003:406](#). Superintendent training program and assessment process.

Academic Standards

- [704 KAR 008:020](#). Required academic standards for reading and writing.

PUBLIC PROTECTION CABINET**Department of Alcoholic Beverage Control****Tobacco Enforcement**

- [804 KAR 013:010E](#). Tobacco enforcement and administration. (Filed with Ordinary) ("E" expires 07-28-2026)
[804 KAR 013:020E](#). Tobacco, nicotine, or vapor product license application forms. (Filed with Ordinary) ("E" expires 07-28-2026)
[804 KAR 013:030E](#). Causes for denial of tobacco, nicotine, or vapor product license. (Filed with Ordinary) ("E" expires 07-28-2026)

[804 KAR 013:040E](#). Notice of intention to apply for tobacco, nicotine, or vapor product transitional license. (Filed with Ordinary) ("E" expires 07-28-2026)

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Community Based Services
Child Welfare

[922 KAR 001:565](#). Service array for a relative or fictive kin caregiver.

3. REGULATIONS REMOVED FROM FULL REVIEW

AGRICULTURAL EXPERIMENT STATION

Pet Food

[012 KAR 003:012](#). Label format and labeling. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:022](#). Expression of guarantees. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:027](#). Ingredients. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:028](#). Descriptive terms. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:032](#). Feeding directions. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:037](#). Drugs and pet food additives. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:039](#). Nutritional adequacy. (Comments Received; SOC ext., due 01-15-2026)
[012 KAR 003:042](#). Statements of calorie content. (Comments Received; SOC ext., due 01-15-2026)

BOARDS AND COMMISSIONS

Board of Licensure for Long-Term Care Administrators

[201 KAR 006:030](#). Temporary permits. (Deferred from September)
[201 KAR 006:071](#). Continuing education requirements. (Deferred from September)

Board of Licensure for Professional Engineers and Land Surveyors

[201 KAR 018:072](#). Experience. (Deferred from November)

EDUCATION AND LABOR CABINET

Board of Education

Pupil Transportation

[702 KAR 005:130](#). Non-school bus passenger vehicles. (Amended After Comments) (Deferred from November)

Office of Instruction

[704 KAR 003:410](#). Preschool education program for four (4) year old children. (Comments Received; SOC due 1-15-2026)

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Public Health
Controlled Substances

[902 KAR 055:015](#). Schedules of controlled substances. (Filed with Emergency) ("E" expires 06-15-2026) (Comments Received; SOC ext., due 1-15-2026)

Department for Medicaid Services
Payment and Services

[907 KAR 003:320](#). Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee. (Filed with Emergency) ("E" expires 07-06-2026) (Comments Received; SOC ext., due 01-15-2026)

Outpatient Pharmacy Program

[907 KAR 023:010](#). Outpatient Pharmacy Program. (Comments Received; SOC ext., due 01-15-2026)

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

STANDARD ADMINISTRATIVE REGULATION REVIEW PROCEDURE
Overview for Regulations Filed under KRS Chapter 13A

(See KRS Chapter 13A for specific provisions)

Filing and Publication

Administrative bodies shall file all proposed administrative regulations with the Regulations Compiler. Filed regulations shall include public hearing and comment period information; a regulatory impact analysis and tiering statement; a fiscal impact statement; and, if applicable, a federal mandate comparison and any required incorporated material. Administrative regulations received by the deadline established in KRS 13A.050 shall be published in the *Administrative Register of Kentucky*. 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 that follows 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 comments were received during the public hearing or written comment period, 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. An agency may submit a one-time, one-month extension for filing a statement of consideration for an ordinary regulation.

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 upon expiration of the review period, 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
201 KAR 28:240E.

Pursuant to KRS 13A.190(1)(a)3 and KRS 319A.310 Section 15.B.1., this emergency amendment to the administrative regulation is being promulgated to comply with the statutory requirements of the Board of Licensure for Occupational Therapy to review any rule adopted by the Occupational Therapy Compact pursuant to Section 10 of KRS 319A.310 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This amendment incorporates by reference the rules adopted by the Occupational Therapy Compact.

KRS 319A.310 Section 15.B.1. requires that this emergency amendment be promulgated, and therefore the filing of the ordinary amendment alone is not sufficient. This emergency amended administrative regulation will be replaced by an ordinary amended administrative regulation. The ordinary amendment filed with this emergency amendment is identical.

SCOTT DEBURGER, Vice Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS
Board of Licensure for Occupational Therapy
(Emergency Amendment)

201 KAR 28:240E. Occupational Therapy Licensure Compact.

EFFECTIVE: December 8, 2025

RELATES TO: KRS 319A.310

STATUTORY AUTHORITY: KRS 319A.070(1), (3), 319A.310

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.310, Section 15.B.1. requires the Board of Licensure for Occupational Therapy to review any rule adopted by the Occupational Therapy Compact Commission pursuant to Section 10 of the Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Occupational Therapy Compact Commission.

Section 1. The Board of Licensure for Occupational Therapy shall comply with all rules of the Occupational Therapy Compact, which includes the Occupational Therapy Compact Rules as of October 30, 2025[April 16, 2025].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Occupational Therapy Compact Rules", October 30, 2025[April 16, 2025], and as revised.

- (a) Definitions, adopted March 20, 2024; and
- (b) Data System Reporting Requirements, adopted March 20, 2024 and amended October 30, 2025[.]

(c) Implementation of Federal Bureau of Investigations Criminal Background [Check-] (FBI CBC) Requirement, adopted April 16, 2025 and amended October 30, 2025[.]

(d) Member State Implementation, adopted April 16, 2025[.]

(e) Occupational Therapy Compact Fees: [(Administrative and State)], adopted April 16, 2025; and

(f) Occupational Therapy National Exam Definition, adopted April 16, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensure for Occupational Therapy, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 am[a.m.] to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensure for Occupational Therapy Web site at <https://bot.ky.gov/>.

(3) This material may also be obtained at:

(a) The Occupational Therapy Compact Commission, 201 Park Washington Court, Falls Church, Virginia 22046; or

(b) <https://otcompact.gov/ot-compact-commission/governance-documents/>.

SCOTT DEBURGER, Vice Chair

APPROVED BY AGENCY: October 9, 2025

FILED WITH LRC: December 8, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 21, 2026 at 10:00 a.m., at 500 Mero Street, PPC Conference Room 259SW, 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 canceled. 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 January 31, 2026. 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: Lilly Jean Coiner, Executive Advisor, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#4 Frankfort, Kentucky 40601; phone (502) 262-5065 (office) fax (502) 564-4818, email Lilly.coiner@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lilly Jean Coiner

Subject Headings: Occupational Therapy, Interstate Compacts, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 319A.310, the Occupational Therapy Licensure Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 319A.310, Section 15.B.1. requires rules adopted by the Occupational Therapy Compact Commission to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 319A.310, Section 15.B.1. which requires rules adopted by the Occupational Therapy Licensure Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in

the effective administration of the statutes: This administrative regulation conforms to the content of KRS 319A.310 which requires this promulgation.

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

(a) How the amendment will change this existing administrative regulation: The amendment will add the amendments to two existing rules adopted October 30, 2025.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary because KRS 319A.310, Section 15.B.1. requires rules adopted by the Occupational Therapy Compact Commission to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statutes by being filed within sixty (60) days of the adoption of the new rules by the Occupational Therapy Licensure Compact.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure the Board and all affected licensees have access and full disclosure of the rules relating to the compact and the privilege to practice in Kentucky and other compact states.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 319A.310. Occupational Therapy Licensure Compact. Created 2022 Ky. Acts ch. 164, sec. 1, effective July 14, 2022.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4,227 licensees and new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no additional cost imposed by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, they will be in compliance with the statute.(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

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

(a) Initially: There is no initial cost.

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

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all 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 319A.070(1), (3) and KRS 319A.310. Additionally, interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3- the Compacts Clause) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is not expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Occupational Therapy is the promulgating agency and the only other affected state unit, part or division.

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

1. Expenditures:

For the first year: The compact will likely become operational in 2025, however, the expenditures needed for the first year are currently indeterminable. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in other states.

For subsequent years: It will likely take more than one year for the data system and compact to become operational. There will likely be some state expenditures necessary for administering applications for compact privileges within and without the Commonwealth and which may require imposition of a fee to cover the cost of administration. However, expenditures, revenue and cost savings in subsequent years, if any, are currently indeterminable.

2. Revenues:

For the first year: If the compact becomes operational in Kentucky during the first year, The Board may require imposition of a fee to cover the cost of administration. However, at this time the potential revenues are undeterminable.

For subsequent years: It will likely take more than one year for the data system and compact to become operational. There will likely be some state expenditures necessary for administering applications for compact privileges within and without the Commonwealth and which may require imposition of a fee to cover the cost of administration. However, expenditures, revenue and cost savings in subsequent years, if any, are currently indeterminable.

3. Cost Savings:

For the first year: Indeterminable

For subsequent years: Indeterminable

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated. (b) Estimate the following for each affected local entity identified in 4(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): There are no other affected regulated entities not otherwise listed. (b) Estimate the following for each regulated identified in 5(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: It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the

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privilege to practice in Kentucky. The Compact Commission is in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(b) Methodology and resources used to reach this conclusion: Methodology and resources are currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

(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(14): This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: Methodology and resources are currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

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 201 KAR 36:100E.

Pursuant to KRS 13A.190(1)(a)3. and KRS 335.560. SECTION 16.B.1, this emergency amendment to the administrative regulation is being promulgated to comply with the statutory requirements of the Board of Licensed Professional Counselors to review any rule adopted by the Counseling Compact pursuant to SECTION 11 of KRS 335.560 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This emergency amendment incorporates by reference the rules adopted by the Counseling Compact.

KRS 335.560 Section 16.B.1. requires that this emergency amendment be promulgated, and therefore the filing of an ordinary amendment alone is not sufficient. This emergency amended administrative regulation will be replaced by an ordinary amended administrative regulation. The ordinary amendment filed with this emergency amendment is identical.

DENISE HUTCHINS, Board Chair
ANDY BESHEAR, Governor

BOARDS AND COMMISSIONS Board of Licensed Professional Counselors (Emergency Amendment)

201 KAR 36:100E. Counseling compact.

EFFECTIVE: December 8, 2025

RELATES TO: KRS 335.560

STATUTORY AUTHORITY: KRS 335.515, 335.560

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.560, Section 16.B.1. requires the Board of Licensed Professional Counselors to review any rule adopted by the Counseling Compact pursuant to Section 11 of KRS 335.560 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation

incorporates by reference the rules adopted by the Counseling Compact.

Section 1. The Board of Licensed Professional Counselors shall comply with all rules of the Counseling Compact, which includes the Counseling Compact Rules as of October 14, 2025[February 12, 2025].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Counseling Compact Rules", October 14, 2025[February 12, 2025], and as revised.

(a) Chapter 2 – Definitions, adopted October 25, 2023;

(b) Chapter 3 – Examination Requirements, adopted October 25, 2023;

(c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024, and amended October 14, 2025;

(d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;

(e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and

(f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, [2-SC-32,] Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensed Professional Counselors' Web site at <https://lpc.ky.gov/>.

(3) This material may also be obtained at:

(a) The Counseling Compact Commission, 108 Wind Haven Drive, Suite A, Nicholasville, Kentucky 40356; or

(b) <https://counselingcompact.org/compact-commission/rulemaking/>.

DENISE HUTCHINS, Chair

APPROVED BY AGENCY: December 8, 2025

FILED WITH LRC: December 8, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 27, 2026, at 3:00 P.M. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. 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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes

Subject Headings: Occupations and Professions, Compacts, Interstate, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 335.560, the Counseling Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 335.560, SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

- (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 335.560, SECTION 16.B.1. which requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of KRS 335.560 which requires this promulgation.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
- (a) How the amendment will change this existing administrative regulation: The amendment will add two (2) new compact rules adopted on October 14, 2025.
- (b) The necessity of the amendment to this administrative regulation: This amendment to the administrative regulation is necessary because KRS 335.560, SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A. Two (2) new rules were adopted on October 14, 2025.
- (c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statutes by being filed within sixty (60) days of the adoption of the new rules by the Counseling Compact Commission.
- (d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure the Board and all affected licensees have access and full disclosure of the rules relating to the compact and the privilege to practice in Kentucky and other compact states.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022.
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4962 active and 43 inactive licensees in some capacity, and will also affect new applicants for licensure.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action is necessary.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no additional cost imposed by this administrative regulation.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): They will be in compliance with the regulation.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There is no additional cost.
- (b) On a continuing basis: There is no additional cost.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicant.
- (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding is anticipated at this time.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
- (10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all 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 335.515, 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3- the Compacts Clause) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1.
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the only affected state unit, part or division.
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures: For the first year: The compact became operational on September 30, 2025, however, the expenditures needed in the first year are currently indeterminable. Kentucky will not be able to participate until the board is authorized to obtain FBI Criminal Background Checks through the Kentucky State Police, which requires statutory authority. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.
- For subsequent years: The expenditures in subsequent years, if any, are currently indeterminable.
2. Revenues: For the first year: When the compact becomes operational in Kentucky, during the first year, the Board may require imposition of a fee to cover the cost of administration. However, at this time potential revenues are indeterminable.
- For subsequent years: The revenues in subsequent years, if any, are currently indeterminable.
3. Cost Savings: For the first year: No cost savings are anticipated in the first year.
- For subsequent years: No cost savings are anticipated in subsequent years.
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated.
- (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 anticipated.
- (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: The fiscal impact to this administrative regulation in the first year is currently indeterminable. It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky, as well as the cost of proceedings for tracking disciplinary actions of in-state licensees who have the privilege to practice in another state, and for out of state licensees who have the privilege to practice in Kentucky. The Compact Commission remains in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Services.

(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(14): It is not anticipate that this administrative regulation will have an overall negative or adverse major economic impact to the entities identified, however, it is currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Services.

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
501 KAR 6:420E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. A separate emergency administrative regulation in this set also limits the use of administrative release for revoked MRS inmates. These changes are needed to ensure revoked MRS inmates who violate the terms of their release are not eligible for a reduction of the time remaining on the minimum expiration date of their sentences. These changes will address the imminent threat to public health, safety, and welfare posed by inmates who are revoked from MRS for failure to comply with the terms of their release being immediately allowed to earn credits again.

(2) This emergency administrative regulation is necessary to prevent MRS inmates returned to custody after having MRS revoked by the Parole Board from immediately accruing sentencing credits, lessening the minimum expiration date of their sentence after having just violated the terms of their release. Therefore, an ordinary regulation does not sufficiently address the potential harm.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because this change is necessary to properly ensure inmates exhibiting failure to comply are not immediately allowed to earn credits and ensure if they violate the terms of their MRS that there are appropriate consequences.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
COOKIE CREWS, Commissioner

JUSTICE AND PUBLIC SAFETY
Department of Corrections
(Emergency Amendment)

501 KAR 6:420E. Corrections policies and procedures: inmate rules and discipline.

EFFECTIVE: November 19, 2025

RELATES TO: KRS Chapters 196, 197, KRS 197.045

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning inmate rules and discipline for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 15", November 19, 2025~~[October 15, 2024]~~, are incorporated by reference. Department of Corrections Policies and Procedures Chapter 15 includes:

15.1	Hair, Grooming and ID Card Standards (10/15/24)
15.2	Rule Violations and Penalties (11/19/25)(10/15/24)
15.3	Meritorious Good Time (10/15/24)
15.5	Restoration of Forfeited Good Time (11/19/25)(10/15/24)
15.6	Adjustment Procedures and Programs (10/15/24)
15.7	Inmate Accounts (10/15/24)
15.8	Possession or Use of Unauthorized Substance and Substance Abuse Testing (10/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:420E. Corrections policies and procedures: inmate rules and discipline.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 27, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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

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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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216. Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning the government and discipline of inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning the government and discipline of inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate government and discipline. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 15.3 regarding who may be considered for statutory and meritorious good time credits and how statutory and meritorious good time credits may be awarded and amends CPP 15.5 to prevent inmates who have returned from mandatory reentry supervision from having statutory good time credits restored.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate government and discipline. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) **TIERING:** Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year.

For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.501 KAR 6:420E. Corrections policies and procedures: inmate rules and discipline.

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
501 KAR 6:460E.**

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. A separate emergency administrative regulation in this set also limits the use of administrative release for revoked MRS inmates. These changes are needed to ensure revoked MRS inmates who violate the terms of their release are not eligible for a reduction of the time remaining on the minimum expiration date of their sentences. These changes will address the imminent threat to public health, safety, and welfare posed by inmates who are revoked from MRS for failure to comply with the terms of their release being immediately allowed to earn credits again.

(2) This emergency administrative regulation is necessary to prevent MRS inmates returned to custody after having MRS revoked by the Parole Board from immediately accruing sentencing credits, lessening the minimum expiration date of their sentence after having just violated the terms of their release. Therefore, an ordinary regulation does not sufficiently address the potential harm.

(3) This emergency administrative regulation will be replaced by an

ordinary administrative regulation because this change is necessary to properly ensure inmates exhibiting failure to comply are not immediately allowed to earn credits and ensure if they violate the terms of their MRS that there are appropriate consequences.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
COOKIE CREWS, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Emergency Amendment)

501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

EFFECTIVE: November 19, 2025

RELATES TO: KRS Chapters 196, 197, 197.065, 197.070, 197.110, 197.120, 197.150

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.047, 197.110, 439.590, 439.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 19, November 19, 2025 [October 15, 2024], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 19 includes:

19.1	Governmental Services Program (10/15/24)
19.2	Sentence Credit for Work (11/19/25)[(10/15/24)]
19.3	Inmate Wage/Time Credit Program (5/15/24)
19.4	Work Release for State Inmates in Jails (10/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 27, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning inmate work programs for inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate work programs. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate work programs. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 19.2, specifically its provisions related who may be awarded work time credits. For an inmate who was on Mandatory Reentry Supervision

and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from earning work time credits.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate work programs. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.047.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division

in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year.

For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year.

For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the

amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high). ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.)

Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14); Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.501 KAR 6:460E. Corrections policies and procedures: inmate work programs.

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
501 KAR 6:470E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. A separate emergency administrative regulation in this set also limits the use of administrative release for revoked MRS inmates. These changes are needed to ensure revoked MRS inmates who violate the terms of their release are not eligible for a reduction of the time remaining on the minimum expiration date of their sentences. These changes will address the imminent threat to public health, safety, and welfare posed by inmates who are revoked from MRS for failure to comply with the terms of their release being immediately allowed to earn credits again.

(2) This emergency administrative regulation is necessary to prevent MRS inmates returned to custody after having MRS revoked by the Parole Board from immediately accruing sentencing credits, lessening the minimum expiration date of their sentence after having just violated the terms of their release. Therefore, an ordinary regulation does not sufficiently address the potential harm.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because this change is necessary to properly ensure inmates exhibiting failure to comply are not immediately allowed to earn credits and ensure if they violate the terms of their MRS that there are appropriate consequences.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
COOKIE CREWS, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Emergency Amendment)

501 KAR 6:470E. Corrections policies and procedures: inmate education and training.

EFFECTIVE: November 19, 2025

RELATES TO: KRS Chapters 196, 197, 197.045, 439.268

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 439.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.268 authorizes the department to promulgate administrative regulations for the awarding of probation program credits. This administrative regulation establishes policies

and procedures concerning inmate education and training for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 20", November 19, 2025 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 20 includes:

20.1	Educational Courses and Educational Sentence Credits 11/19/25[(5/15/24)]
20.2	Apprenticeship Courses (10/15/24)
20.3	Special Education (9/12/2024)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:470E. Corrections policies and procedures: inmate education and training.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 27, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning the education and training of inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

KRS 439.268 authorizes the department to promulgate administrative regulations for the awarding of probation program credits. This administrative regulation establishes policies and procedures concerning inmate education and training for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning the education and training of inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate education and training. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 20.1, specifically its provisions related to who may be enrolled in an education program. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from enrolling in an education program.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate education and training. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation

and enforcement of this administrative regulation or this amendment:

Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year. For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be

affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high). ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025,

the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.⁵⁰¹ KAR 6:470E. Corrections policies and procedures: inmate education and training.

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
501 KAR 6:510E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. This emergency administrative regulation limits the use of administrative release for revoked MRS inmates. These changes are needed to ensure revoked MRS inmates who violate the terms of their release are not eligible for a reduction of the time remaining on the minimum expiration date of their sentences. These changes will address the imminent threat to public health, safety, and welfare posed by inmates who are revoked from MRS for failure to comply with the terms of their release being immediately allowed to earn credits again.

(2) This emergency administrative regulation is necessary to prevent MRS inmates returned to custody after having MRS revoked by the Parole Board from being released early on administrative release after having just violated the terms of their release. Therefore, an ordinary regulation does not sufficiently address the potential harm. (3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because this change is necessary to properly ensure inmates exhibiting failure to comply are not immediately allowed to earn credits and ensure if they violate the terms of their MRS that there are appropriate consequences.

(4) The companion ordinary administrative regulation is identical to this emergency regulation.

(5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
COOKIE CREWS, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Emergency Amendment)

501 KAR 6:510E. Corrections policies and procedures:
release preparation and temporary release.

EFFECTIVE: November 19, 2025

RELATES TO: KRS Chapters 196, 197, 197.120, 197.140, 197.170, 197.175, 421.500, 439.3110, 439.3405, 439.590, 439.600, 439.610, 440.010, 441.146, 441.148, 532.200-532.262

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 441.148

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and

discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 25", November 19, 2025 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 25 includes:

25.2	Public Official Notification of Release of an Inmate (10/15/24)
25.3	Pre-release Program (10/15/24)
25.4	Inmate Furloughs (5/15/24)
25.6	Community Service Center Program and Jail Placement (10/15/24)
25.10	Administrative Release of Inmates (11/19/25)([10/15/24])
25.11	Victim Services (10/15/24)
25.12	Home Incarceration Program (10/15/24)
25.13	Women's Medical Release: Pregnancy (10/15/24)
25.14	Reentry Center Program (10/15/24)
25.15	Early Medical Parole Review (5/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>.⁵⁰¹ KAR 6:510E. Corrections policies and procedures: release preparation and temporary release.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 27, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort,

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Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning release preparation and temporary release of inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning release preparation and temporary release of inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate release preparation and temporary release. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 25.10 regarding who may be released on administrative release. It prohibits inmates who were on Mandatory Reentry Supervision and were revoked from being administratively released.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate release preparation and temporary release. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding.

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.175.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year.

For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

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For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year.

For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to

Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.501 KAR 6:510E. Corrections policies and procedures: release preparation and temporary release.

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 501 KAR 6:530E.

(1) This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a)1 to meet an imminent threat to public health, safety, or welfare. It is being promulgated as part of a set of five (5) emergency administrative regulations designed to limit the amount of sentencing credit inmates can accrue after returning to custody because their Mandatory Reentry Supervision ("MRS") has been revoked by the Parole Board. A separate emergency administrative regulation in this set also limits the use of administrative release for revoked MRS inmates. These changes are needed to ensure revoked MRS inmates who violate the terms of their release are not eligible for a reduction of the time remaining on the minimum expiration date of their sentences. These changes will address the imminent threat to public health, safety, and welfare posed by inmates who are revoked from MRS for failure to comply with the terms of their release being immediately allowed to earn credits again.

(2) This emergency administrative regulation is necessary to prevent MRS inmates returned to custody after having MRS revoked by the Parole Board from immediately accruing sentencing credits, lessening the minimum expiration date of their sentence after having just violated the terms of their release. Therefore, an ordinary regulation does not sufficiently address the potential harm.

(3) This emergency administrative regulation will be replaced by an ordinary administrative regulation because this change is necessary to properly ensure inmates exhibiting failure to comply are not immediately allowed to earn credits and ensure if they violate the terms of their MRS that there are appropriate consequences.

- (4) The companion ordinary administrative regulation is identical to this emergency regulation.
- (5) An emergency administrative regulation governing a portion of the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor
KEITH JACKSON, Secretary
COOKIE CREWS, Commissioner

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Emergency Amendment)

501 KAR 6:530E. Corrections policies and procedures: programs and sentence credits.

EFFECTIVE: November 19, 2025

RELATES TO: KRS Chapters 196, 197, 197.400 - 197.440, Chapter 439

STATUTORY AUTHORITY: KRS 196.035, 196.111, 197.020, 197.110, 439.3101, 439.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 196.111 requires the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety (90) days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 30", November 19, 2025 [October 15, 2024], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 30 includes:

30.1	Program Approval Process, Evaluation, and Measurement (5/15/24)
30.2	Program Credit (11/19/25)[(5/15/24)]
30.3	Risk and Needs Assessment and Reentry Programming Training and Quality Assurance (10/15/24)
30.4	Probation Program Credit (5/15/24)
30.5	Sex Offender Treatment Program (10/15/24)
30.6	Division of Addiction Services Substance Abuse Program (5/15/24)
30.7	DOC Approved Substance Abuse Program Parole Compliance Credits and Probation Program Credits (5/15/24)
30.8	Pretrial Substance Abuse Program (PSAP) 9/13/24
30.9	Supporting Others in Active Recovery (SOAR) Program (5/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx.501> KAR 6:530E. Corrections policies and procedures: programs and sentence credits.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on January 27, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 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 January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning programs and sentence credits for inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 196.111 requires the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety (90) days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning programs and sentence credits for inmates in the custody of the department. This

administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate programs and sentence credits. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 30.2, specifically its provisions related to who may be enrolled in programs. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from enrolling in a program.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate programs and sentence credits. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative

regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety (90) days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year. For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

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

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(4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. **ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR:** Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual

estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate. 501 KAR 6:530E. Corrections policies and procedures: programs and sentence credits.

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 601 KAR 9:120E.

This emergency administrative regulation is being promulgated to comply with KRS 186A.040(2)(a)3, which was amended by House Bill 390 during the 2025 regular session. The purpose of this regulation is to establish, implement, and effectuate an online insurance verification system. Except as otherwise provided, this online verification system will establish guidelines and requirements consistent with the IICMVA guidelines. This regulation will include provisions to secure the system's data against unauthorized access. This regulation will also include the information that insurers shall electronically submit, the format used, and the manner and frequency of submissions. This regulation shall apply to both personal and commercial motor vehicles. In addition, this regulation will detail data retention times and may allow for alternative method of reporting. This administrative regulation is being filed on an emergency basis to meet the effective date of January 1, 2026, established by KRS 186A.040(2)(a)3. This emergency administrative regulation will be replaced by an ordinary administrative regulation pursuant to KRS Chapter 13A. The companion ordinary administrative regulation is identical to this emergency administrative regulation.

ANDY BESHEAR, Governor
JIM GRAY, Secretary

TRANSPORTATION CABINET Department of Vehicle Regulation Division of Motor Vehicle Licensing (New Emergency Administrative Regulation)

601 KAR 9:120E. Accessible online insurance verification system.

EFFECTIVE: December 11, 2025

RELATES TO: KRS 186.040, 186A.040, 186A.042

STATUTORY AUTHORITY: KRS 186A.040

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186A.040(2)(a)3 requires the Transportation Cabinet, Department of Vehicle Regulation to establish, implement, and effectuate an online insurance verification system. Except as otherwise provided, this online verification system shall establish guidelines and requirements consistent with the IICMVA guidelines. This administrative regulation shall include provisions to secure the system's data against unauthorized access. This administrative regulation shall also include the information that insurers shall electronically submit, the format used, and the manner and frequency of submissions. This administrative regulation shall apply to both personal and commercial motor vehicles. In addition, this administrative regulation shall detail data retention times and may allow for an alternative method of reporting.

Section 1. Definitions.

(1) "Accessible online insurance verification system" means the accessible online insurance verification system established by the department.

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- (2) "Commercial motor vehicle" is defined by KRS 186A.040(1)(b).
- (3) "Commercial motor vehicle insurance" is defined by KRS 186A.040(1)(c).
- (4) "Department" is defined by KRS 186A.040(1)(d).
- (5) "IICMVA" is defined by KRS 186A.040(1)(e).
- (6) "Insurer" means an insurer that provides coverage for the security required under KRS 304.39-080.
- (7) "Personal motor vehicle" is defined pursuant to KRS 304.39-087(1)(a).
- (8) "Requestor" is defined by KRS 186A.040(1)(h).

Section 2. Insurers Responsibilities.

(1) Insurers shall comply with all system requirements as specified in the Kentucky Automobile Insurers Reporting Guide located at <https://drive.ky.gov/Documents/Kentucky-Automobile-Insurer-Reporting-Guide.pdf>, consistent with guidelines established by the IICMVA.

(2) Insurers shall ensure the security and protection of all data transmitted through the system, following the standards and protocols outlined in the Kentucky Automobile Insurers Reporting Guide.

(3) Insurers shall electronically submit required insurance information for personal and commercial motor vehicles in the format, manner, and frequency specified in the Kentucky Automobile Insurers Reporting Guide.

(4) Insurers with 1,000 or fewer active motor vehicle insurance policies may be permitted to use alternative reporting methods as set forth in the Kentucky Automobile Insurers Reporting Guide.

Section 3. Records retention.

(1) The third-party vendor shall retain records of all insurance verification requests and responses for a period of twelve (12) months.

(2) These records shall be made available to only requestors defined by KRS 186A.040(1)(h).

JIM GRAY, Secretary

MATTHEW COLE, Commissioner

APPROVED BY AGENCY: December 9, 2025

FILED WITH LRC: December 11, 2025 at 1:44 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 21, 2026, at 10:00 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 11:59 p.m. on January 31, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services. 200 Mero Street, Frankfort, Kentucky 40622; phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

Subject Headings: Insurance, Motor Vehicle; Transportation; County Clerks

(1) Provide a brief summary of:

- (a) What this administrative regulation does: To establish, implement, and effectuate the accessible online insurance verification system.
- (b) The necessity of this administrative regulation: Required by statute to establish guidelines and requirements, set provisions for security, specify the information transmitted by insurers, and establish record retention.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation fulfills the mandates of 186A040 in accordance with Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in providing the framework for the implementation and utilization of the online insurance verification system.

(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) Does this administrative regulation or amendment implement legislation from the previous five years? : Yes, Ky Acts Ch 39, HB 390 of the 2025 Regular Session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Insurance Providers, Kentucky Transportation Cabinet (KYTC), County Clerks, Insured Drivers, District & Circuit Courts, County Attorney or Commonwealth Attorneys, and Law Enforcement Agencies.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Insurance Providers will be required to integrate with the new 3rd party solution and provide 'on demand' data availability unless the insurer writes less than 1000 or less. For those insurers that write 1000 or less policies a web interface will be provided for them to submit updates and changes to policies. KYTC will contract with a vendor to develop, implement, and maintain a new online verification system. County Clerks will have streamlined interface to verify insurance coverage which will require minimal training. Insured drivers will not have a material change. District and Circuit Courts, County Attorney or Commonwealth Attorneys will need to modify how they request records for court of coverage. Law enforcement agencies no material changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Insurance Providers costs are unknown. KYTC \$1.2 million annually. County Clerks N/A. Insured Drivers N/A. District & Circuit Courts, County Attorney or Commonwealth Attorneys N/A. Law enforcement agencies N/A.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Insurance Providers will have a streamlined method to report coverages and access web interface for verification or changes in real time. KYTC improved consistency in insurance reporting. KYTC will have a real time verification option. Robust reporting will be available as needed. County Clerks will experience a decrease in complaints. Insured drivers will have up to date records available in real time. District and Circuit Courts, County Attorney or Commonwealth Attorneys will see no changes. Law enforcement agencies records will have real time coverage verification.

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

(a) Initially: \$1.5 Million (for first year)

(b) On a continuing basis: \$1.2 Million (annually)

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Sourced from 'First Dollar Account' pursuant to KRS 186.040(6)(b)(1), \$20 of the \$40 reinstatement fee collected pursuant to KRS 186.040(8)(a)(b) and Road Fund.

(8) 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 required, an additional budget request has been submitted for increase in cost to KYTC.

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(9) 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.

(10) TIERING: Is tiering applied? Tiering is not used and does not apply.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 186A.040; Chapter 13A

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, Ky Acts Chapter 39, HB 390 of 2025 Regular Session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet

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

1. Expenditures:

For the first year: \$1.5 Million

For subsequent years: \$1.2 Million

2. Revenues:

For the first year: Potential increase in fees collected for reinstatements

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): Kentucky County Clerks, District and Circuit Clerks

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: Potential increase in fees collected for reinstatements

For subsequent years: None

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: KYTC costs will be \$1.5 Million for first year and \$1.2 Million for consecutive years is the full fiscal impact which will be funded by a combination of sources. No fiscal impact for County Clerks, District Clerks, and Circuit Clerks.

(b) Methodology and resources used to reach this conclusion: Third party vendor quote and internal estimates provided the fiscal impact.

(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(14): Yes, for KYTC. No fiscal impact for County Clerks, District Clerks, and Circuit Clerks.

(b) The methodology and resources used to reach this conclusion: Third party vendor quote and internal estimates provided the fiscal impact.

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

787 KAR 1:370E.

This emergency administrative regulation amendment is being promulgated pursuant to KRS 13A.190(1)(a) to meet an imminent threat to public health, safety or welfare. This emergency administrative regulation is necessary to ensure lawful assignment of unemployment insurance (UI) contribution rates for the 2026 rate year, which will be finalized on December 15, 2025.

Emergency action is the only timely method to ensure accurate, uniform, and legally compliant rate-setting prior to the December 15, 2025, deadline. This emergency regulation is authorized by KRS 336.248 and KRS 341.115 and is necessary to preserve public welfare through stable and lawful administration of UI contribution rates.

This emergency administrative regulation will be replaced by an ordinary administrative regulation. The companion ordinary administrative regulation is identical to this emergency regulation. An emergency administrative regulation governing the same subject matter has not been filed within the previous nine months.

ANDY BESHEAR, Governor

JAMIE LINK, Secretary

Education and Labor Cabinet
Department of Workforce Development
Office of Unemployment Insurance
(Emergency Amendment)

787 KAR 1:370E. Professional Employer Organization Contribution and Reporting Requirements[Organizations]

EFFECTIVE: December 15, 2025

RELATES TO: KRS 336.232

STATUTORY AUTHORITY: KRS 336.248, 341.115

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations for the proper administration of KRS Chapter 341. KRS 336.248 requires professional employer organizations to make certain reports and contributions to the unemployment insurance fund. This administrative regulation provides the procedures to file client unemployment insurance wage and premium reports, the procedures to complete the "Professional Employer Organization Application for Unemployment Insurance Employer Reserve Account" form, the procedures to add or delete clients, the treatment of experience history transfers, and the application[effect] of successorship provisions under KRS Chapter 341, and the procedures to change the professional employer organization's contribution election.

Section 1. Definitions

(1) "Benefit experience history" means the benefit charges and other experience rating data maintained for a client employer under KRS Chapter 341 that are used to determine the employer's contribution rate.

(2)(1) "Client" is defined by KRS 336.232(1).

(2) ["Covered employee" is defined by KRS 336.232(4).]

(3) "Election" means the selection made by a PEO pursuant to KRS 336.248(1) regarding the reporting and payment of unemployment insurance contributions.

(4) "Professional employer agreement" means an agreement as defined in KRS 336.236.

(5)(3) "Professional employer organization" or "PEO" is defined by KRS 336.232(8).

Section 2. Professional Employer Organization reporting requirements and election of contribution

(1) A professional employer organization ("PEO") shall submit its initial election to report and pay unemployment insurance contributions pursuant to KRS 336.248(1) on the application provided in subsection (4). The Office shall apply the PEO's election to all clients covered under the PEO agreement as of the effective date of the election.

(2) The PEO shall keep separate records for each client and submit separate state unemployment insurance wage and premium reports to the Office of Unemployment Insurance (OUI) using the Unemployment Insurance Self-Service Web Portal located at https://kewes.ky.gov. The PEO shall submit all required unemployment contribution payments associated with those reports in a timely manner. Wage and premium reports shall be filed [with payments to report the covered employees of each client by] using the client's state employer account number [as provided for in subsection (2)] and using the:

- (a) Assigned tax rate of the PEO, per KRS 336.248 (1)(a); or
- (b) Assigned tax rate of the client, per KRS 336.248(1)(b).

(3) If a PEO elects the client account method under KRS 336.248(1)(b):

(a) The PEO shall file unemployment insurance reports and pay contributions on a client-by-client basis; and

(b) The client's benefit experience history, as defined in Section 1(3) of this regulation, shall be transferred by the Office to the account assigned to that client as co-employer, as required by KRS 336.248(1)(b)(3)(b).

(4) (2)

(a) For each PEO having one (1) or more covered employees with a client in this state, the PEO shall file an electronic application titled, UI-1P, "Professional Employer Organization Application for Unemployment Insurance Employer Reserve Account", incorporated in 787 KAR 1:010, using the Unemployment Insurance Self-Service Web Portal located at https://kewes.ky.gov.

(b) To apply for an account number, the application shall include:

1. The federal identification number of the professional employer organization, along with the name, address, and phone number of the professional employer organization;

2. The name, physical address, and phone number of each client in a format as prescribed by the Office of Unemployment Insurance;

3. The name of the client's owner, partners, corporate officers, limited liability company members, and managers, if board managed, or general partners;

4. The federal identification number of the client;

5. A brief description of the client's major business activity; and

6. Any other information required by the Office of Unemployment Insurance.

(c) The PEO shall notify the Office of Unemployment Insurance (OUI) in writing of any additions or deletions of clients during the quarter in which a change occurs. Written notifications shall be submitted to the OUI via the methods listed at https://kewes.ky.gov.

(d) In cases where the PEO has not been subject to the provisions set forth in KRS 336.248, the PEO [professional employer organization] shall not be assigned the new employer [premium] rate for a [based upon the reserve ratio of the PEO's industrial classification] client that has benefit experience history as defined in Section 1 of this regulation. The contribution rate for each client shall be based on that client's experience in accordance with KRS Chapter 341.

Section 3. Effect of successorship.

(1) The transfer of benefit experience history required under KRS 336.248(1)(b)(3)(b) shall occur without regard to A PEO shall not be considered a successor employer to any client and shall not acquire the experience history of any client with whom there is not any common ownership, management or control. The client, upon terminating its relationship with the PEO, shall retain its own reserve account and shall not acquire any portion of the [not be considered a successor employer to the PEO and shall not acquire any portion of the experience history of the aggregate] reserve account of the PEO

unless otherwise required under KRS Chapter 341 [with whom there is not any common ownership, management, or control]. For purposes of this regulation, the existence of a professional employer agreement, without other evidence of common control, shall not constitute common ownership, management, or control].

(2) The provisions of KRS 341.540 regarding successor employers shall not apply to a PEO or a client employer based solely on the existence of a professional employer agreement.

Section 4. Change of contribution election. KRS 336.248(5) permits a PEO to change its contribution election under KRS 336.248 (1)(a) or KRS 336.248(1)(b) only once. The change of contribution election shall be submitted in writing via the methods listed at https://kewes.ky.gov. Any changes to the initial election are effective in the calendar year following the date the Office approves the change in accordance with KRS 336.248(5).

JAMIE LINK, Secretary

APPROVED BY AGENCY: December 15, 2025

FILED WITH LRC: December 15, 2025 at 11:57 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 21, 2026, at 9:00am, at Mayo-Underwood Hearing Room 133CE, 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 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 January 31, 2026. 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: Haley Presley, Deputy Executive Director, Office of Unemployment Insurance, 500 Mero Street, Third Floor, Frankfort, Kentucky 40601, 502-782-3132, haleys.presley@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Haley Presley

Subject Headings: Unemployment, Workforce Development, Insurance

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes contribution-rate assignment rules and reporting requirements for Professional Employer Organizations (PEOs) and their client employers for purposes of unemployment insurance (UI) taxation.

(b) The necessity of this administrative regulation: KRS 336.248 and KRS 341.115 require the Education and Labor Cabinet to promulgate regulations governing contribution reporting, PEO elections, and UI rate assignment.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides instructions for calculating UI contribution rates for PEOs and client employers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: PEOs and client employers will have clear and consistent instructions for reporting wages and contributions, ensuring accurate and uniform application of UI tax 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 clarifies that benefit-experience history must transfer when a PEO elects client-level reporting, adds definitions and instructions necessary for accurate rate assignment.

(b) The necessity of the amendment to this administrative regulation: Amendment is necessary to prevent inconsistent rate assignment and ensure that the statute is applied as written.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statute by setting

forth the requirements for PEOs and the calculation of contribution rates.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies rate-assignment rules and aligns regulatory text with statutory mandates, thereby ensuring predictable, uniform, and legally compliant administration of UI contribution rates for PEOs and client employers.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 40 licensed PEOs are operating in Kentucky with their associated client employers.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: PEOs electing client-level reporting must follow clarified reporting procedures and ensure accurate transmission of wage and employment data. No new substantive obligations are imposed beyond statutory requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no new costs to any person or entity anticipated. This amendment reduces administrative uncertainty and does not impose new reporting burdens.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): PEOs and employers will benefit from clearer rules, improved predictability of contribution-rate calculations, and consistent application of statutory provisions.

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

(a) Initially: OUI will incur costs associated with changing the software which operates the program.

(b) On a continuing basis: No additional costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Existing funding within OUI, including federal administrative grants.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not required in this administrative regulation because it applies equally to all affected entities.

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 336.248; KRS 336.232; KRS 341.115; KRS 341.540; KRS Chapter 341.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This act is authorized by KRS 13B.170, KRS 336.248, 341.115.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Unemployment Insurance is the promulgating agency, and no other agencies are affected. (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

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

1. Expenditures:

For the first year: OUI anticipates system-modification costs related to programming changes in the new UI tax system scheduled for implementation next year. The exact cost will depend on vendor pricing and the scope of required changes.

For subsequent years: No recurring costs are anticipated after system modifications are complete.

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None.

For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Professional Employer Organizations (PEOs) and their client employers.

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

1. Expenditures:

For the first year: None.

For subsequent years: None.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

(a) Fiscal impact of this administrative regulation: None.

(b) Methodology and resources used to reach this conclusion: Not applicable.

(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(14): This proposed amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: Depending on the software modification cost, the change may have a major economic impact in the first year on the agency. However, the agency will not need an increase in funds to pay for it.

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.

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Juvenile Justice
(Emergency Amended After Comments)

505 KAR 1:410E. Restrictive housing[Isolation] and protective custody.

EFFECTIVE: December 12, 2025

Prior Versions:

Emergency Amendment: 52 Ky.R. 690

RELATES TO: KRS 15A.065, 15A.0652,[-200.080-200.120,] Chapters 600-645

STATUTORY AUTHORITY: KRS [15A.065(1),]15A.0652, [15A.160,]605.150, 635.095[-635.100(7)], 640.120[645.250]

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS [15A.065(1),]15A.0652,[15A.160,] 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing[isolation] and protective custody in juvenile detention centers and youth development centers.

Section 1. General Provisions[Isolation].

(1) Restrictive housing means the removal of a juvenile from the general population and placement in a room with the door closed and secured due to a direct and clear threat to the safety or security of the facility, staff, the juvenile or other juveniles. The juvenile's personal items may be removed, including the mattress and bed linen except during normal sleeping hours, unless the youth is on suicide watch pursuant to 505 KAR 1:120.

(2) Any reference to "isolation" in 505 KAR Chapter 1 or any DJJPP shall be interpreted to be a reference to "restrictive housing."

(3) Restrictive Housing[Isolation] shall only apply to juveniles in juvenile detention centers and youth development centers.

(4) Restrictive housing shall only be used for behavior management. Restrictive housing shall not be used for punishment, staff convenience, or minor rule violations.

(5)[(2)] Restrictive housing shall only be used for a direct and clear [A juvenile may be placed in isolation if the juvenile constitutes a] threat to the safety or security of the facility, staff,[or a] juvenile or other juveniles (hereinafter "direct and clear threat"), and only where less restrictive interventions have failed or cannot be safely implemented. Direct and clear threats include[including, but not limited to]:[.]

[(3)] [The following situations may constitute a threat to the safety or security of the facility, staff, or a juvenile and may result in an isolation placement:]

- (a) Assault or attempted assault;
- (b) Sexual assault or attempted sexual assault;
- (c) Attempted escape[or attempted absent without leave];
- (d) Escape;
- (e) Participating in a riot;
- (f) Planning a riot;
- (g) Possessing dangerous contraband as defined by KRS 520.010(3)[KRS 120.0103];[or]

(h) Causing extensive property damage; or
(i) Any other serious or violent behavior that compromises the safety and security of residents or staff.

(6)[(3)] [The time periods in which action is necessitated by this regulation] The authorizations and visits in Section 2 and administrative reviews in Section 3(6) of this Administrative Regulation are suspended [during resident sleeping hours] from 8:00 p.m. to 6:00 a.m., and any delayed action[assessment] shall occur within two (2) hours of 6:00 a.m. If the juvenile is asleep, he or she should not be disturbed for those purposes.

(7)[(4)] Prior to going into restrictive housing, the direct and clear threat[reason] shall be explained to the juvenile and an opportunity provided for the juvenile to explain the behavior. The juvenile's statement shall be contemporaneously documented on the incident report. The release criteria in the plan shall state the behavioral expectations required for release, be explained to the juvenile, and be signed by the juvenile. If the juvenile is at the time unwilling or unable to sign[presenting a danger to himself or others, or is being non-compliant], the juvenile's signature is not required, and staff shall indicate in writing such unwillingness or inability[danger or non-compliance].

(8)[(5)] Staff shall make direct visual contact with the juvenile at staggered intervals not to exceed fifteen (15) minutes, and if the juvenile is awake, staff shall[or] determine if the juvenile is in [juvenile's] compliance with the plan for release. These checks shall be contemporaneously documented on an observation log.

(9)[(6)] If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the shift supervisor or above shall return the juvenile to the general population as soon as practicable. The time of release and the identity of the person releasing shall be documented contemporaneously on an observation log.

(10)[(7)]

(a) If the juvenile continues to demonstrate negative or concerning behaviors and does not respond to reasonable redirection and guidance from staff, or the juvenile's behavior escalates or is beyond control, a qualified mental health professional (QMHP) shall be contacted as soon as possible by the administrative duty officer (ADO), youth services program specialist (YSPS), or superintendent but in no event not more than one (1) hour after the conduct occurs.

(b) The QMHP shall assess the juvenile to determine if acute psychiatric symptoms are contributing to the juvenile's behavior. Acute psychiatric symptoms include suicidal ideation, homicidal ideation, plan/intent to engage in self-injurious behaviors, mood disturbance, psychosis, thought-disordered thinking, symptoms associated with previous trauma or other signs of severe psychological distress.

(c) Based on the outcome of the assessment, the QMHP shall make recommendations for appropriate intervention.

(11)[(8)] If at any time a juvenile exhibits deterioration in mental status during a restrictive housing placement, including by failing to respond, by their statements, by their refusal to eat, or by their refusal to perform personal hygiene as observed by staff during the fifteen (15) minute checks, a QMHP shall be contacted immediately to determine the most appropriate action based on the treatment needs of the juvenile. The contact and the person making the contact shall be contemporaneously documented in an observation log.

(12)[(9)] The juvenile shall be afforded living conditions and privileges approximating those available to the general population including modified access to recreation, educational and treatment services, taking into consideration the safety and security of the juvenile and the facility. All services shall be contemporaneously documented on a services log. Any adjustments shall be documented, including the reason for the change.

(13)(10) The juvenile shall be responsible for keeping their room clean while in restrictive housing.

Section 2. Authorizations.

(1) Initial authorization shall be obtained from the facility superintendent, YSPS, ADO, or shift supervisor prior to placing a juvenile in restrictive housing placement and documented. If prior authorization cannot be obtained without jeopardizing the safety or security of the facility, staff, or juvenile, authorization shall be obtained immediately following the safe securing of the juvenile, but in no event not more than one (1) hour.

(2) An initial restrictive housing placement shall not exceed four (4) hours.

(3) An extension beyond an initial four (4) hour period, not to exceed eight (8) hours shall only be granted after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension.

(4) An extension of a restrictive housing placement beyond eight (8) hours, and for each four (4) hour extension up to twenty-four (24) hours, shall require approval of the executive director. The decision shall only be made after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(5) An extension of a restrictive housing placement beyond twenty-four (24) hours, and for each four (4) hour extension up to forty-eight (48) hours, shall require the approval of the Commissioner after consulting with the mental health authority or designee only after review and approval of the executive director. The executive director shall decide only after the superintendent or the ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be documented contemporaneously on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, and additional approval shall be obtained every four (4) hours.

(6) An extension of a restrictive housing placement beyond forty-eight (48) hours, and for each four (4) hour extension up to seventy-two (72) hours, shall require the approval of the cabinet secretary or designee after consulting with the mental health authority only after review and approval of the commissioner and the executive director. The commissioner and executive director shall only decide only after the superintendent or ADO has visited with the juvenile to determine if the juvenile can comply with the plan for release and the mental health assessment has been done as set out in Section 3(5) of this administrative regulation. These visits and the specific behaviors noted shall be contemporaneously documented on an observation log. If the juvenile is under reasonable control and demonstrating behavior according to the terms of the plan for release, the juvenile shall be released. If not, the extension shall be approved and shall be contemporaneously documented on an observation log with the reason for the extension, additional approval shall be obtained every four (4) hours, and appropriate mental health treatment shall be provided.

(7) A restrictive housing placement shall not exceed seventy-two (72) hours or three (3) days. If grounds meriting restrictive

housing placement are present after three (3) days, a special management plan modifying any treatment plan authorized by 505 KAR 1:120 to account for the placement status shall be created by a QMHP. The[implemented and the] mental health authority and the commissioner shall evaluate whether a mental health hospitalization of the juvenile should be pursued.

Section 3. Visits and Assessments.

(1) The facility nurse shall be consulted as soon as possible, or within one hour of placement, to determine if there are medical contraindications for the juvenile being placed in restrictive housing and this consultation shall be documented on an observation log.

(2) The facility nurse shall assess juveniles placed in restrictive housing as soon as possible, but in no event later than one (1) hour.

(3) Injuries, bruises or scratches, and observations shall be noted by a minimum of two (2) staff and photographed by staff who were not involved in the incident. The nurse shall document the date, time, and results of the assessment.

(4) The juvenile shall receive a visit from the facility nurse every twenty-four (24) hours unless medical attention is needed more frequently. The visit shall be documented contemporaneously in an observation log.

(5) If a juvenile's problem behavior lasts twenty-four (24) hours[and there appears to be a need for continued intervention], a QMHP shall assess the juvenile no less than every twelve (12) hours. Any treatment provided shall be documented contemporaneously in the juvenile's medical record.

(6) An administrative review shall be conducted and documented by a facility superintendent, ADO, YSPS, counselor or shift supervisor, within four (4) hours of placement in restrictive housing, and a reassessment shall be done at each shift change or a minimum of eight (8) hours, thereafter, to determine the juvenile's readiness for release. The reviews shall be completed by a staff member not involved in the incident. In instances where a prior room restriction, intensive room supervision, or room confinement placement was not successful and a restrictive housing placement was started, this review shall take place as soon as the restrictive housing protocol has started.

(7) Juveniles in restrictive housing shall be visited at least once every twenty-four (24) hours by the superintendent or ADO, medical staff, and clinical or social work staff. A juvenile may request a visit from a member of the clergy, if available. All visits with the juvenile during placement on restrictive housing shall be documented contemporaneously on an observation log and services log.

Section 4. Documentation.

(1) All documentation shall be legible.

(2) When a juvenile is removed from the general population and placed on restrictive housing, a restrictive housing packet shall be started and shall include:

- (a) An incident report;
- (b) A services log;
- (c) A medical checklist;
- (d) An observation log and addendum(s);
- (e) A plan for release; and
- (f) Any professional/administrative reviews.

(3) An incident report shall include:

- (a) Restrictive housing shall be indicated on the incident report.
- (b) The juvenile's explanation of the juvenile's behavior or statement should be included, if any.

(c) The name and title of the staff requesting and authorizing the initial placement and the transition to restrictive housing or extension, and the time approval was requested and received;

(d) The reason for the placement with specific detail about how the juvenile presents a risk to safety and security or orderly facility operations;

- (e) The duration of the placement; and

(f) The reason for each extension request, the reason the request was granted or denied, and the duration of the extension.

(4) A plan for release shall:

- (a) Be authored by the staff in conjunction with the shift supervisor;

- (b) State the behavior expectation for release from the room placement;
- (c) Be explained to the juvenile by staff;
- (d) Be signed by the juvenile. If a juvenile refuses to sign, the plan shall be explained orally by a noninvolved staff member and witnessed by a third party.
- (e) Include specific behaviors related to the incident necessary for the juvenile to obtain release such as:
1. Regain control of their behavior;
 2. **Willingness to participate in required activities:**
 3. Able to interact in a calm manner; and
 - 3.4. Is no longer a direct and clear threat to the security, safety, or orderly management of the facility.
- (f) Not include generalized attitude without specific behaviors listed. Failure to clean the room shall not be the sole grounds to deny release.
- (5) Observation log.
- (a) Behavioral observations shall be documented in an observation log and the shift supervisor shall be notified of any medical or behavioral health issues that would warrant immediate attention for follow-up.
- (b) The observations shall include the youth's comments and any credible threats as observed by staff familiar with the youth's behavior.
- (c) The fifteen (15) minute checks shall be documented on an observation log.
- (d) The time of the release and the person releasing shall be contemporaneously documented in an observation log.
- (6) A services log shall document all services provided to the juvenile while in room restriction including recreation, education, meals, and counseling.
- (7) The documentation shall be placed in the juvenile's individual client record.
- (4) [Authorization shall be obtained from the facility manager, youth services program supervisor, administrative duty officer, or shift supervisor prior to placing a juvenile into isolation. If prior authorization cannot be obtained without jeopardizing the safety and security of the facility, staff, or other juveniles, authorization shall be obtained immediately following the safe securing of the juvenile. An isolation placement shall not exceed four (4) hours without further action as stated in subsections (5) through (7) of this section.]
- [5) [Isolation in a detention center.]
- [a) [The facility manager may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.]
- [b) [An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the division director. The division director shall consider whether the juvenile:]
- [1.] [Has regained control of their behavior; and]
 - [2.] [Is no longer a threat to the security, safety, or orderly management of the facility.]
- [c) [An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the division director and the chief of mental health services. For the extension decision, they shall consider:]
- [1.] [Whether the juvenile has regained control of their behavior; and]
 - [2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]
 - [3.] [The mental health issues of the juvenile.]
- [d) [If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:]
- [1.] [Whether the juvenile has regained control of their behavior; and]
 - [2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]
 - [3.] [The mental health issues of the juvenile.]

- [6) [Isolation in youth development centers and group homes.]
- [a) [The facility manager may authorize a juvenile to remain in isolation beyond an initial four (4) hour period, not to exceed twenty-four (24) hours.]
- [b) [An extension of an isolation placement beyond twenty-four (24) hours and up to thirty-six (36) hours shall require the approval of the facilities regional administrator. For the extension decision, the FRA shall consider whether the juvenile:]
- [1.] [Has regained control of their behavior; and]
 - [2.] [Is no longer a threat to the security, safety, or orderly management of the facility.]
 - [3.] [An extension of an isolation placement beyond thirty-six (36) hours and up to a maximum of forty-eight (48) hours shall require the approval of the respective division director and the regional psychologist. For the extension decision, they shall consider:]
- [a.] [Whether the juvenile has regained control of their behavior; and]
- [b.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]
- [c.] [The mental health issues of the juvenile.]
- [c) [If a highly assaultive juvenile requires isolation for more than forty-eight (48) hours, an extension of an isolation placement beyond forty-eight (48) hours shall require the approval of the respective division director, the regional psychologist, and the chief of mental health services. Any extension made shall be reviewed every twenty-four (24) hours and shall not exceed five (5) days. For the extension decision, they shall consider:]
- [1.] [Whether the juvenile has regained control of their behavior; and]
 - [2.] [Whether the juvenile is no longer a threat to the security, safety, or orderly management of the facility; and]
 - [3.] [The mental health issues of the juvenile.]
- [7) [The nurse shift program supervisor or on call nurse designee shall be notified as soon as feasible to determine if there are contra-indications for the juvenile being placed in isolation.]
- [a) [The facility nurse or health services protocol trained staff shall assess a juvenile placed in isolation as soon as it is safe to do so, as dictated by the director of medical services.]
- [b) [Injuries, bruises, scratches, and other observations shall be noted by a minimum of two (2) staff. The nurse or designee shall document the date, time, and results of the assessment.]
- [8) [Isolation may be used if requested by a juvenile and staff concur that the placement is in the best interest of the juvenile.]
- [9) [An assessment of a juvenile in isolation shall not be required to occur within the deadlines established in subsections (5) through (7) of this section, if the deadline falls within the normal sleep time for the facility. A delayed assessment shall occur within two hours of the normal awake time for the facility.]
- [10) [A juvenile in isolation shall be visited at least once a day by the facility manager or designee, medical or medically trained staff, and clinical or social work staff or designee. A juvenile may request a visit from clergy or other religious representative. All interactions with the juvenile during placement on isolation shall be documented.]
- [11) [The regional psychologist or designee shall conduct interviews and assessments for disturbances in mental status, including, for example, depression; suicidal ideation; impaired thought processes; cognition or memory; agitation; paranoia; self-injurious behavior; evidence of bruises or other signs of trauma; and whether the juvenile's behavior has escalated beyond the staff's ability to control the juvenile by counseling or disciplinary measures.]
- [12) [If a juvenile exhibits deterioration in mental status while in isolation, the regional psychologist shall be contacted to determine the most appropriate action based on the treatment needs of the juvenile.]
- [13) [If a juvenile's problem behavior lasts twenty-four (24) hours and there appears to be a need for continued intervention, qualified health personnel shall assess the juvenile daily.]
- [14) [The juvenile in isolation shall be afforded living conditions and privileges approximating those available to the general population, including modified access to recreation and educational

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and treatment services taking into consideration the juvenile's and facility safety and security needs.]

[(15)] [The juvenile shall be responsible for the daily cleaning of their living area in isolation.]

[(16)] [Release from isolation may occur based on the juvenile's behavior and state of mind.]

Section 5.Section 2. Restrictive housing for[Isolation of] suicidal juveniles.

(1) Restrictive housing[Isolation] shall not be used as a suicide precaution.

(2) A juvenile who is suicidal may only be placed in restrictive housing[Isolation] if the juvenile presents an immediate assault risk to staff or other juveniles as evidenced by physical actions and other less restrictive interventions have failed or are not appropriate. All other suicide protocols shall be followed.

Section 6.Section 3. Protective Custody.

(1) Restrictive housing shall not be used for protective custody.

(2) A juvenile requiring protection from others may be placed in protective custody until alternative permanent housing is found within the facility or the juvenile is transferred to another facility.

(3)(2)] The superintendent[facility manager] or designee may order immediate placement in protective custody[–or isolation] if it is necessary to protect the juvenile from harm. This action shall be reviewed every twenty-four (24) hours of placement by the superintendent[facility manager] or designee. Separation from the general population beyond twenty-four (24) hours shall require approval by the superintendent who[facility manager and Treatment Director and] shall consider any mental health issues of the juvenile. The [chief of] mental health authority[services] and a QMHP[regional psychologist] shall be consulted by the superintendent. The action shall be reviewed by a[the] multidisciplinary[treatment] team, composed of at least a DJJ corrections officer or youth worker, the juvenile's counselor, health care staff, and the superintendent or designee, within seventy-two (72) hours to decide on alternative permanent housing.

(4)(3)] A[The] youth development center treatment team may develop a special management plan to assure the safety of and continuous services and programming for the juvenile.505 KAR 1:410E. Restrictive housing and protective custody.

RANDY WHITE, Commissioner

APPROVED BY AGENCY: December 12, 2025

FILED WITH LRC: December 12, 2025 at 3:35 p.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Children and Minors, Juvenile Detention and Justice, Justice and Public Safety

(1) Provide a brief summary of:

(a) What this administrative regulation does: The administrative regulation amendment establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers.

(b) The necessity of this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative

regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment installs safeguards to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure additional safeguards are in place protect the well-being of juveniles placed in restrictive housing and protective custody.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice and will ensure additional safeguards are in place to protect the health, safety, and welfare of juveniles placed in restrictive housing and protective custody.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This emergency administrative regulation will affect the juveniles in the care or custody of the Department of Juvenile Justice, which is currently approximately 400, and approximately merit employees of the Department of Juvenile Justice, which is currently approximately 1,300. (5) 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:

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Juveniles in the care or custody of the Department of Juvenile Justice will have added protection due to the increased safeguards put in place through the administrative regulation amendment. Department of Juvenile Justice staff and employees will be required to implement the newly established procedures that govern the operations of the Department of Juvenile Justice.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will not cost the entities identified in question (4) anything to implement the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance with the amendment, Department of Juvenile Justice staff and employees will be better able to protect the health, safety and welfare of juveniles placed in restrictive housing and protective custody, which will result in better health, safety, and welfare outcomes to those youth in the care or custody of the Department of Juvenile Justice.

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

(a) Initially: There will be no additional initial costs to the administrative

body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(b) On a continuing basis: There will be no additional costs on a continuing basis to the administrative body to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The funding source for implementation and enforcement of this administrative regulation is DJJ budgeted funds for the biennium.

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 15A.065 and 15A.305 require the Department of Juvenile Justice (DJJ) to operate and monitor both detention facilities and treatment facilities children across the Commonwealth of Kentucky. KRS 15A.0652, 605.150, 635.095, and 640.120 authorize the Justice and Public Safety Cabinet and the Department of Juvenile Justice to promulgate administrative regulations for the proper administration of the cabinet and its programs. This administrative regulation establishes procedures for restrictive housing and protective custody in juvenile detention centers and youth development centers operated or monitored by the Department of Juvenile Justice.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Juvenile Justice
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

For subsequent years: There will be no additional expenditures to implement this administrative regulation amendment as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

2. Revenues:

For the first year: The administrative regulation amendment will not generate revenue.

For subsequent years: The administrative regulation amendment will not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(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: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

2. Revenues:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

3. Cost Savings:

For the first year: No affected local entities have been identified.

For subsequent years: No affected local entities have been identified.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Juveniles in the care or custody of the Department of Juvenile Justice will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.

For subsequent years: There will be no expenditures for juveniles in the care or custody of the Department of Juvenile Justice.

2. Revenues:

For the first year: The administrative regulation amendment will not generate revenue.

For subsequent years: The administrative regulation amendment will not generate revenue.

3. Cost Savings:

For the first year: Cost savings are not anticipated.

For subsequent years: Cost savings are not anticipated.

(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: A fiscal impact to implement this administrative regulation amendment is not anticipated as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

(b) Methodology and resources used to reach this conclusion: Because the Department of Juvenile Justice will use existing resources, staff, and employees to implement this administrative regulation, the Department of Juvenile Justice concluded there will be no fiscal impact.

(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(14): An overall negative or adverse major economic impact is not anticipated.

(b) The methodology and resources used to reach this conclusion: The administrative regulation amendment amends an existing administrative regulation. The administrative regulation was reviewed, and an overall negative or adverse major economic impact was not identified as the Department of Juvenile Justice will use existing resources, staff and employees to implement the new safeguards.

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY
AND REVIEWING SUBCOMMITTEEARRS = Administrative Regulation Review Subcommittee
IJC = Interim Joint Committee

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.

EDUCATION AND LABOR CABINET
Education Professional Standards Board
(As Amended at ARRS, December 8, 2025)

16 KAR 2:020. Occupation-based career and technical education certification.

RELATES TO: KRS 156.095, 158.070, 158.816, 160.380, 161.020, 161.028, 161.030, 161.120

STATUTORY AUTHORITY: KRS 161.020[(3)], 161.028(1)(a), 161.030

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.020[(3)], 161.028(1)(a), and 161.030 require the Education Professional Standards Board (EPSB) to promulgate administrative regulations establishing standards and requirements for obtaining and maintaining a teaching certificate. This administrative regulation establishes the qualifications for certification of teachers of occupation-based career and technical education and implements the testing [and internship] requirements of KRS 161.030.

Section 1.

(1) The EPSB[Education Professional Standards Board (EPSB)] shall issue and reissue certificates for occupation-based career and technical teachers employed by the public schools[the Kentucky Community and Technical College System,] or the Kentucky Department of Education Office of Career and Technical Education (KDE).

(2) The EPSB may issue occupation-based certificates for any career and technical[information technology, industrial education, public service, health science, or human services occupation] area for which programs may be offered under the required Kentucky Academic Standards established in 704 KAR Chapter 8[704 KAR 3:303].

(3) The EPSB shall issue certificates for occupation-based career and technical teacher candidates who are employed based upon required occupational experience in the occupation area to be taught.

[(4)] [The EPSB shall not require a college degree for initial issuance.]

Section 2. Initial Issuance [and Renewal] of the One (1) Year Provisional Certificate[Certificates].

(1) [Initial issuance.] The EPSB shall issue a provisional certificate to occupation-based career and technical teacher candidates for a duration period of one (1) year. The EPSB shall only issue the provisional certificate after the KDE [and, if applicable, an accredited provider of an approved occupation-based educator preparation degree program] recommends the teacher candidate for certification and the teacher candidate completes the requirements establishedset forth in this section.

(2)[(a)] Occupation-based[For those] teacher candidates [who do not hold at least an associate degree in the occupation area in which the teacher candidate is seeking certification, the teacher candidate] shall:

(a)[4.] Demonstrate that he or she has at least a high school diploma or its equivalent;

(b)[2.] Demonstrate that he or she has four (4) years of successful and appropriate occupational experience in the occupation area in which certification is sought along with:

1[a.] At least two (2) years of the occupational experience shall be completed within the last five (5) years; and[. A maximum of one (1) year of the required work experience may be satisfied by completion of an approved occupation-based educator preparation program for the occupation to be taught; and]

2[b.] Proof that KDE confirmed the occupational experience;

(c)[3.] Provide documentation[Demonstrate] that he or she meets the assessment requirements establishedset forth in 16 KAR 6:020;

(d)[4.] Answer[The teacher candidate shall answer "no" to] all of the EPSB's background disclosure questions establishedset forth in Section 6(1)(a)-(f) of[Section 4(1)(a)-(f)] this administrative regulation. If the teacher candidate answers "yes" to any of the questions establishedset forth in Section 6(1)(a)-(f)[Section 4(1)(a)-(f)], the EPSB may still issue a certificate[statement] of eligibility for the[those] teacher candidate[candidates], but the EPSB[board] shall retain final authority to deny a request for certification pursuant to the EPSB's[board's] authority established in KRS 161.120; and

(e)[5.] Demonstrate that a local school district or[,] the KDE[the Kentucky Community and Technical College System] has made an offer of employment that requires a certificate in the content area for which the candidate is seeking certification.

(3) Upon issuance of the one (1) year provisional certificate, the candidate shall enroll in the New Teacher Institute (NTI) provided by the KDE. The NTI shall include professional learning in the areas of classroom management, lesson planning and curriculum, assessment, academic integration of numeracy and literacy, and instruction for students with special learning needs.

(b) [For those teacher candidates who hold either an occupation-based degree in the occupation area in which certification is sought or a degree from an approved occupation-based educator preparation degree program, the teacher candidates shall provide proof of that degree to the EPSB.]

(c) [The teacher candidate shall answer "no" to all of the EPSB's background disclosure questions set forth in Section 4(1)(a)-(f) this administrative regulation. If the teacher candidate answers "yes" to any of the questions set forth in Section 4(1)(a)-(f), the EPSB may still issue a statement of eligibility for those teacher candidates, but the board shall retain final authority to deny a request for certification pursuant to the board's authority established in KRS 161.120.]

Section 3.[(2)] Renewal[First renewal] of the One (1) Year Provisional Certificate[certificates].

(1) The EPSB shall renew[issue the first renewal of] the one (1) year provisional certificate to a requesting teacher candidate only after the KDE [and, if applicable, an accredited provider of an occupation-based educator preparation degree program] recommends the renewal of the provisional certificate and the teacher candidate meets the requirements establishedset forth in subsection (4) of this section[(2)(b)].

(2)[(a)] While a teacher candidate is completing NTI, the KDE[the KDE or the accredited provider of an occupation-based educator preparation degree program] shall only recommend renewal of the [first] provisional certificate [for a teacher candidate] after that teacher candidate makes progress towards completion of NTI for each renewal.[:]

(1.) [Completes six (6) semester hours of academic credit or its equivalent in professional learning from NTI in areas such as classroom management, lesson planning and curriculum, assessment, academic integration of numeracy and literacy, and instruction for students with special learning needs;]

(3) After successful completion of NTI, the KDE shall only recommend renewal of the provisional certificate after the teacher candidate completes a minimum of six (6) semester hours of college credit from an occupation-based degree or an approved occupation-based educator preparation degree program for each renewal.

[2.] [Completes the first year of professional learning through the NTI;]

[3.] [Receives a recommendation by the KDE or an accredited provider of an occupation-based educator preparation program for enrollment in the Kentucky Teacher Internship Program (KTIP); and]

(4)[(f)] The teacher candidate shall answer[Answers "no" to] all of the EPSB's background disclosure questions establishedset forth in Section 6(1)(a)-(f)[Section 4(1)(a)-(f)] of this administrative regulation. If the teacher candidate answers "yes" to any of the questions establishedset forth in Section 6(1)(a)-(f)[Section 4(1)(a)-(f)], the EPSB may still issue a certificate[statement of eligibility] for the[those] teacher candidate[candidates], but the EPSB[board] shall retain final authority to deny a request for certification pursuant to the EPSB's[board's] authority established in KRS 161.120.

[(3)] [Subsequent renewal of one (1) year provisional certificate. The EPSB shall issue any subsequent renewal of the one (1) year provisional certificate to a requesting teacher candidate only after the KDE or the provider of an approved occupation-based educator preparation degree program recommends to the EPSB that the EPSB renew the one (1) year provisional certificate. The KDE or an approved occupation-based educator preparation degree program shall ensure that the teacher candidate meets the following requirements before recommending renewal:]

[(a)] [The completion of a minimum of six (6) semester hours of college credit for each renewal selected from the degree program;]

[(b)] [Documentation of completion of four (4) days of professional development as required by KRS 156.095 and 158.070; and]

[(c)] [Answering "no" to all of the EPSB's background disclosure questions set forth in Section 4(1)(a)-(f) this administrative regulation. If the teacher candidate answers "yes" to any of the questions set forth in Section 4(1)(a)-(f), the EPSB may still issue a statement of eligibility for those teacher candidates, but the board shall retain final authority to deny a request for certification pursuant to the board's authority established in KRS 161.120.]

(5)[(4)] The one (1) year provisional certificate shall be limited to five (5), one (1) year renewals for a total validity period of six (6) years. These renewals may be consecutive or nonconsecutive.

(6) For a teacher candidate who holds a provisional certificate and was admitted into an approved occupation-based educator preparation program prior to July 1, 2018, the EPSB shall renew the[that] teacher candidate's provisional certificate in accordance with the laws and administrative regulations in effect at the time the first provisional certificate was issued as required by KRS 161.020.

Section 4.[Section 3.] Issuance and Renewal of the Professional Certificate.

(1) Issuance. The EPSB shall issue a professional certificate pursuant to this administrative regulation for a duration period of five (5) years to a requesting teacher candidate only after the KDE [and, if applicable, a provider of an approved occupation-based educator preparation degree program] recommends that the EPSB issue the professional certificate and the teacher candidate meets the requirements establishedset forth in subsection (2) of this section. The[Neither the] KDE [nor the provider of the approved occupation-based educator preparation degree program] shall not recommend issuance of the professional certificate until the teacher candidate has met the following requirements:

(a) The teacher candidate receives a minimum of an occupation-based degree or an approved occupation-based educator preparation degree; and

(b) The teacher candidate completes the [two (2) years] professional learning through NTI sponsored by KDE[; and]

[(c)] [The teacher candidate successfully completes KTIP.]

(2) The teacher candidate shall answer all of the EPSB's background disclosure questions establishedset forth in Section 6(1)(a)-(f) of this administrative regulation. If the teacher candidate

answers "yes" to any of the questions establishedset forth in Section 6(1)(a)-(f), the EPSB may still issue a certificate for the teacher candidate, but the EPSB shall retain final authority to deny a request for certification pursuant to the EPSB's authority established in KRS 161.120.

(3)[(2)] Renewal. The EPSB shall renew the professional certificate in accordance with 16 KAR 4:060.

(4) For a teacher candidate who was admitted into an approved occupation-based educator preparation program prior to July 1, 2018, the EPSB shall issue and renew that teacher candidate's professional certificate in accordance with the laws and administrative regulations in effect at the time the teacher candidate's first provisional certificate was issued.

Section 5. Electricity, HVAC, and Plumbing Teacher Candidates.

(1) For a candidate for occupation-based certification in the area of electricity, HVAC, or plumbing who holds a current Kentucky master license earned through examination in the subject area in which certification is sought, an associate degree shallis not be required.

(2) Upon[When] applying for issuance of the professional certificate, the candidate shall submit proof of the current Kentucky master license in the area in which certification is sought. Proof of a current Kentucky master license in the area in which certification is sought shall exempt the candidate from the requirements of Section 4(1)(a) of this administrative regulation.

Section 6.[Section 4.] Disclosure of Background Information.

(1) Teachers and teacher candidates shall disclose certain background information to the EPSB whenever those teachers and teacher candidates apply for the issuance and renewal of the provisional certificate and the professional certificate by answering the following questions:

(a) "Have you ever had a professional certificate, license, credential, or any document issued for practice denied, suspended, revoked, or voluntarily surrendered? If you have had a professional certificate, license, credential, or any other document issued for practice initially denied by a licensing body, but later issued, you must answer "yes"";

(b) "Have you ever been suspended or discharged from any employment or military service because of allegations of misconduct?";

(c) "Have you ever resigned, entered into a settlement agreement, or otherwise left employment as a result of allegations of misconduct?";

(d) "Is any action now pending against you for alleged misconduct in any school district, court, or before any educator licensing agency?";

(e) "Have you ever been convicted of or entered a guilty plea, an "Alford" plea, or a plea of nolo contendere (no contest) to a felony or misdemeanor, even if adjudication of the sentence was withheld in Kentucky or any other state? Minor traffic violations should not be reported. Convictions for driving while intoxicated (DWI) or driving under the influence of alcohol or other drugs (DUI) must be reported.";

(f) "Do you have any criminal charges pending against you?"; and

(g) "If you answered affirmatively [to] any of the questions in this Section, has the EPSB previously reviewed the information?";

(2) The EPSB shall provide teachers and teacher candidates with the opportunity to submit a narrative to the EPSB[board] to consider before the EPSB reviews[board approves] the request for issuance or renewal of a provisional certificate or a professional certificate. The teacher or teacher candidate may include in their narrative any dates, locations, school systems, court records, or any other information the teacher or teacher candidate would like the EPSB[board] to consider.

[Section 5.]

(1) [Effective July 1, 2018, the EPSB shall not issue a professional certificate to a teacher candidate who does not have at least an associate degree in the area in which the teacher candidate is seeking certification, and who has not completed the two (2) year

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professional learning through NTI sponsored by KDE unless that teacher candidate holds a valid, unexpired provisional certificate and was admitted into an approved occupation-based educator preparation program prior to July 1, 2018.]

[(2)] [For a teacher candidate who holds a provisional certificate and was admitted into an approved occupation-based educator preparation program prior to July 1, 2018, the EPSB shall renew that teacher candidate's provisional certificate in accordance with the laws and administrative regulations in effect at the time the first provisional certificate was issued as required by KRS 161.020.]

[(3)] [For a teacher candidate who was admitted into an approved occupation-based educator preparation program prior to July 1, 2018, the EPSB shall issue and renew that teacher candidate's professional certificate in accordance with the laws and administrative regulations in effect at the time the teacher candidate's first provisional certificate was issued.]

[Section 6.] [Information Technology and Computer Science Teachers.]

[(1)] [A teacher shall possess one (1) of the following credentials to instruct in the field of information technology or computer science:]

[(a)] [Provisional certificate established in Section 2 of this administrative regulation;]

[(b)] [Professional certificate established in Section 3 of this administrative regulation;]

[(c)] [Computer information systems certificate established in 16 KAR 2:010;]

[(d)] [Computer science endorsement established in 16 KAR 2:010; or]

[(e)] [Instructional computer technology endorsement established in 16 KAR 2:010.]

[(2)] [If a qualified teacher is not available for the position of information technology teacher, as attested to by the local school superintendent or the Associate Commissioner of the Kentucky Department of Education Office of Career and Technical Education, a one (1) year probationary certificate may be issued under the requirements established in 16 KAR 2:190.]

FILED WITH LRC: December 8, 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.

FINANCE AND ADMINISTRATION CABINET (As Amended at ARRS, December 8, 2025)

200 KAR 5:021. Manual of policies and procedures.

RELATES TO: KRS 45A.045(2)[Chapter 45A]

STATUTORY AUTHORITY: KRS 45A.045(2)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8, as this amended administrative regulation will not have a major economic impact, as defined by KRS 13A.010(13). The Governor's signature is included after the body of the regulation to indicate his acknowledgement of this certification.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 45A.045(2) requires the Finance and Administration Cabinet to publish a manual of policies and procedures, which is to be incorporated by reference as an administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates the Finance and Administration Cabinet Manual of Policies and Procedures.

Section 1. A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.

[Section 1.] [A state agency shall follow the procurement requirements in the Finance and Administration Cabinet Manual of Policies and Procedures.]

Section 2. [Section 1.] [Section 2.] Incorporation by Reference.

(1) "Finance and Administration Cabinet Manual of Policies and Procedures", Revised October[July] 2025[August 2024], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Finance and Administration Cabinet, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622, Monday through Friday, 8 a.m. to 4:00 p.m. This material may also be obtained at the Finance and Administration Cabinet's website[Web site], <https://finance.ky.gov/office-of-the-secretary/office-of-policy-and-audit/Pages/Finance-Policies.aspx>.

FILED WITH LRC: December 8, 2025

CONTACT PERSON: Cary Bishop, Assistant General Counsel, Office of General Counsel, 200 Mero Street, 5th Floor, Frankfort, Kentucky 40622; phone (502) 564-6660; fax (502) 564-9875; email cary.bishop@ky.gov.

BOARDS AND COMMISSIONS

Board of Dentistry

(As Amended at ARRS, December 8, 2025)

201 KAR 8:563. Licensure of dental hygienists.

RELATES TO: KRS 304.40 - 075, 313.010(12), 313.030, 313.040, 313.060, 313.080, 313.130, 313.254

STATUTORY AUTHORITY: KRS 313.021(1)(a), (b), (c), 313.040(1), (2), (7), 313.254

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 313.040 requires the board to promulgate administrative regulations relating to requirements and procedures for the licensure of dental hygienists. This administrative regulation establishes requirements and procedures for the licensure of dental hygienists.

Section 1. General Licensure Requirements. An applicant desiring initial licensure in Kentucky as a dental hygienist shall:

(1) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;

(2) Submit a completed and signed[, signed, and notarized] Application for Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;

(3) Pay the fee required by 201 KAR 8:520;

(4) Not be the subject of disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(5) Complete and pass the board's jurisprudence exam;

(6) Hold an active certification in cardiopulmonary resuscitation (CPR) or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;

(7) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police;

(8) Provide verification of any license to practice dental hygiene held previously or currently in any state or other licensing jurisdiction;

(9) Hold an Associate's degree or Bachelor's degree in dental hygiene from a school, college, or department of a university accredited by the Commission on Dental Accreditation (CODA);

(10) Successfully complete the National Board Dental Hygiene Examination (NBDHE), conducted by the Joint Commission on National Dental Examinations (JCNDE);

(11) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank; and

- (12) Complete all additional requirements for one (1) of the following:
- Licensure by clinical examination; or
 - Licensure by credentials.

Section 2. Requirements for Licensure by Clinical Examination.

(1) An individual desiring initial licensure in Kentucky as a dental hygienist by clinical examination shall:

(a) Complete all requirements in Section 1 of this administrative regulation; and

(b) Successfully complete all components of one (1) of the following clinical examinations within five (5) years preceding the filing of the application:

1. The examination of the Council of Interstate Testing Agencies (CITA);

2. The examination of the Central Regional Dental Testing Service (CRDTS);

3. The examination of the Commission on Dental Competency Assessments (CDCA);

4. The examination of the States Resources for Testing and Assessments (SRTA);

5. The examination of the Western Regional Examining Board (WREB); or

6. The Dental Hygiene Licensure Objective Structured Clinical Examination (DHLOSCE) of the Joint Commission on National Dental Examinations (JCNDE).

(2) An individual applying more than two (2) years after graduating with an Associate's degree or Bachelor's degree in dental hygiene, shall:

(a) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; or

(b) Complete a continuing education plan approved by the board.

(3) An applicant who has taken a clinical examination three (3) times and failed to achieve a passing score shall complete a remediation plan approved by the board.

Section 3. Requirements for Licensure by Credentials. An individual desiring initial licensure in Kentucky as a dental hygienist by credentials shall:

(1) Complete all requirements in Section 1 of this administrative regulation;

(2) Provide proof of having passed a state, regional, or national clinical examination used to determine clinical competency in a state or territory of the United States or the District of Columbia; and

(3) Be licensed and actively practicing dental hygiene in a state or territory of the United States or the District of Columbia for a least five (5) of the six (6) years preceding the filing of the application.

Section 4. Requirements for Charitable Limited Dental Hygiene Licensure.

(1) An individual desiring limited licensure in Kentucky to provide charitable dental hygiene services shall:

(a) Understand, read, speak, and write the English language with a comprehension and performance level equal to at least the ninth grade of education, verified by testing as necessary;

(b) Submit a completed and signed[, signed, and notarized] Application for Charitable Limited Licensure with an attached applicant photo taken within the past six (6) months;

(c) Pay the fee required by 201 KAR 8:520;

(d) Not be the subject of[te] disciplinary action pursuant to KRS Chapter 313 that would prevent licensure;

(e) Hold a license to practice dental hygiene in good standing in another state or territory of the United States or the District of Columbia; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) A charitable limited dental hygiene license holder shall:

(a) Work only with charitable entities registered with the Cabinet for Health and Family Services that have met requirements of KRS 313.254 and 201 KAR 8:581. These registered charitable entities are listed at

<https://www.chfs.ky.gov/agencies/dph/dpqi/hcab/Pages/charitablehc.aspx>

(b) Only perform procedures allowed by KRS 313.254, which shall be completed within the duration of the charitable event;

(c) Be eligible for the provisions of medical malpractice insurance procured pursuant to KRS 304.40-075; and

(d) Perform these duties without expectation of compensation or charge to the individual and without payment or reimbursement by any governmental agency or insurer.

Section 5. Continuing Education Requirements.

(1) A Kentucky licensed dental hygienist shall complete thirty (30) hours of continuing education during the two (2) year licensure period defined by KRS 313.030(2) except that:

(a) A licensee who was issued a new or reinstated license in the second year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;

(b) A licensee who graduated in the first year of the current biennial license period shall only complete one-half (1/2) the required hours for that period;

(c) A licensee who graduated in the second year of the current biennial license period shall not be required to complete continuing education hours for that period;

(d) A charitable limited license holder shall not be required to complete continuing education hours; or

(e) A licensee may be granted a hardship waiver or deferment if the[such] a request is submitted to and approved by the board.

(2) Acceptable continuing education content shall include:

(a) Competency in treating patients who are medically compromised or who experience medical emergencies during the course of dental hygiene treatment;

(b) Pharmaceutical products and proper use protocols of medications;

(c) Awareness of currently accepted methods of infection control;

(d) Basic medical and scientific subjects;

(e) Clinical and technological subjects;

(f) Patient management, safety, and oral healthcare;

(g) Mass casualty or mass immunization situations;

(h) Clinical dental hygiene performed on a charitable or volunteer basis;

(i) Business operations and best practices; and

(j) Dental or dental hygiene association or society business meetings.

(3) The thirty (30) hours of continuing education shall include:

(a) A minimum of ten (10) hours taken in a live interactive presentation format; and

(b) A maximum of ten (10) hours that meet the requirements of subsection (2)(h) - (j) of this section.

(4) Dental hygienists registered to practice under general supervision shall also meet the continuing education requirements of Section 11(8)[12(8)] of this administrative regulation.

(5) Dental hygienists registered to practice as public health hygienists shall also meet the continuing education requirements of Section 14(9)[16(5)] of this administrative regulation.

(6) All continuing education hours shall be documented by a certificate of completion or attendance bearing:

(a) A signature or other verification of the provider;

(b) The name of the licensee in attendance;

(c) The title of the course or meeting attended or completed;

(d) The date of attendance or completion;

(e) The number of hours earned; and

(f) Evidence of the method of delivery if the course was taken in a live interactive presentation format.

(7) The licensee shall be responsible for obtaining the qualifying documentation of continuing education from the provider or organization and to retain those documents for a minimum of five (5) years.

(8) During the license renewal process, licensees shall attest to their compliance with the requirements of this section.

(9) Licensees may be audited to determine[shall be subject to audit of their] compliance with the requirements of this section.

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Section 6. Renewal of a Dental Hygiene License.

(1) All dental hygienist licenses issued by the board shall expire on December 31 of even-numbered years and shall~~must~~ be renewed to remain active. A licensee desiring renewal of an active dental hygiene license shall:

- (a) Submit a completed and signed Application for Renewal of Dental Hygiene Licensure;
- (b) Pay the fee required by 201 KAR 8:520;
- (c) Maintain an active certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC; and
- (d) Meet the continuing education requirements as established in Section 5 of this administrative regulation.

(2) A licensee who has not actively practiced dental hygiene in the two (2) years preceding the filing of the renewal application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A licensee desiring renewal of a charitable limited dental hygiene license shall repeat the initial licensure process required by Section 4 of this administrative regulation.

Section 7. Retirement of a Dental Hygiene License.

(1) A licensee desiring to no longer hold an active dental hygiene license shall submit a completed and signed Retirement of License Form.

(2) Upon receipt of this form, the board shall send written confirmation of retirement to the address provided.

(3) A licensee shall not retire a license that has pending disciplinary action against it.

(4) A license that is not properly retired or renewed shall be considered expired for reinstatement purposes.

Section 8. Reinstatement of a Dental Hygiene License.

(1) A former licensee desiring reinstatement of an expired or properly retired dental hygiene license in Kentucky shall:

(a) Submit a completed and signed~~[—signed, and notarized]~~ Application to Reinstate Dental or Dental Hygiene Licensure with an attached applicant photo taken within the past six (6) months;

(b) Pay the fee required by 201 KAR 8:520;

(c) Hold an active certification in CPR or a more comprehensive program that meets or exceeds the American Heart Association Guidelines for CPR and ECC;

(d) Provide verification of any license to practice dental hygiene obtained in any state or other licensing jurisdiction since the applicant was first licensed in Kentucky;

(e) Submit to a nationwide state and federal criminal background check by fingerprint through the Department of Kentucky State Police; and

(f) Provide a written explanation for any positive returns on a query of the National Practitioner Data Bank.

(2) An applicant who has not actively practiced dental hygiene in the two (2) years preceding the filing of the reinstatement application shall complete a continuing education plan approved by the board prior to resuming the active practice of dental hygiene.

(3) A former licensee who applies to reinstate an expired license that was not properly retired shall pay~~[be subject to]~~:

(a) The expired license reinstatement fee established in 201 KAR 8:520 if applying less than two (2) years from when the license was last active; or

(b) The same reinstatement fees as a properly retired license if applying more than two (2) years from when the license was last active.

Section 9. Verification of Licensure. An individual desiring an official verification of a dental hygiene license held currently or previously in Kentucky shall:

(1) Submit a signed and completed Verification of Licensure or Registration Form; and

(2) Pay the fee required by 201 KAR 8:520.

Section 10. Requirements for Local Anesthesia Registration.

(1) A licensed dental hygienist who desires to administer infiltration or block anesthesia shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Pay the fee required by 201 KAR 8:520; and

(c) Complete an educational program from a dental or dental hygiene school accredited by the Commission on Dental Accreditation (CODA) that meets or exceeds the requirements established in KRS 313.060(10).

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to administer local anesthesia.

(3) A dental hygienist shall not administer local anesthesia in Kentucky unless the licensee:

(a) Holds a current board-issued registration in local anesthesia; and

(b) Administers local anesthesia~~[Performs these procedures]~~ under the direct supervision of a dentist.

(4) A licensed dental hygienist holding a local anesthesia registration from the board who has not administered block or infiltration anesthesia for one (1) year shall complete a board-approved continuing education~~[refresher]~~ course prior to resuming the practice of that specific technique.

Section 11. Requirements for General Supervision Registration.

(1) A licensed dental hygienist who desires to practice under general supervision shall:

(a) Submit a signed and completed Application for Dental Hygiene Special Registrations;

(b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and

(c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration under general supervision.

(3) A dentist who employs a dental hygienist who has met the standards of this administrative regulation and who allows the dental hygienist to provide dental hygiene services pursuant to KRS 313.040(7) shall complete a written order specifying the dental service or procedure to be performed on a specific patient by the dental hygienist and shall retain the original order in the patient's dental record.

(4) The minimum requirements for the written order shall include:

- (a) Medical history update;
- (b) Radiographic records requested;
- (c) Dental hygiene procedures requested;
- (d) Name of the patient;
- (e) Date of last oral examination;
- (f) Date of the written order; and
- (g) Signature of the dentist.

(5) The oral examination of the patient by the supervising dentist shall have been completed within the seven (7) months preceding treatment by the dental hygienist practicing under general supervision.

(6) The supervising dentist shall evaluate and provide to the board written validation of an employed dental hygienist's skills necessary to perform dental hygiene services established in KRS 313.040(7) as part of the Application for Dental Hygiene Special Registrations.

(7) The supervising dentist shall provide a written protocol addressing the medically compromised patients who may or may not be treated by the dental hygienist. The dental hygienist shall only treat patients who are in the ASA Patient Physical Status Classification of ASA I or ASA II as established in ADA Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

(8) During each biennial license period, a dental hygienist registered in general supervision shall complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies to maintain registration upon license renewal. These hours may be included in the thirty (30) overall continuing education hours required for license renewal.

(9) A dental hygienist shall not practice under general supervision unless the licensee holds a current board-issued general supervision registration.

Section 12. Requirements for Intravenous Access Line Registration.

(1) A licensed dental hygienist who desires to start intravenous (IV) access lines shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete a board-approved course in starting IV access lines.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to start IV access lines.

(3) A dental hygienist shall not start IV access lines in Kentucky unless the licensee:

- (a) Holds a current board-issued registration to start IV access lines; and
- (b) **Starts IV access lines** under the direct supervision of a dentist who holds either a Moderate Sedation Permit or Deep Sedation and General Anesthesia Permit issued pursuant to 201 KAR 8:550.

Section 13. Requirements for Laser Debridement Registration.

(1) A licensed dental hygienist who desires to perform laser debridement shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Pay the fee required by 201 KAR 8:520; and
- (c) Complete a board-approved course in performing laser debridement.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to perform laser debridement.

(3) A dental hygienist shall not perform laser debridement in Kentucky unless the licensee:

- (a) Holds a current board-issued registration to perform laser debridement; and
- (b) **Performs laser debridement** under the direct supervision of a dentist.

Section 14. Requirements for Public Health Registration.

(1) A licensed dental hygienist who desires to practice as a public health registered dental hygienist shall:

- (a) Submit a signed and completed Application for Dental Hygiene Special Registrations;
- (b) Obtain at least two (2) years and 3,000 hours of verifiable experience in the practice of dental hygiene; and
- (c) Complete a live three (3) hour course approved by the board in the identification and prevention of potential medical emergencies.

(2) Upon authorizing a licensee to practice pursuant to this section, the board shall issue an updated dental hygiene license indicating registration to practice as a public health registered dental hygienist.

(3) **A** [Pursuant to KRS 313.040(8)(c), a] public health registered dental hygienist **shall** [may] only practice public health hygiene in accordance with KRS 313.040(8) [in a government-created public health program at the following sites:]

[(a)] [Local health departments;]
[(b)] [Public or private educational institutions that provide Head Start, preschool, elementary, and secondary instruction to school-aged children under the jurisdiction of the State Board of Education, and that have an affiliation agreement with the health department of jurisdiction;]
[(c)] [Mobile and portable dental health programs under contract with a governing board of health; and]

[(d)] [Public or private institutions under the jurisdiction of a federal, state, or local agency.]

[(4)] [A public health registered dental hygienist shall perform dental hygiene services only under the authority of the governing board of health, as required by KRS 313.040(3)(b), as established

in KRS 313.040(8), and as identified by the Department for Public Health Practice Reference.]

[(a)] [These services shall be limited to:]

[1.] [Preventative services; and]

[2.] [The application of silver diamine fluoride if the supervising dentist has authorized the treatment and provided written protocols for each patient.]

[(b)] [The]

(4) A public health registered dental hygienist shall only treat a patient who is in the ASA Patient Physical Status Classification of ASA I or ASA II as established in the current edition of Guidelines for Teaching Pain Control and Sedation to Dentists and Dental Students, as incorporated by reference in 201 KAR 8:550.

[(e)] [The informed consent shall be required prior to providing the services referenced in paragraph (a) of this subsection and shall include:]

[1.] [The name of the public health entity, including the name of the dentist, that assumes responsibility and control;]

[2.] [An inquiry as to the current dentist; and]

[3.] [A statement that services are provided by a dental hygienist without the direct supervision of a dentist.]

(5) Pursuant to KRS 313.040(8)(c), a public health registered dental hygienist shall only perform the following services as defined by the most recent version of Current Dental Terminology as incorporated by reference:

(a) Oral Assessment;

(b) Oral Hygiene Instruction;

(c) Nutritional Counseling;

(d) Tobacco Counseling;

(e) High Risk Substance Counseling;

(f) Prophylaxis – Adult;

(g) Prophylaxis – Child;

(h) Pit and Fissure Sealants;

(i) Fluoride Treatment; and

(j) Unspecified Preventative Procedure, by Report [Urgent Need].

(6) A public health registered dental hygienist shall not:

(a) Restrict care based on a patient's insurance status or ability to pay; or

(b) Require out-of-pocket payments from patients.

(7) Informed consent shall be obtained by the patient or legal guardian of the patient prior to providing services and shall include:

(a) The name of the public health entity, including the name of the dentist, that assumes responsibility and control;

(b) A request for the patient's current dental provider, if any [An inquiry as to the current dentist]; and

(c) A statement that services are provided by a dental hygienist without the direct supervision of a dentist.

(7) **(8)** At the conclusion of each patient visit, the treating public health hygienist [entity] shall:

(a) Provide the patient or legal guardian of the patient with a standardized handout of all available community resources; and

(b) Document that the referral to a dental home through the patient or legal guardian has begun within fourteen (14) days of the preventive visit for the patient with obvious dental needs.

(8) **(9)** **(d)** This administrative regulation shall not preclude a Kentucky-licensed dentist from directly participating in a public health program as referenced in KRS 313.040(8)(c) [subsection (3) of this section].

(9) **(10)**

(5)

(a) During each biennial license period, a dental hygienist registered in public health dental hygiene shall complete nine (9) hours of continuing education [the following] to maintain public health registration upon license renewal.

(a) These hours shall include:

1. Six (6) [Three (3)] hours of continuing education in public health or public dental health; and

2. Three (3) hours of continuing education in the identification and prevention of potential medical emergencies.

(b) The hours of continuing education required by paragraph (a) of this subsection may be included in the thirty (30) overall continuing education hours required for license renewal.

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Section 15. Issuance of Initial Licensure. Upon an applicant's completion of all requirements for dental hygiene licensure, within six (6) months of the date the application was received, the board shall:

- (1) Issue a license in sequential numerical order; or
- (2) Deny licensure due to a violation of KRS Chapter 313 or 201 KAR Chapter 8.

Section 16. Incorporation by Reference.

- (1) The following material is incorporated by reference:
 - (a) "Application for Charitable Limited Licensure", January 2024;
 - (b) "Application for Dental Hygiene Licensure", September 2024;
 - (c) "Application for Dental Hygiene Special Registrations", September 2024
 - (d) "Application for Renewal of Dental Hygiene Licensure", September 2024;
 - (e) "Application to Reinstate Dental or Dental Hygiene Licensure", January 2024;
 - (f) "Retirement of License Form", January 2024;
 - (g) "Verification of Licensure or Registration Form", January 2024;[and]
 - (h) "2020 American Heart Association Guidelines for CPR and ECC", [2020];Copyright 2024 American Heart Association[.]; and
 - (i) "CDT 2025: Current Dental Terminology, Copyright© 2024 American Dental Association".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. through 4:30 p.m. This material is also available on the board's Web site at <http://dentistry.ky.gov>.

FILED WITH LRC: December 8, 2025

CONTACT PERSON: Jeff Allen, Executive Director, Kentucky Board of Dentistry, 312 Whittington Parkway, Suite 101, Louisville, Kentucky 40222, phone (502) 429-7280, fax (502) 429-7282, email jeffrey.allen@ky.gov.

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.

BOARDS AND COMMISSIONS

Board of Speech-Language Pathology and Audiology
(As Amended at ARRS, December 8, 2025)

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

RELATES TO: KRS 334A.188

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

CERTIFICATION STATEMENT:

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

Section 1. The Board of Speech-Language Pathology and Audiology shall comply with all rules of the Audiology and Speech-Language Pathology Interstate Compact, which includes the

Audiology and Speech-Language Pathology Interstate Compact Rules as of September 20[June 30], 2025[October 7, 2023].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Audiology and Speech-Language Pathology Interstate Compact Rules", September 20[June 30], 2025[October 7, 2023], and as revised.

- (a) Chapter 1 – Rule on Definitions, adopted April 17, 2023;
- (b) Chapter 2 – Rule on Data System Reporting Requirements, adopted September 20, 2025[April 17, 2023]; [and]
- (c) Chapter 3 – Rule on Implementation of Criminal Background Check Requirement, adopted June, 30, 2025; andOctober 7, 2023]

(d) Chapter 4 – Rulemaking on Fees, adopted June 30, 2025.

(2)

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

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

(3) This material may also be obtained at:

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

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

FILED WITH LRC: December 8, 2025

CONTACT PERSON: Sara Boswell Janes, Staff Attorney III, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#2, Frankfort, Kentucky 40601; phone (502) 782-2709 (office), fax (502) 564-4818, email Sara.Janes@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

BOARDS AND COMMISSIONS

Board of Physical Therapy (As Amended at ARRS, December 8, 2025)

201 KAR 22:045. Continued competency requirements and procedures.

RELATES TO: KRS 12.355, 327.010(1), (2), 327.070

STATUTORY AUTHORITY: KRS 327.040(10)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(10) authorizes the board to promulgate administrative regulations establishing a measure of continued competency as a condition of license renewal. This administrative regulation establishes continued competency requirements and procedures.

Section 1. Definitions.

(1) "Contact hour" means a credit earned based on sixty (60) minutes of participation in a physical therapy-related activity.

(2) "Continued competency" means a planned learning experience relating to the scope of [physical therapy] practice, as defined by KRS 327.010(1), if the subject is intervention, examination, research, documentation, education, or management of a health care delivery system.

(3) "Jurisprudence Examination" means a board-provided[an] [a board-provided] open book tutorial [provided by the board] on KRS Chapter 327 and 201 KAR Chapter 22.

Section 2.

(1) A credential holder applying for renewal shall have completed the continued competency requirements established in

subsections (2) and (3) of this section during the preceding renewal period. Continued competency shall be based on contact hours awarded.

(a) For a physical therapist, the board shall require thirty (30) contact hours as a condition of licensure renewal. These hours shall be obtained as established in subparagraphs 1. through 3. of this paragraph.

1. Two (2) hours shall be awarded for the successful completion of the Jurisprudence Examination per biennium.

2. At least eighteen (18) hours shall be earned from Category 1 as established in subsection (2) of this section.

3. Hours may be earned from Category 2 and, if hours are earned from Category 2, hours shall be as established in subsection (3) of this section. Hours earned from Category 2 over ten (10) hours shall not be awarded. [Hours may be earned from Category 2 and shall be as established in subsection (3) of this section. Hours earned from Category 2 over ten (10) hours shall not be awarded.]

(b) For a physical therapist assistant, the board shall require twenty (20) contact hours as a condition of renewal. These hours shall be obtained as established in subparagraphs 1. through 3. of this paragraph.

1. Two (2) hours shall be awarded for the successful completion of the Jurisprudence Examination per biennium.

2. At least ten (10) hours shall be earned from Category 1 as established in subsection (2) of this section.

3. Hours may be earned from Category 2 and shall be as established in subsection (3) of this section. Hours earned from Category 2 over eight (8) hours shall not be awarded.

(c) A participant shall not be awarded contact hours for a course that is repeated more than once in the same biennium.

(2) Category 1 continued competency shall include:

(a) Completion of courses, seminars, workshops, symposia, or home study courses consisting of at least three (3) contact hours that have been approved by the board, the board's designee, the Federation of State Boards of Physical Therapy (FSBPT), another physical therapy licensing agency, or the American Physical Therapy Association (APTA) or its components;

(b) Completion of courses, seminars, workshops, symposia, or home study courses that have been produced and developed by the American Physical Therapy Association (APTA) or its components and consist of less than three (3) contact hours;

(c) Completion or auditing of an accredited postsecondary educational institution credit course meeting continued competency, which shall be awarded as: as defined by Section 1(2) of this administrative regulation, [which shall be awarded as:];

1. Twelve (12) contact hours [shall be awarded] for each semester credit hour completed; and

2. Eight (8) contact hours [shall be awarded] for each quarter credit hour completed;

(d) Presentation of a continued competency course, workshop, seminar, or symposium that has been approved by the board or its designee. A maximum of three (3) contact hours for preparation may be awarded for each contact hour awarded to participants, with a maximum of two (2) events of the same course per biennium;

(e) Authorship of a research article, manuscript, or scientific paper, published in the biennium and related to physical therapy. Fifteen (15) contact hours shall be awarded per event with a maximum of two (2) events per biennium;

(f) A presented scientific poster or scientific platform presentation related to physical therapy. Ten (10) contact hours shall be awarded per event with a maximum of two (2) events per biennium;

(g) Teaching part of a physical therapy or physical therapist assistant credit course if that teaching is not the primary employment of the credential holder. A maximum of twenty (20) contact hours per biennium shall be awarded;

(h) American Board of Physical Therapy Specialties (ABPTS) certification. Twenty-eight (28) contact hours shall be awarded per biennium;

(i) ABPTS recertification or other certifications and recertifications within the scope of physical therapy practice. A

maximum of twenty-eight (28) contact hours per biennium shall be awarded;

(j) Completion of a clinical residency program or clinical fellowship program. Not more than five (5) contact hours shall be awarded for each week of residency with a maximum of twenty-eight (28) contact hours per program per biennium;

(k) Engaging in the practice of [physical therapy], as defined by KRS 327.010(1), at least 1,000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

(l) Engaging in the instruction in a CAPTE-accredited physical therapy or physical therapist assistant program at least 1,000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

(m) Appointment to the Kentucky Board of Physical Therapy. Four (4) contact hours shall be awarded per biennium;

(n) Election or appointment to a position with the APTA Kentucky, APTA, or FSBPT as an officer or committee chair. Four (4) contact hours shall be awarded per biennium; [or]

(o) Being a member[Being a member] of a committee or task force for one (1) of the organizations in paragraph (m) or (n) of this subsection. One (1) contact hour shall be awarded per biennium; [or]

(p) Completion of the APTA's PTA Advanced Proficiency Pathways Program (APP). A maximum of ten (10) contact hours shall be awarded in the biennium during which the certification or recertification of the APP is granted; [or]

(q) Being a member[Being a member] of the APTA. One (1) contact hour shall be awarded per year and a maximum of two (2) contact hours per biennium; or

(r) Completion of the Healthcare Regulatory Research Institutes (HRR) Healthy Practice Resource (HPR) modules. A maximum of six (6) contact hours shall be awarded in the biennium.

(3) Category 2 continued competency shall include[be][include]:

(a) Self-instruction from reading professional literature. One (1) contact hour shall be awarded per biennium;

(b) Attendance at a scientific poster session, lecture, panel, or symposium other than as approved in Section 2(2) of this administrative regulation or other unapproved applicable courses. One (1) contact hour for each hour of credit shall be awarded up to a maximum of three (3) hours per course; [or]

(c) Clinical instructor for a CAPTE-approved educational program or an APTA credentialed residency or fellowship program. Continued competency shall be one (1) contact hour per sixteen (16) hours of student supervision;

(d) Participation in a physical therapy in-service or study group consisting of two (2) or more physical therapists or physical therapist assistants. A maximum of two (2) contact hours shall be awarded per biennium;

(e) Participation in community service related to health care. One (1) contact hour for each hour of participation shall be awarded up to a maximum of two (2) hours per biennium;

(f) Participation as a mentor or mentee in a mentorship program developed by APTA KY. A maximum of two (2) contact hours shall be awarded per year and a maximum of four (4) contact hours per biennium; [or]

(g) Completion of other healthcare related courses (cardiopulmonary resuscitation initial certification or re-certification, Bloodborne pathogens courses). A maximum of two (2) contact hours shall be awarded per biennium; [or]

(4) Documentation of compliance.

(a) Each licensee shall retain independently verifiable documentation of completion of all continued competency requirements of this administrative regulation for a period of at least two (2) years from the end of the biennium.

(b) The licensee shall, within thirty (30) days of a written request from the board, provide evidence of continued competency activities to the board.

(c) A licensee who fails to provide evidence of the continued competency activities or who falsely certifies completion of continued competency activities shall be subject to disciplinary action pursuant to KRS 327.070.

(5) Exemption and extension.

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(a) A licensee shall be granted a temporary hardship extension for an extension of time, not to exceed one (1) renewal cycle, if the licensee:

1. Files a completed Exemption or Extension for Completion of Continued Competency Form by April 30 of the odd-numbered year in the renewal cycle for which the extension is sought. This plan shallmust[shall] include a description on how the required credits will be met; and

2. Submits documentation showing evidence of undue hardship by reason of the licensee's:

- a. Disability;
- b. Medical condition;
- c. Financial condition; or
- d. Other clearly mitigating circumstance.

(b) A licensee shall be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:

1. Files a completed Exemption or Extension for Completion of Continued Competency Form by March 31 of the odd-numbered year in the renewal cycle for which the extension is sought. This plan shallmust[shall] include a description on how the required credits will be met;

2. Pays a fee of \$250;

3. Has not received a temporary nonhardship extension of time in the prior renewal cycle; and

4. Files proof of compliance with the continued competency requirements by the following July 1.

(c) A licensee on active military duty shall be granted an exemption from continued competency requirements as established in KRS 12.355.

Section 3. Incorporation by Reference.

(1) "Exemption or Extension for Completion of Continued Competency Form", June 2023June 2012[July 2023], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable law, at the Kentucky Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the agency's website at: https://pt.ky.gov/education/Pages/Continued-Competency-.aspx.

FILED WITH LRC: December 8, 2025

CONTACT PERSON: Stephen Curley, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140; fax (502) 429-7142, email Stephen.Curley@ky.gov.

KENTUCKY BOARD OF EMERGENCY MEDICAL SERVICES (As Amended at ARRS, December 8, 2025)

202 KAR 7:555. Ground agencies.

RELATES TO: KRS 311A.030, 311A.075, 311A.190, 29 C.F.R. 1910.1030

STATUTORY AUTHORITY: KRS 311A.020, 311A.025, 311A.030, 311A.190

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311A.020 requires the Board of Emergency Medical Services to exercise all administrative functions in the regulation of the EMS system and the licensing of ambulance services and medical first response agencies, except those regulated by the Board of Medical Licensure or the Cabinet for Health and Family Services. KRS 311A.030 requires the board to promulgate administrative regulations for the licensing, inspection, and regulation of ambulance providers and

medical first response agencies. This administrative regulation establishes minimum licensing requirements.

Section 1. Utilization of Ground Vehicles by Class I, II, III, and IV Licensed Agencies.

(1) At the time of initial inspection, each agency shall inform the Kentucky Board of Emergency Medical Services (KBEMS) office of the make, model, year, vehicle identification number or serial number, and license tag number for each vehicle the agency plans to use for medical care and transportation.

(2) Each agency shall complete a Vehicle Add application in the Kentucky Emergency Medical Services Information System (KEMESIS) no later than five (5) business days before any unlicensed vehicle is placed into operation.

(3)(2) Unless exigent circumstances exist and the agency receives written approval from the executive director of the board to place an unlicensed vehicle into operation, a[A] vehicle shall not be placed into operation until the board has conducted a physical inspection of the vehicle and determined it meets the requirements of 202 KAR Chapter 7.

(4)(3) Each agency shall complete a Vehicle Delete application in KEMESIS[the Kentucky Emergency Medical Services Information System (KEMESIS)] no later than the next business day after the permanent removal of any licensed vehicle from service by the license holder.

(5)(4)

(a) A licensed agency may use a replacement vehicle that meets all of the requirements of 202 KAR Chapter 7 on a temporary basis while a permitted vehicle is out of service. The agency shall complete an Add TEMPORARY Vehicle/Aircraft Part 1 application in KEMESIS within twenty-four (24) hours of the replacement.

(b) A temporary replacement vehicle shall not be used for more than thirty (30) days annually unless the KBEMS office has verified, through a physical inspection, that it meets the requirements of 202 KAR Chapter 7.

(6)(5) The KBEMS office shall be notified by a completed Add TEMPORARY Vehicle/Aircraft Part 2 application in KEMESIS within twenty-four (24) hours or on the next business day if a temporary vehicle is removed from service and the original licensed vehicle is returned to service.

(7)(6)

(a) An agency that fails to report using a temporary vehicle shall be required to immediately cease use of the replacement vehicle until the reporting requirements are met.

(b) An agency that fails to remove a temporary vehicle from service after thirty (30) days shall be fined \$500 for each day or partial day the vehicle is in service and not reported.

(8)(7) This administrative regulation shall not prevent a licensed agency from utilizing other means of transporting patients in:

(a) Disasters;

(b) Mass casualty incidents; or

(c) Extraordinary scene conditions that would impair access to the safety or care of the patient or personnel operating at the scene.

Section 2. Provider Management Requirements.

(1) All licensed agencies shall maintain:

(a) An organizational chart that establishes lines of authority, including the designation of:

1. An administrator responsible for assuring compliance with KRS Chapter 311A and 202 KAR Chapter 7 during the daily operation of the service; and

2. A designee who shall serve in the absence of the administrator;

(b) Records and reports at the ambulance agency base station including:

1. An original, electronic equivalent, or copy of all patient care records consistent with the U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at www.nemsis.org/technical-resources/version-3;

2. An electronic copy of all completed patient care reports, which shall be maintained to ensure confidentiality and safekeeping for at least seven (7) years from the date on which the service was

rendered, or in the case of a minor, at least three (3) years after the minor reaches the age of majority; and

3. Copies of Patient Care Reports for the preceding twelve (12) months, which shall be accessible and be immediately available to the board, KBEMS office, or representatives upon request;

(c) Personnel files for each employee or volunteer who staffs a vehicle of a licensed agency. Personnel files shall be maintained for at least one (1) year following separation from employment. At[As] a minimum, all personnel files shall contain:

1. [A—]Pre-employment and biennial[annual] criminal background checks, which shall be national in scope and[check] administered by a vendor approved by the board.[the Kentucky Administrative Office of the Courts;]

a. All criminal background checks shall include searches of:

- (i) County criminal records;
- (ii) Nationwide crime database;
- (iii) Federal criminal records;
- (iv) Nationwide sexual offender registry;
- (v) Healthcare fraud and abuse scan; and
- (vi) Address history;

b. A new employee or volunteer shall not staff any licensed vehicle until the agency has requested an initial employment background check from a vendor approved by the board;

c. If a new employee or volunteer is currently employed by another agency licensed by the board and a national criminal background check for that employee or volunteer has been completed within the last six (6) months, the hiring agency may, with the employee's or volunteer's written consent and with approval from the other licensed agency, obtain the completed background check from the other licensed agency, and such background check shall constitute the employee's or volunteer's initial employment background check;

2. A copy of the employee's valid KBEMS certification or licensure card;[and]

3. A Federal Emergency Management Agency (FEMA) transcript or copy of each employee's completion of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses;

4. A valid copy of the employee's driver's license and documentation of the employee's completion of driver's training, if the employee operates any agency vehicle; and

5. Annual fitness for duty statements, which shall be consistent with the agency's pre-employment and annual health assessment policy and signed by an authorized representative of the agency;[.]

(d) A policy for the provision of a pre-employment and annual health assessment of employees of the agency, which shall include reporting mechanisms for work-related illness or injury;

(e) A written plan for providers to consult with online adult and pediatric medical direction. This plan shall address at[as] a minimum:

1. The availability of medical direction twenty-four (24) hours a day, seven (7) days a week;

2. The availability of medical direction during an emergency event;

3. The provision of medical direction by a physician, physician assistant (PA), or nurse practitioner (NP)[medical professional with a higher level of training or expertise]; and

4. Recommended actions if:

a. There is an equipment failure, a communication barrier, or other unusual circumstance; and

b. It is not possible to contact online medical direction;

(f) A plan and records for the provision of continuing education for staff and volunteers, including:

1. A written plan for the method of assessment of staff continuing education needs; and

2. A coordinated plan to meet those needs, including a provision that all continuing education shall be provided either by a licensed TEI or in accordance with 202 KAR 7:601;

(g) An infection control plan in accordance with 29 C.F.R. 1910.1030;

(h) A written plan for training or educating personnel for responding to hazardous materials, criminal, and potential terrorist

incidents[, including plans for the protection and decontamination of patients, ambulances, equipment, and staff];

(i) Written policies for the protection and decontamination of patients, ambulances, equipment, and staff.[.] If an agency carries firefighter structural personal protective equipment, the written policies shall include provisions for bagging or containing the equipment to minimize off-gassing and prevent cross-contamination within the patient compartment when storing the equipment in an external compartment is not possible;

(j) (4) A written policy regarding the appropriate destination of a patient who expires during transport if a valid Kentucky EMS Do Not Resuscitate (DNR)[.] or Medical Orders for Scope of Treatment (MOST) form is present;

(k) (5) A written plan for the quality assessment of patient care and provider quality improvement, including a monthly review of patient care reports and evaluation of staff performance related to patient care. This plan shall address as a minimum:

1. Employee health and safety;
2. Compliance with protocols and operating procedures;
3. Assessment of dispatch protocols;
4. Vehicle operations and vehicle safety;
5. Additional training necessary for the patient care provider or providers;

6. Equipment preventive maintenance programs; and

7. A process for the resolution of customer complaints;

(l) (6) A written plan for training personnel and responding to mass casualty incidents and disasters;

(m) (7) A written orientation program for all personnel, including at a minimum:

1. Validation of certification or license with KBEMS;

2. Validation of the National Incident Management System (NIMS) Incident Command System (ICS) 100, 200, 700, and 800 courses within sixty (60) days of employment for any employee who staffs a licensed vehicle;

3. Completion of driver's training in accordance with 202 KAR 7:560 prior to operating a board licensed vehicle during an emergency response or when actively transporting a patient.[Validation of Driver's License] if applicable;

4. A review of all agency policies, procedures, and protocols;

5. Communication equipment at the base station and on each vehicle;

6. Operational aspects of the agency fleet and equipment;

7. Inspection and routine maintenance of agency fleet, facilities, and equipment;

8. Appropriate processes for disinfection of agency fleet, facilities, and equipment;

9. Local navigation and geographic orientation; and

10. Completion of Patient Care Reports and other documentation as established by the agency;

(n) (8) Proof of professional liability malpractice insurance of a minimum of \$1,000,000; and

(o) (9) Proof of vehicular liability insurance.

(2)

(a) Each agency shall maintain[notify the board at least twenty-four (24) hours prior to the transfer of coverage, cancellation, lapse, or other cessation or change in] professional liability malpractice insurance and[or] vehicular liability insurance.

(b) An agency that fails to maintain professional liability malpractice insurance and vehicular liability insurance shall notify the board immediately and cease operations until all insurance coverage has been restored.

(3) Each agency shall verify that all[valid] staff certifications and licenses are valid[certification or licensure] as of the first day of the calendar year.

(4) If an agency is ceasing to operate, the[an] agency shall provide the board with the physical or electronic digital storage location of all Patient Care Reports within five (5) business days of closure. These reports shall be maintained by the owner of the licensed agency, or a contracted third party to meet the timeline established in subsection (1)(b) of this section.

(5) Each agency that allows an employed emergency responder to provide medical services while off duty in accordance with 202 KAR 7:701[—Section 6,] shall maintain and implement a policy

regarding which employees are approved to provide medical services off duty by the agency's medical director and the manner in which worker's compensation and general liability insurance covers employees off duty.

(a) The policy shall be signed by both the agency's administrator and medical director and shall be reviewed annually. [-, and shall include:]

(b) Off duty emergency medical personnel shall not provide off duty care that would require an agency license, such as a Class VIII license.

[(a)] [Direction on which employees may remove medical equipment from the agency's premises for the purpose of providing care off duty;]

[(b)] [Direction on which equipment may be removed from the agency's premises for the purpose of providing care off duty; and]

[(c)] [A provision that controlled substances shall not be removed from the agency's premises for the purposes of providing care off duty.]

(6) Each Class I, II, and VI agency shall, in the county in which the agency's base station or a satellite is located:

(a) Document evidence of participation in a local, county, facility, regional, or state disaster or preparedness exercise within the preceding twelve (12) months;

(b) Coordinate with the county or facility emergency management director plans for the possible use of agency personnel for use in the emergency operations center in a disaster; [-, and]

(c) Maintain a hard copy or electronic equivalent of the most current adopted facility, city, county, or urban county government emergency management agency's emergency operations plan at the ambulance base station; and[-]

(d) Document evidence of use and operation of Kentucky Ready Ops patient tracking during a disaster or preparedness exercise.

Section 3. Operating Requirements.

(1) Each licensed agency, except Class IV, [-, and] VIII, and IX, shall provide service twenty-four (24) hours a day, seven (7) days a week. Class IV, [-, and] VIII, and IX agencies shall operate during the hours of operation for their geographical service area or designated events[event].

(2) Each licensed agency shall retain staffing schedules for at least the previous twelve (12) months.

[(3)] [Each agency administrator or designee shall be familiar with emergency management reporting and procurement processes and software platforms utilized to communicate the needs of the local government to state agencies.]

[(4)] [A licensed agency shall have a written plan to assure all requests for service shall be promptly answered.]

(3)(5)] A licensed agency shall have a written scope of care policy to include the types of services performed, limitations of response, and the types of medical teams provided.

(4)(6)] Unless utilizing a medical dispatch prioritizing system, any[any] agency licensed and located within the geographical service area that determines it is unable to have a vehicle responding within ten (10) minutes from the initial time a 911 scene response[an emergency] call is received shall request that the next closest appropriate licensed agency respond.

(5)(7)] If an agency licensed for a specific geographical service area is unable to respond to a scheduled or non-scheduled medically necessary ambulance transportation[non-emergency] call within two (2) hours from the initial time the[a non-emergency] call is received, the requesting healthcare facility may contact any appropriately-licensed agency and request that the agency conduct the transport.

(6)(8)] Each Class I[Ar] agency shall attempt to enter into a mutual aid agreement with another [Kentucky] licensed Class I[ambulance] agency operating within the same or contiguous counties[that provide response to medical emergencies]. These agreements shall be in writing and address:

(a) The type of mutual aid assistance to be provided, including advanced life support (ALS) or basic life support (BLS) medical care and transport and ALS or BLS medical first response;

(b) Response personnel, including levels of training or education and provisions for joint in-service training or education if appropriate;

(c) Response vehicles, including unit identifiers and the station or location from which the vehicles shall be operated;

(d) A plan of action for the mutual aid agreement, including dispatch and notification procedures;

(e) Radio and other communications procedures between the ambulance agency and other response agencies with which the agency has mutual aid agreements;

(f) On-scene coordination and scene control including medical direction if several agencies respond to the same incident;

(g) Exchange of patient information, records, and reports as allowed by law; and

(h) The effective dates and process for amendment or termination.

(7)(9)] A Class I[ground] agency shall send a written request for a mutual aid agreement to at least two (2) contiguous counties and retain a copy of each request and each county's response.[-]

(8)(10)] Each Class I and VI agency shall maintain a policy or affiliation agreement with the primary call-taking center that provides dispatch services for all or part of the service area of the ground agency. The agreement or policy shall state at a minimum that:

(a) Unless utilizing a medical dispatch prioritizing system, requests for 911 scene response[emergency ambulance service] shall be dispatched or notified within two (2) minutes from determining that the caller is requesting an ambulance response;[-]:

(b) If the closest licensed agency for that geographic service area is unable to have an ambulance[a vehicle] responding to an emergency 911 scene response call within ten (10) minutes from the time the call is dispatched, the agency shall notify the next closest appropriate licensed agency to respond; and

(c) The agreement shall specify which patient information shall be collected by the call-taking center during a call for service.

(9) Each Class II and III agency shall maintain a policy or affiliation agreement with the primary call-taking center that provides dispatch services for all or part of the service area of the ground agency. The agreement or policy shall state, at a minimum, which patient information shall be collected by the call-taking center during a call for service.

(10)(11)] If a ground agency is unable to secure a written affiliation agreement with the dispatch center, the ground agency shall retain all written correspondence to the dispatch center requesting an affiliation agreement and the dispatch center's denial of the agency's request.

(11)(12)] An agency shall not respond to requests for emergency service outside of its licensed geographic service area without first receiving authorization from the licensed agency in the geographic service area in which the request originates.

(12)(13)] A licensed Class I ground agency that is located in a geographical service area containing multiple destination hospitals, with regard to the furnishing of 911 scene response and transportation, shall not engage in:

(a) Exclusive or coercive practices regarding transportation decisions with regard to any affiliated hospital or hospital emergency department;

(b) Preferential transportation to any affiliated hospital emergency department if the transports are not justified by time, place, patient convenience, or other objective factors affecting a patient;

(c) Noncompetitive transportation to any affiliated hospital emergency department; or

(d) Transports to any affiliated hospital emergency department if that hospital is not the closest to the patient location or most appropriate based on the availability of particular services or patient preference.

(13)(14)] Each licensed Class I and II[ground] agency shall schedule a minimum of one (1) staffed ambulance to be staged in the agency's geographic service area.

(14)(15)] An agency that cannot meet the timelines established in subsection (8)(10)] of this section shall contact another licensed agency and receive an estimated time of arrival to the request for service. If the mutual aid agency can arrive at the location where the request originated more quickly than the agency licensed for the geographic service area, the agency licensed for the geographic

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service area shall request mutual aid from its neighboring agency to respond to the call.

(15)(16) Class I, IV, and VI agencies[An agency] shall not refuse a request for an emergency site or 911 scene[emergency pre-hospital] response if a unit is available in its geographic service area.

(16)(17) A Class I[An] agency shall not exhaust its resources by responding to a scheduled or non-scheduled medically necessary[answering a nonemergency] call or by responding[for response] to a mutual aid request[requests].

(17)(18) This administrative regulation shall not be construed to prevent a licensed agency from providing medical first response emergency or nonemergency pre-hospital care at or below the level for which the agency is licensed through the use of designated agency-owned response vehicles.

(18)(19) A communications system shall be developed, coordinated, and maintained by each licensed agency. The communication system shall comply with paragraphs (a) through (f) of this subsection.

(a) Radio equipment used in emergency medical services vehicles shall be appropriately licensed through the Federal Communications Commission (FCC). Copies of the current FCC licenses shall be on file in the agency office.

(b) Each ambulance shall have an operational push-to-talk two-way radio programmed with all very high frequency (VHF) Kentucky State Mutual Aid Frequencies in accordance with the Commonwealth of Kentucky Field Operations Guide (KY-FOG).

(c) Each Class I ambulance shall be equipped with a minimum of one (1) mobile two-way radio located in the driver's compartment.

(d) Each Class I ambulance shall have a minimum of two (2) portable push-to-talk two-way radios capable, under normal conditions, of operating on the agency, dispatch center, mutual aid, and hospital frequencies.

(e) Each ambulance shall be equipped with mobile two-way radio communication equipment with the ability to communicate from the driver's compartment and patient care compartment.

(f) One (1) alternative method of two-way communication may be substituted for one (1) portable two-way radio.

Section 4. Ceasing Continuous Service.

(1) A licensed Class I, II, III, VI, or VII agency that ceases to provide continuous service on a twenty-four (24) hour basis shall surrender its license to the board office within twenty-four (24) hours of the agency ceasing to provide continuous service.

(2) The agency's chief operations or service director shall immediately contact the executive director of the board upon determining that his or her Class I, II, III, VI, or VII agency will cease providing continuous service, and shall provide the approximate date and time that the agency will cease continuous service.

(3) The agency's chief operations or service director shall immediately contact the executive director of the board upon determining that his or her Class I, II, III, VI, or VII agency has ceased providing continuous service, and shall provide the date and time that the agency ceased continuous service.

(4) Notwithstanding subsection (1) of this section and Section 3(1) of this administrative regulation, a Class I, II, III, VI, or VII agency shall resume continuous service no later than seventy-two (72) hours after ceasing continuous service if the executive director of the board determines, in writing, that:

(a) Circumstances beyond the agency's control exist that[which] justify the agency's temporary lapse in continuous service; and

(b) Public health, safety, and welfare will be better served by allowing the agency to resume continuous service within seventy-two (72) hours after ceasing continuous service.

(5) A licensed Class I, II, III, VI, or VII agency that ceases continuous service shall be deemed to pose a threat to the public and the agency's license shall be temporarily suspended in accordance with KRS 311A.075 if:

(a) The agency fails to surrender its license in accordance with subsection (1) of this section; and

(b) The executive director of the board does not make the determinations set forth in subsection (4)(a) and (b) of this section; or

(c) The executive director of the board makes the determinations set forth in subsection (4)(a) and (b) of this section, but the agency fails to resume continuous service within seventy-two (72) hours after ceasing continuous service and fails to surrender its license to the board office within seventy-two (72) hours after ceasing continuous service.

(6)

(a) Unless the agency surrenders its license to the board within two (2) hours after ceasing continuous service, a Class I, II, III, VI, or VII agency that ceases continuous service shall be assessed \$200 per hour for non-operations after the second hour of failure to provide continuous service.

(b) Assessments for non-operations shall not be imposed for any period of non-operations after an agency surrenders its license, after an agency's license is suspended, or, if the executive director of the board makes the determinations established set forth in subsection 4(a) and (b) of this section, after the written determinations are made.

Section 5. Issuance of Temporary Class I Hardship Licenses to Counties.

(1) The board office shall issue a temporary Class I hardship license to the county or counties listed as the geographic service area on a Class I license that[:]

(a) is the only Class I license for the geographic service area[:] and;

(b) is surrendered in accordance with Section 4(1) of this administrative regulation; or

(b) is temporarily suspended in accordance with Section 4 of this administrative regulation and KRS 311A.075.

(2) The board office may issue a temporary Class I hardship license to a county or counties subject to emergent conditions that pose a threat to public health, safety, and welfare.

(3)(2) A temporary hardship license shall not be transferrable.

(4)(3) A county issued a temporary hardship license may contract with a licensed Class I agency to provide service to the geographic service area listed on the temporary hardship license.

(5)(4) Notwithstanding Sections 3(1) and 4(1) of this administrative regulation, a county issued a temporary hardship license shall begin providing continuous service no later than 120 days after the license is issued.

(6)(5) Notwithstanding any other administrative regulation promulgated by the board, for up to and not exceeding 120 days after a temporary hardship license is issued to a county under this section, the county may request that any licensed Class I agency respond to a call for service in the geographic service area listed on the temporary hardship license.

(7)(6) A temporary hardship license issued pursuant to subsection (1) of this section shall expire one (1) year after the license is issued, after a new Class I license for the geographic service area is issued, or, if the Class I license for the geographic service area was temporarily suspended in accordance with Section 4 of this administrative regulation, after that license is reinstated, whichever occurs first.

(8) A temporary hardship license issued pursuant to subsection (2) of this section shall expire one (1) year after the license is issued, unless extended by approval of the board for up to one (1) additional year.

Section 6. Medical Directors.

(1) Each licensed agency shall have a medical director who meets the requirements established in 202 KAR 7:801.

(2) A licensed agency shall notify KBEMS within twenty-four (24) hours of a decision to discontinue a medical director agreement by either the agency or the medical director.

(3)

(a) If an agency is found to be operating without a medical director, the agency shall be provided emergency medical direction by the KBEMS Medical Advisor for a fee of \$100 per day for the first thirty (30) calendar days the agency is without a medical director.

(b) The fee shall increase to \$500 per day after thirty (30) calendar days.

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Section 7. Public Notice of Negative Action. The board office shall cause to be published, on the KBEMS web site or similar publication of the board, the name of any licensed agency that is fined, placed on probationary status, placed on restricted status, suspended, or had a license revoked.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Commonwealth of Kentucky Field Operations Guide (KY-FOG)", (6/2012) found at <https://kwiec.ky.gov/SiteCollectionDocuments/KYFOG.pdf>;

(b) "NHTSA NEMSIS Data Dictionary", (v3.40) U.S. Department of Transportation National Highway Traffic Safety Administration (NHTSA) National Emergency Medical Services Information System (NEMSIS) data dictionary found at https://www.nemsis.org/media/nemsis_v3/3.4.0.150302/DataDictionary/PDFHTML/DEMMS/NEMSISDataDictionary.pdf;

(c) **Vehicle Add application in KEMSIS**, (12/2025);

(d) "Vehicle Delete application in KEMSIS", (12/2019);

(e) [(e)] "Add TEMPORARY Vehicle/Aircraft application Part 1 in KEMSIS", (12/2019); and

(f) [(e)] "Add TEMPORARY Vehicle/Aircraft application Part 2 in KEMSIS", (12/2019).

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Kentucky Board of Emergency Medical Services, 500 Mero Street, 5th Floor 5SE32, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

(3) This material is also available on the board's Web site at kyems.com.

FILED WITH LRC: December 8, 2025

CONTACT PERSON: John K. Wood, Counsel for the Kentucky Board of Emergency Medical Services, 163 East Main Street, Suite 200, Lexington, Kentucky 40507, phone (859) 225-4714, email:administrative@wgmfirm.com.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(As Amended at ARRS, December 8, 2025)

301 KAR 3:015. Shooting ranges on department-owned or managed lands.

RELATES TO: KRS 150.025[(1)(h)]

STATUTORY AUTHORITY: KRS 150.025(1)[(h)], 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 department to promulgate administrative regulations to carry out the purposes of KRS Chapter 150. KRS 150.620 authorizes the department to promulgate administrative regulations to acquire or lease land for the operation of public shooting or fishing grounds. This administrative regulation establishes requirements for the safe operation of department-owned or managed shooting ranges.

Section 1. [Definitions.]

[(1)] "Archery and crossbow range" means a shooting range that is established for target shooting at stationary targets with archery or crossbow equipment;

[(2)] "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.]

[(3)] ["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.]

[(4)] ["Pistol pit" means a shooting range that is established for target shooting with pistols.]

[(5)] ["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.]

[(6)] ["Safety zone" means an area downrange of a firing line where all public access is prohibited as designated by department signs.]

[(7)] ["Self-service trap shooting range" means a shooting range that is established for people to shoot at moving targets with a shotgun.]

[(8)] ["Shooting range" means a public facility on lands owned or managed by the department that is designated for target shooting with:]

[(a)] [A rifle;]

[(b)] [A pistol;]

[(c)] [A shotgun;]

[(d)] [Archery equipment; or]

[(e)] [Crossbow equipment.]

[(9)] ["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.]

[(10)] ["Tube range" means a shooting range established for target shooting through designated steel tubes..]

[Section 2.]

(1) Except as established in subsection (2) of this section, if a shooting range exists on department-owned or managed lands, then a person shall not target practice, sight in a firearm, or discharge a firearm on any area except the shooting range.

(2) Subsection (1) of this section shall not apply to:

(a) A person legally hunting a game species;

(b) A department employee, range officer, or department-authorized volunteer[certified volunteer hunter education instructor] in the performance of an official duty;

(c) A person or group participating in a department-sponsored [hunter-education-class] event; or

(d) A group participating in a department-approved event pursuant to 301 KAR 3:010.

Section 2.[Section 3.] General Shooting Range Requirements.

(1) A person shall not operate a firearm firearms, archery equipment, or any other device used to mechanically propel a projectile on a shooting range without possessing a valid shooting range permit, except the following individuals may utilize a range[the ranges] without a shooting range permit:

(a) Department personnel engaged in official duties; and

(b) Federal, state, or local law enforcement agency personnel operating pursuant to a written agreement may participate in organized training events without possessing a shooting range permit.

(2) A person operating a firearm, archery equipment, or any other device used to mechanically propel a projectile on a shooting range, shall provide proof that he or she possesses[they possess] a valid shooting range permit upon request by a department game warden.

(3) Except as posted by a department sign or a group[an event] permit issued pursuant to 301 KAR 3:010, a person using a shooting range shall only shoot from a designated firing line downrange at a department-provided:

(a) Target stand;

- (b) Target; or
- (c) Shooting berm.
- (4)(2) A person shall not:
 - (a) Enter a shooting range except at a designated entrance;
 - (b) Enter a designated safety zone, except as established in subsection (8)(6) of this section;
 - (c) Discharge a firearm:
 - 1. Before 9 a.m.;
 - 2. After sunset, except on a lighted range during scheduled hours of operation; or
 - 3. At any time prohibited by department signage; or [; or]
 - (d) Be under the influence of alcohol or other intoxicant.
- (5)(3) A person shall not use:
 - (a) A tracer bullet;
 - (b) Armor piercing ammunition;
 - (c) A fully automatic firearm;
 - (d) A rifle cartridge that is .50 caliber or larger;
 - (e) A muzzle-loading rifle ball, sabot, or bullet larger than .78 caliber;
 - (f) A cannon or replica thereof;
 - (g) A mortar or other explosive device;
 - (h) A grenade; or
 - (i) An incendiary.
- (6)(4) A person shall not:
 - (a) Leave spent cartridge cases or litter on the range;
 - (b) Point a firearm in an unsafe direction or otherwise carelessly handle a firearm; or
 - (c) Use a shooting range at any time or in any manner inconsistent with department-posted signage or department group permit pursuant to 301 KAR 3:010.
- (7)(5) A person under the age of sixteen (16) shall not discharge a firearm on a shooting range unless under the direct supervision of a person at least eighteen (18) years old.
- (8)(6) A person actively engaged in shooting or a spectator shall not go beyond the firing line without first clearly communicating to all other shooters to cease fire.
- (9)(7) Upon hearing a cease fire command, seeing a person move beyond the firing line, or seeing another unsafe condition[or seeing a person move beyond the firing line], a person shall:
 - (a) Immediately cease firing;
 - (b) Unload all firearms;
 - (c) Leave the action open, with the safety in the "on" position if the firearm has a safety mechanism, on all firearms;
 - (d) Place all firearms:
 - 1. In a holster;
 - 2. On a table at the shooting station; or
 - 3. On the ground; and
 - (e) Not handle a firearm while a person is beyond the firing line.
- (10)(8) There shall not be more than one (1) person at a shooting station at the same time, unless one (1) person is an instructor and the other is a student.
- (11)(9) A person shall immediately obey the range officer's command.
- (12)(10) Any spectator and a person handling a firearm shall wear protective eye and ear wear.
- (13)(11) Each person shall be limited to one (1) hour of shooting time if anyone is waiting to use the shooting range.
- (14)(12) If a scheduled event or department maintenance activities preclude open public use of a shooting range, then the department shall notify the public by:
 - (a) Posting the closure on the department's Web site at fw.ky.gov; and
 - (b) Posting a notice at the shooting range or a kiosk or bulletin board on the department-managed area.
- (15)(13) A shooting range may be reserved for group use, if:
 - (a) The group has obtained a department group[event] permit pursuant to 301 KAR 3:010; and
 - (b) The group designates a range officer who shall oversee the event and ensure that all participants are in compliance with this administrative regulation.

Section 3.Section 4. Special Shooting Range Requirements.

- (1) In addition to the general shooting range requirements established in Section 2[3] of this administrative regulation, a person shall comply with the special shooting range requirements established in subsections (2) through (8) of this section.
 - (2) A person using a tube range shall only:
 - (a) Shoot from a designated shooting station;
 - (b) Shoot a firearm through the tube provided at a shooting station;
 - (c) Use the department-provided target frames;
 - (d) Place target frames in the ground inserts provided on the tube range; and
 - (e) Attach paper targets to the target frames.
 - (3) A person using a tube range shall:
 - (a) Not shoot a pistol;
 - (b) Close tube doors when any person is downrange of the firing line;
 - (c) Not smoke or have any open flame;
 - (d) Not shoot at any objects on the ground; or
 - (e) Not use the range on a Monday, except if participating in a department-approved event pursuant to 301 KAR 3:010.
 - (4) A person may target shoot on a club-operated shooting range on Curtis Gates Lloyd WMA, Jones-Keeney WMA, Miller Welch-Central Kentucky WMA, and West Kentucky WMA if the person:
 - (a) Attends a [regularly]–scheduled event coordinated and sponsored by a department-authorized club;
 - (b) Complies with the requirements of this administrative regulation and posted signage on the area; and
 - (c) Complies with the rules of operation established by the club and the club's range officer.
 - (5) On a club-operated shooting range, a club or organization shall:
 - (a) Comply with all WMA group[event] permit requirements pursuant to 301 KAR 3:010;
 - (b) Post all approved event dates and times that are open to the public:
 - 1. In the WMA clubhouse, if present;
 - 2. On a WMA bulletin board or kiosk; and
 - 3. On the department's website[Web site] at fw.ky.gov; [; and]
 - (c) Provide a range officer who shall oversee each event to ensure that all participants shall be in compliance with the requirements of this administrative regulation; and [;
 - (d) Submit required reporting information to Kentucky Department of Fish and Wildlife Resources pursuant to 301 KAR 3:010.
 - (6)(7) [A person who is using an archery and crossbow range shall only use:]
 - (a) [The department-provided targets; and]
 - (b) [Broadhead-tipped arrows or crossbow bolts on department-provided broadhead targets, and in compliance with area signage.]
 - (6)(7) A person using a pistol pit shall:
 - (a) Only shoot from a designated firing line;
 - (b) Only use department-provided target frames;
 - (c) Only attach paper targets to the target frames;
 - (d) Only use single projectile ammunition;
 - (e) Not shoot any firearm except a pistol;
 - (f) Not shoot at any objects on the ground; and
 - (g) Not use the range on a Monday, except when participating in a department-approved event pursuant to 301 KAR 3:010.
 - (7)(8) A person using a self-service trap shooting range shall:
 - (a) Only use a shotgun with shotshells containing multiple projectile pellets no larger than number two (2);
 - (b) Provide clay targets and portable target throwers; and
 - (c) Not target shoot anywhere except at a designated self-service trap shooting station.

Approved by the Fish and Wildlife Commission

FILED WITH LRC: December 8, 2025

CONTACT PERSON: Jenny Gilbert, Legislative Liaison, Kentucky

Department of Fish and Wildlife Resources, 1 Sportsman's Lane, Frankfort, Kentucky 40601; phone (502) 564-3400, fax (502) 564-0506, email fwpubliccomments@ky.gov.

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Criminal Justice Training
(As Amended at ARRS, December 8, 2025)

503 KAR 3:010. Basic law enforcement training course recruit conduct requirements; procedures and penalties.

RELATES TO: KRS Chapter 13B, 15A.070(1), 15.380 to 15.404~~[(1)]~~503 KAR 1:110

STATUTORY AUTHORITY: KRS 15A.070~~(1)~~(5)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) requires the department[Department of Criminal Justice Training] to establish, supervise, and coordinate training programs and schools for law enforcement personnel. KRS 15A.070(5) authorizes the commissioner of the department[Department of Criminal Justice Training] to promulgate administrative regulations. This administrative regulation establishes conduct requirements of recruits attending basic law enforcement training courses conducted by the department[Department of Criminal Justice Training], procedures for disciplinary action, and penalties for violations of conduct requirements.

Section 1. [Uniforms,] Operator's License[,] and Criminal History Records Check Required.

(1) A recruit shall [:]

[(a)] [Provide the uniforms required in Section 6(8) of this administrative regulation; and]

[(b)] present proof of a valid motor vehicle operator's license to the class administrator prior to participating[participate] in the basic training course.

(2) Prior to the recruit participating in the basic training course, the recruit's employing law enforcement agency shall submit Form 151, Applicant Confirmation, to the department stating that:

(a) A criminal history check, in accordance with KRS 15.382(5) and (6)[503 KAR 1:140, Section 4(1)(f) and (2)], has been conducted within ninety (90) days before the recruit attends basic law enforcement [basic] training; and

(b) The recruit is not prohibited by state or federal law from:

1. Possessing a firearm; or

2. Accessing the Criminal Justice Information System (CJIS) or any other restricted records database.

(3) If the recruit has been in precertified status, pursuant to KRS 15.386(1), for less than ninety (90) days before participating in[arriving for]the basic law enforcement [basic] training course, an additional criminal records check shall not be required of the employing law enforcement agency.

Section 2. Removing a Recruit from the Course.

(1) Unqualified recruit. If a recruit is not qualified to participate in the basic training course under subsection (3) of this section, the recruit[he] shall:

(a) Be removed from basic training by the[:]

[4.] commissioner or designee; and[:]

[2.] [Director:]

[3.] [Branch manager; or]

[4.] [Section supervisor; and:]

(b) Not receive [no] credit for [the part of the course he has] completed portions of basic law enforcement training course.

(2) If a recruit is removed from training, pursuant to subsection (1) of this section, within thirty (30) days of the removal, he or she

may request in writing an administrative hearing, which shall comply with KRS Chapter 13B.

(3) A recruit shall be considered unqualified if[he]:

(a) [Or his law enforcement agency files] An incomplete or fraudulent application to attend basic training is filed;[or]

(b) There is a failure [Otherwise fails] to comply with admissions requirements in KRS 15.382 and this administrative regulation[and 503 KAR Chapter 3, including Form 151 required in Section 1(2) of this administrative regulation]; or

(c)[(b)] The recruit:

1. Is not presently employed as a law enforcement officer and has not received special permission to attend;

2. [(e)] Is[Arrives at the beginning of basic training] physically unable to participate due to [because of:]

[1.] physical injury[; or]

[2.] [Being under the influence of alcohol or drugs (prescription or illegal); or]

3.] the recruit's failure of the physical training entry requirements established as found in 503 KAR 1:110 and 503 KAR 1:140 if the recruit is required to complete basic training [in order] to fulfill the peace officer certification provisions established as found in KRS 15.380 to 15.404; or

3. [(d)] Was the subject of[Has had prior] disciplinary action initiated during a previous DOCJT training course[while at DOCJT] which has not been resolved or would preclude[prevent] participation[; (expelled or suspended from training), or has a pending disciplinary action which was initiated during a previous DOCJT training course; or]

[(e)] [Is unprepared to participate in training due to his arrival without the required equipment, license, uniform, or preparation;]

(4) Agency's request: The department shall remove a recruit from the basic law enforcement training course upon the department's receipt of a written request from the recruit's employing law enforcement agency. Depending on the circumstances, the recruit may not[shall] receive [no] credit for the completed portions[part] of the basic law enforcement training course.[course he has completed.]

Section 3. Recruit Performance Report.

(1) In order To keep the recruit's employing law enforcement agency advised of the recruit's progress and performance in basic law enforcement training so that the agency may adequately assess the recruit's ability to perform required duties, the department shall provide the following to the police chief, sheriff, or chief administrator of the recruit's employing law enforcement agency:

(a) Recruit performance report which shall be completed at least three (3) times throughout the basic law enforcement training course and shall include recruit conduct, attitude, appearance, relationship with others, communication skills, examination scores, and leadership status; and

(b) Immediate notice of specific nonperformance or lack of progress.[:]

(2) The recruit and the recruit's employing law enforcement agency head or designee shall have access to the recruit's training record without filing an open records request pursuant to KRS 61.870 through KRS 61.884.

Section 4. Authority to Impose Discipline.

(1) A recruit may receive a verbal warning from a department instructor, section supervisor, branch manager, division director, or the commissioner or designee without meeting the requirements of formal discipline procedures established in[provide by] Sections 24 through 28 of this administrative regulation.

(2) A recruit may receive a written reprimand or loss of privileges from a section supervisor, branch manager, division director, or the commissioner or designee without meeting the requirements of the formal disciplinary procedures established in[provided by] Sections 24 through 28 of this administrative regulation.

(3) Before the penalty set out in subsection (1) or (2) of this section[above] may be imposed, the recruit shall have an opportunity to be given an explanation.

(4) Any penalty set out in subsection (1) or (2) of this section[above] that is imposed on a recruit shall be reviewed by

and may be rescinded or modified by the immediate supervisor of the staff member that imposed the penalty.

(5) The recruit shall have the opportunity to give an explanation to the reviewing immediate supervisor.

(6) Only the commissioner or designee may impose any penalty on a recruit for criminal conduct and for all conduct for which a suspension or expulsion is allowed after an investigation has been conducted.

Section 5. Uniforms and Hygiene.

(1) A recruit shall wear the required uniform and practice good personal hygiene while participating in the basic law enforcement training course. Exceptions shall be approved in advance by the branch manager.

(2) The recruit shall acquire all necessary uniforms and wear them as required by the department.

(a) Navy blue utility uniforms shall be:

1. Clean, pressed, and in good condition;

2. Appropriately sized to fit the recruit and not excessively loose or tight;

3. Worn over a clean white or department-issued tee-shirt, visible at the neck; and

4. Worn with a wide black police-type belt, clean black police-type footwear, black or navy blue socks, and when outdoors, a department-issued cap.

(b) The recruit may wear one (1) watch and one (1) ring. A wedding and engagement ring worn together shall be considered one (1) ring.

(c) A name tag, provided by the department, shall be worn on the left shirt-pocket flap.

(d) Sleeves on winter shirts shall not be rolled up outside the classroom.

(e) A physical fitness uniform shall be provided by the recruit and shall consist of solid dark blue athletic shorts, solid dark blue sweatshirt and sweatpants, solid white athletic socks, and a pair of athletic shoes. A department-issued tee-shirt shall be worn during physical training.

(f) Optional clothing may be worn during a training activity if authorized by the instructor.

(3) Grooming:

(a) A recruit may wear a neatly trimmed mustache, if allowed by the recruit's employing law enforcement agency.

(b) A recruit's hair shall be clean, neat, kept off the collar, and shall not obstruct the recruit's vision.

(4) The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 6. Accommodations.

(1) The department may authorize a recruit to commute to the basic law enforcement training course.

(a) Authorization to commute shall be contingent on the following:

1. Written authorization from the police chief, sheriff, or chief administrator of the recruit's employing law enforcement agency prior to the recruit's participation in the basic law enforcement training course, which may be revoked at any time at the discretion of the recruit's employing law enforcement agency;

2. Approval of the commissioner or designee based on the needs of the department; and

3. The recruit's continued compliance with the requirements set forth in KRS 15.382 and this administrative regulation.

(b) The recruit's authorization to commute to the basic law enforcement training course shall be terminated upon the recruit's second absence or third tardy to the basic law enforcement training course.

(c) The department shall not be responsible for any expense incurred by the recruit or the recruit's employing law enforcement agency related to the recruit's commute to and from or between training sites of the basic law enforcement training course.

(d) A recruit that is authorized to commute to the basic law enforcement training course shall receive one (1) meal allowance per day of attendance at the basic law enforcement training course.

(e) If a recruit is required to stay overnight at the basic law enforcement training course due to an exigent circumstance that is

preapproved and documented in writing by the commissioner or designee, the recruit shall be entitled to a meal allowance for dinner the night of the stay and a meal allowance for breakfast the next morning.

(f) Unless an exception is granted by the commissioner or designee, a recruit shall not be authorized to commute to the basic law enforcement training course if:

1. The recruit has had his or her authorization to commute terminated by the recruit's employing law enforcement agency or the department; or

2. The recruit has previously voluntarily elected to discontinue commuting to the basic law enforcement training course.

(2) If a recruit resides in a residence hall designated by the department, including a hotel or other department-funded accommodation, the recruit shall:

(a) Report and return to the recruit's residence hall by curfew times designated by the coordinator, Sunday through Thursday evenings, and remain there until 5:00 a.m. the next morning. Exceptions shall require approval from the class coordinator or above. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;

(b) Clean the recruit's area as directed by the coordinator. The eligible penalties shall be verbal warning or written reprimand;

(c) Keep doors of the recruit's room locked whenever the room is unoccupied. The eligible penalties shall be verbal warning or written reprimand;

(d) Not use hot plates or other table-top cooking surfaces not pre-installed in the residence hall by the department, hotel, or other department-funded accommodation. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;

(e) Not allow a visitor in the recruit's room, unless authorized by the class coordinator. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;

(f) Not keep pets or animals of any kind in the recruit's room, except ADA-defined service animals with advanced, written approval from the commissioner or designee. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges;

(g) Not engage in dangerous or disruptive behavior. The eligible penalties shall be verbal warning, written reprimand, loss of privileges, or suspension; and

(h) Submit to inspections of residence hall rooms, closets, and containers therein by department staff. The eligible penalties shall be verbal warning, written reprimand, or loss of privileges.

Section 7. Department Property.

(1) A recruit shall:

(a) Not damage, destroy, or fail to return property of the department or any other facility used by the department;

(b) Use department property in a manner that conserves resources and avoids waste; and

(c) Not use department property for personal benefit or gain.

(2) A recruit shall not be allowed to graduate until the recruit has returned all issued items or made satisfactory arrangements to pay for unreturned or damaged items.

(3) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 8. Absences.

(1) A recruit shall:

(a) Be considered tardy if the recruit is not physically present at a class or other required department activity for fewer than ten (10) minutes.

(b) Be considered absent if the recruit is not physically present in a class or other required department activity for ten (10) or more minutes; and

(c) Give advance notice of an absence or tardy, if possible.

(2) Excused absence or tardy.

(a) An absence or tardy may be excused if due to:

1. Illness;

2. Illness of an immediate family member;

3. Death of an immediate family member;

4. Necessity of the recruit's agency; or

5. Emergency circumstances.

(b) The determination as to whether an absence or tardy is excused shall be made by the section supervisor or branch manager.

(c) If a recruit's absence is excused, the recruit shall make up for the absence by completing an assignment provided by the instructor who taught the missed unit. Failure to make up the work shall be deemed a failure for that missed unit.

(d) If a recruit's absence is excused and the recruit misses more than ten (10) percent of the total hours of the basic law enforcement training course, the recruit shall be provided an opportunity to make up the missed hours through completing the missed assignment or, if necessary, alternative assignments assigned by the instructor, if feasible, or withdrawn from the basic law enforcement training course and reenrolled in a subsequent class beginning at the point at which the recruit was first absent. The period for reenrollment in a subsequent class shall not exceed six (6) months from the date of the class from which the recruit was withdrawn unless an exception is approved by the commissioner or designee.

(3) Unexcused absence or tardy.

(a) If a recruit's tardy is unexcused the eligible penalties shall be verbal warning or written reprimand.

(b) The eligible penalties for an unexcused absence shall be verbal warning, written reprimand, loss of privileges, or suspension.

(c) If a recruit's absence is unexcused and the recruit misses more than five (5) percent of the total hours of the basic law enforcement training course, the recruit shall be withdrawn from the basic law enforcement training course and receive no credit for completed training.

Section 9. Tobacco, Food, and Drink Products.

(1) A recruit shall not possess tobacco products while on department property or other facility used by the department.

(2) A recruit shall not bring food or drink into a basic law enforcement training course activity unless so permitted by the branch manager or above.

(3) The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 10. Electronic Devices. A recruit shall not possess any personal electronic devices, including any type of smart device, during scheduled training hours unless written permission is granted by the class coordinator. The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 11. Alcohol. A recruit shall not possess, consume, or be under the influence of alcoholic beverages while present at the basic law enforcement training course, or participating in basic law enforcement training course activities. Any alcoholic beverage and its container shall be confiscated. The eligible penalties for a violation of this section shall be written reprimand, loss of privileges, suspension, or expulsion.

Section 12. Controlled Substances.

(1) A recruit shall not possess or consume any controlled substance, not prescribed or certified by a qualified medical professional, while present at the basic law enforcement training course or participating in basic law enforcement training course activities. The eligible penalties shall be suspension or expulsion.

(2) A recruit shall advise the class coordinator or the section supervisor and the recruit's employing law enforcement agency in writing prior to the recruit's use of a controlled substance, medical cannabis, or any medication that could impair their judgment or compromise safety at the basic law enforcement training course. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, or suspension.

(3) If a recruit is under the influence of a controlled substance to the extent that the recruit may be impaired or may endanger him or herself or other persons or property the recruit shall not participate in any basic law enforcement training course activity.

Section 13. Deadly Weapons. A recruit shall not possess deadly weapons (as defined in KRS 500.080), ammunition, destructive devices (as defined in KRS 237.030), booby trap devices (as defined in KRS 237.030), hazardous substances (as defined in KRS 224.1-

400), fireworks, knives (except an ordinary pocketknife), or instruments used by law enforcement for control purposes (including such as batons, stun guns, Mace, and pepper spray) on property used by the department except under circumstances specifically authorized by the department. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 14. Dangerous or Disruptive Conduct.

(1) A recruit shall not threaten to engage in, or engage in, any conduct that reasonably creates, or may create, a risk of injury to self or others.

(2) If the conduct or condition of a recruit constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of a department activity, a department staff member may take reasonable steps necessary to resolve the situation.

(3) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, or suspension or expulsion.

Section 15. Chain of Command. All communications shall follow chain of command of the department. Exceptions are the unavailability of a supervisor or the recruit's complaint regarding a supervisor. The eligible penalties for a violation of this section shall be verbal warning or written reprimand.

Section 16. Insubordination. A recruit shall obey an instruction from a department staff member unless the recruit has a reasonable basis for belief that the order is unlawful or contrary to regulations. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, or suspension.

Section 17. Obscene Material. A recruit shall not possess obscene material as defined in KRS 531.010. The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 18. Sexual Harassment.

(1) Unwelcome sexual advances; requests for sexual acts or favors, with or without accompanying promises, threats, or reciprocal favors or actions; or other verbal or physical conduct of a sexual nature that creates or has the intention of creating a hostile or offensive working environment are prohibited.

(2) Complaints of sexual harassment shall be promptly investigated, and all recruits shall be free from all reprisal or retaliation for filing sexual harassment (such) complaints.

(3) Further, all recruits are assured that they shall/will be free from all reprisal and retaliation for participating in an investigation of sexual harassment.

(4) Any recruit who is made aware of a complaint of sexual harassment while enrolled in basic training has a duty to immediately notify the class coordinator or section supervisor. If the section supervisor is the subject of the problem, the recruit shall immediately notify the branch manager.

(5) Recruits may also bring the complaint to the attention of the agency human resources administrator or EEO Coordinator, or the State EEO Coordinator at (502) 564-8000.

(6) The privacy of the complainant and the person accused of harassment shall be protected to the fullest extent permitted by law.

(7) A recruit who makes an oral report under this section shall be advised that the report shall/will be documented in writing by department staff.

(8) If the investigation reveals that the complaint appears to be valid, appropriate corrective action shall/will be taken to stop sexual harassment and prevent its recurrence.

(9)(8) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 19. Criminal Conduct.

(1) While enrolled in a basic law enforcement training course, if a recruit is convicted of, charged with, or under investigation for a felony, the commissioner or designee shall determine the penalty

after consultation with the investigating or prosecuting agency, and the recruit's agency. Depending on the nature of the conduct and whether the recruit is convicted of charged with, or under investigation for a felony, the recruit shall be penalized by suspension or expulsion.

(2) While enrolled in a basic law enforcement training course, if a recruit is convicted of, charged with, or under investigation for a misdemeanor or violation, the commissioner or designee shall determine the penalty after consultation with the investigating or prosecuting agency, and the recruit's agency. Depending on the nature of the conduct and whether the recruit is convicted of, charged with, or under investigation for a misdemeanor or violation, the recruit shall be penalized by a verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 20. Other Conduct.

(1) A recruit shall refrain from:

- (a) Vulgarity, rudeness, confrontation, dishonesty, or other disrespectful conduct directed toward a department staff member, guest, or other recruit;
 - (b) Conduct that is patently offensive;
 - (c) Conduct that creates a disruptive learning environment; and
 - (d) Knowingly and purposely filing a false complaint.
- (2) The eligible penalties for a violation of this section shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 21. Classroom Activities.

(1) A recruit shall be attentive during training activities. The eligible penalties shall be verbal warning or written reprimand.

(2) A recruit shall not take a break without permission or in an area restricted by the department. The eligible penalties shall be verbal warning or written reprimand.

(3) Insufficient performance of assignments.

(a) A recruit shall not submit for credit an assignment that is incomplete or does not meet the standards established for that assignment. Incomplete work includes a recruit's refusal to participate in group assignments or a required task. The eligible penalties shall be written reprimand, loss of privileges, or suspension.

(b) A recruit shall not represent as their own work and submit for credit any written material or other tangible deliverable created in whole or in part by another unless it is a joint project. The eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

(c) A recruit shall not submit any plagiarized materials for credit. Plagiarism is using the work, words, or ideas of another without attribution. The eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

(d) A recruit shall not submit for credit unprofessional work product that is patently offensive or presented to others with the intent to offend. The eligible penalties shall be written reprimand, loss of privileges, suspension, or expulsion.

(4) A recruit shall not cheat or attempt to cheat on a test or on any other assignment or activity. The eligible penalties shall be verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

Section 22. Penalties for Misconduct.

(1) The penalties established in this section shall apply to a recruit's failure to meet conduct requirements of the department and shall be applied depending on the frequency and severity of the violations.

(a) Verbal warning. The recruit is warned verbally that he or she has violated a conduct requirement.

(b) Written reprimand. The recruit is reprimanded in writing for violating a conduct requirement.

(c) Loss of privileges. The recruit's privileges as specified in the imposed penalty are rescinded for a stated period. The recruit's participation in basic law enforcement training course activities shall not be affected.

(d) Suspension. The recruit is suspended from the basic law enforcement training course for a period specified by the

commissioner or designee and privileges are rescinded during the suspension period.

(e) Expulsion. The recruit is dismissed from the basic law enforcement training course, all privileges are terminated, credit shall not be awarded for the completed portion of the course, and the recruit shall not return to the basic law enforcement training course for a period of two (2) years unless the recruit obtains permission from the commissioner or designee.

(2) Second and subsequent violations.

(a) If a recruit has received a penalty for violating a conduct requirement, for a second violation of any conduct requirement, the next higher penalty shall be added to the list of penalties that may be imposed for the second violation.

(b) If a recruit has previously received two (2) penalties for violating two (2) conduct requirements, for a third or subsequent violation of any conduct requirement, the next two (2) higher penalties shall be added to the list of penalties that may be imposed for the third or subsequent violation.

(3) Notice of disciplinary action.

(a) The department shall give written notice to a recruit and his or her agency of any penalty imposed upon the recruit.

(b) If the penalty exceeds Summary Discipline as defined in Section 23 of this administrative regulation, the department shall provide verbal notification of the proposed disciplinary action to the recruit's agency head prior to written notice.

(4) Discipline records. A copy of any disciplinary notice and penalty imposed on a recruit shall be placed in the recruit's basic training file.

Section 23. Summary Discipline.

(1) Summary discipline includes a verbal warning, written reprimand, and loss of privileges.

(2) A department instructor may summarily impose a verbal warning, and a section supervisor or above may summarily impose a verbal warning, written reprimand, or loss of privileges without meeting the requirements of a formal disciplinary procedure provided by Sections 24 through 28 of this administrative regulation.

(3) To have authority to impose summary discipline, the staff member shall believe by a preponderance of the evidence that the recruit has engaged in misconduct.

Section 24. Complaint. Anyone having reasonable grounds for believing that a recruit has violated a conduct requirement identified in this administrative regulation may file a complaint with the section supervisor or branch manager. This complaint shall be in writing setting forth the facts upon which the complaint is based.

Section 25. Investigation.

(1) If the section supervisor or above receives a complaint of or witnesses apparent misconduct, the section supervisor or other department employee designated by the commissioner or designee shall take statements and otherwise investigate the matter. A notice of investigation shall be provided to the recruit.

(2) After investigating the matter, the section supervisor shall, with the concurrence of their branch manager:

(a) Take no action if none is justified by the evidence;

(b) Impose appropriate summary discipline; or

(c) File, with the commissioner or designee, a written request that charges be brought against the recruit. The request for charges shall describe the alleged misconduct and designate the specific conduct requirements violated. All pertinent evidence and documents, including the complaint and statements of the recruit and witnesses, shall be included.

Section 26. Review by Commissioner.

(1) The commissioner or designee shall review the request for charges and the supporting evidence and documents.

(2) The commissioner or designee may make or cause further inquiry into the matter for additional information.

(3) The commissioner or designee shall:

(a) File any charges against the recruit the commissioner or designee believes are justified by the evidence; or

(b) Deny the request for charges if the evidence does not support any charges. If the commissioner or designee declines to

file charges, the commissioner or designee shall provide the recruit with a statement of the reasons for not filing charges.

(4) The charging document shall:

(a) Be in writing;

(b) Particularly describe the alleged misconduct to reasonably inform the recruit of the nature of the allegation;

(c) State the time, date, and place the recruit shall make an initial appearance before the commissioner or designee to answer the charges;

(d) Be signed by the commissioner or designee;

(e) Be served upon the recruit at least one (1) hour before his initial appearance before the commissioner or designee; and

(f) State the recruit's right to be represented by legal counsel.

Section 27. Removal from the Basic Law Enforcement Training Course Pending an Initial Appearance before the Commissioner. If a request for charges is filed against a recruit, the commissioner or designee may remove the recruit from some or all training until the recruit's initial appearance before the commissioner or designee, if there are grounds to believe the alleged misconduct took place; and

(1) The commissioner or designee has reasonable suspicion to believe the recruit would be dangerous or disruptive if not removed; or

(2) The recruit may be charged with misconduct serious enough to authorize suspension or expulsion.

Section 28. Initial Appearance before the Commissioner.

(1) The initial appearance before the commissioner or designee shall be held no more than three (3) training days after the charges have been served on the recruit. If the recruit, after receiving proper notice, fails to appear, the commissioner or designee may proceed in the recruit's absence and the recruit shall be notified in writing of any action taken.

(2) At the initial appearance before the commissioner or designee:

(a) The commissioner or designee shall:

1. Read the charges to the recruit; and

2. Explain to the recruit:

a. The charges;

b. The recruit's right to a hearing in accordance with KRS Chapter 13B; and

c. The recruit's right to be represented by legal counsel.

(b) The commissioner or designee shall explain to the recruit the possible answers to the charges including:

1. Admit the charges are true;

2. Deny the charges are true but waive a hearing; or

3. Deny the charges are true and ask for a hearing.

(c) The commissioner or designee shall advise the recruit of the penalty which shall be imposed if the recruit admits the charges or waives a hearing.

(d) The recruit shall be requested to answer the charges.

(e) If the recruit chooses to waive his or her rights and admits the charges or denies the charges but waives a hearing:

1. The recruit shall be permitted to make a statement of explanation; and

2. The commissioner or designee shall impose a penalty.

(f) If the recruit denies the charges and requests a hearing or refuses to answer the charges, the commissioner or designee shall set a date for the hearing. A notice of administrative hearing as required by KRS 13B.050 shall be served on the recruit within forty-eight (48) hours after the initial appearance before the commissioner or designee.

(3) The hearing shall be conducted in accordance with KRS Chapter 13B.

(4) The commissioner or designee may remove the recruit from some or all training until the hearing if:

(a) There are reasonable grounds to believe the recruit would be dangerous or disruptive if not removed; or

(b) The recruit is charged with misconduct serious enough to authorize expulsion or suspension as a possible penalty.

Section 29. Incorporation by Reference.

(1) DOCJT Form 151, "Applicant Confirmation", 2025 Edition, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Criminal Justice Training, Funderburk Building, Kit Carson Drive, Richmond, Kentucky 40475-3102, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the department's website at <https://docjt.ky.gov/>.

FILED WITH LRC: December 8, 2025

CONTACT PERSON: Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, KY 40601, Justice.RegsContact@ky.gov, telephone number (502) 564-8216, facsimile number (502) 564-6686.

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.

EDUCATION AND LABOR CABINET
Department for Libraries and Archives
Archives and Records Management Division
(As Amended at ARRS, December 8, 2025)

725 KAR 1:050. Records management program.

RELATES TO: KRS 13B.140, Chapter 171

STATUTORY AUTHORITY: KRS 171.450(2), 171.520

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 171.450(2) requires [that] the department to [shall] enforce the provisions of KRS 171.410 to [through] 171.740 by appropriate rules [rule] and [promulgation of] administrative regulations. KRS 171.520 requires the department to prescribe [establish] the policies and principles to be followed by state and local agencies in the conduct of their records management programs; [to] to ensure the maintenance and security of records deemed appropriate for preservation; [and] to facilitate the segregation and disposal of records of temporary value and to promote the effective and economical use of space, equipment, and supplies needed for the purpose of creating, maintaining, and servicing records. KRS 171.520 authorizes the department to administer and grant any money appropriated to it for providing and improving records management programs of state and local agencies. This administrative regulation establishes uniform policies in [for] the administration of grants to local governments for the improvement of records management programs.

Section 1. Eligibility of Applicants. Any local government office interested in improving the management and preservation of its public records may apply for a grant under the local records program by completing application forms available through the department [the Local Records Program Grant Application]. For the purposes of this program, a local government office shall mean a conform to the definition of [constitute a] "public agency" as defined by KRS 171.410(4)[61.870(1)].

Section 2. Application Procedures. All applications shall be submitted on the Local Records Program Grant Application portal and include a detailed project description, plan of work, and budget request. Additional guidance is [Supporting documentation, such as the Invitation for Bid Proposal are] established in the Local Records Program Grant Guidelines. Entries on the application form and any required supporting documents shall be [typed and] completed as fully as possible, with additional sheets attached if necessary. In signing the application and in accepting a grant award, applicants agree, in carrying out their projects, to abide by the criteria established in this administrative regulation.

Section 3. Categories for Funding. Any project to improve the management and preservation of local public records shall be considered. Categories for funding include for example:

(1) Security microfilming permanent, vital, or and/or archival records. Security microfilms created with Local Records Program Grant (LRPG) funds shall[must] adhere to the standards and procedures defined in Microfilming and Digital Imaging of Public Records: A Procedural Guide. A certified micrographics laboratory or vendor shall[must] be used. A list of currently certified laboratories may be obtained from the department's website:

(2) Creating digital counterparts or and/or digital indexes of born-analog permanent, vital, or and/or archival records. Digital images or indexes created with LRPG funds shall[must] adhere to standards and procedures described in Microfilming and Digital Imaging of Public Records: A Procedural Guide:

(3) Records preservation, conservation, or restoration projects for at risk or affected permanent, vital, or and/or archival records. These projects shall[should] adhere to current archival best practice and standards. These projects may[can] include, but are not limited to, services to preserve at-risk records or mitigation of existing damage:

(4) Purchasing supplies and equipment that promote preservation, conservation, or restoration of permanent, vital, or and/or archival records, including but not limited to, archival quality boxes and folders, shelving, cabinets, and microfilm readers/scanners:

(5) Establishing a local government records management program or archives. This may include salary for hiring new staff. These funds shall[are] not be designed for ongoing support, and they shall not[cannot] be used to replace salary funds already being expended by a local government. Salary support shall[can] only be used for compensation of wages up to forty (40) hours per week, and shall not[cannot] be used for overtime, taxes, or any other fringe benefits:

(6) Arranging and describing permanent, vital, or and/or archival records, according to generally accepted professional standards of records management and archival theory and practice:

(7) Codification of ordinances, orders, resolutions, motions, and other government documents[etc.] for cities and counties. Codification projects shall[will] adhere to Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients (PM 2021-01); and

(8) Limited records management for records with less than permanent retention[retention(s)] to assist in maintaining usability and accessibility for the entirety of the defined retention period[period(s)]. Records management tasks for these records may include purchase of storage, projects to provide for long-term storage, or access of records with multiple retentions. These projects shall[should] have clearly defined, specific, and time-limited parameters and be recognizable as part of established records management policies, procedures, and goals for the public[local] agency. These funds shall not be used for ongoing records management support.

(1) [Security microfilming vital (critical for the functioning of the office) or historically significant records following the standards and procedures in Microfilming and Digital Imaging of Public Records: A Procedural Guide. Security microfilming carried out with local records grant funds must be done through a micrographics laboratory or vendor certified according to the criteria established in the Microfilming and Digital Imaging of Public Records: A Procedural Guide and officially recognized by the State Libraries, Archives, and Records Commission. A list of the names of currently certified laboratories or vendors may be obtained from the department's web site (<https://kdlr.ky.gov/records/recmgmtservices/Pages/LocalRecordsProgramGrants.aspx>);]

(2) [Rerecording projects, for rerecording damaged records or records now losing their image, using archivally acceptable methods of recording on paper or microfilm;]

(3) [Document preservation projects, to carry out preservation or conservation measures on endangered records of major historical significance;]

(4) [Purchasing document conservation supplies;]

(5) [Establishing a local government records management program or archives. This may include hiring or partially subsidizing the salary of a qualified archivist who will work with department personnel in initiating a specific, time-limited project. Requests for salary support shall be evaluated based on this administrative regulation. These funds are not designed for ongoing support, and they shall not be used to replace salary funds already being expended by the local government. They may be used as short term salary supplements;]

(6) [Arranging and describing archival holdings, according to generally accepted professional standards of records management and archival theory and practice;]

(7) [Purchasing supplies and equipment that promote preservation of or access to archival materials, including acid-free boxes and folders, shelving, and cabinets; and]

(8) [Codification of ordinances for cities and counties, according to procedures in Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients. Funds shall be available for production of initial codes but not for code supplements.]

Section 4. Grant Award Periods. Grants shall be awarded throughout[en] a state fiscal year[basis] on a quarterly schedule as established[set forth] in Section 5 of this administrative regulation.

Section 5. Grant Application Review and Evaluation. All applications shall be reviewed by KDLA staff to ensure compliance with the application requirements established[set forth] in this administrative regulation. All qualified applications shall be reviewed by an Advisory Group of the State Libraries, Archives, and Records Commission using the criteria established[set forth] in this administrative regulation. Applications shall be submitted by March 15, June 15, September 15, and December 31. Ranked recommendations shall be presented to the State Libraries, Archives, and Records Commission at the next regular meeting, or special meeting called to reschedule a regular meeting. [Applications shall be reviewed by the Local Records Grant Review Committee and ranked recommendations shall be presented to the State Libraries, Archives, and Records Commission.] The State Libraries, Archives, and Records Commission shall make the final decision on grant awards using the criteria established in Section 6[5] of this administrative regulation.

Section 6. Grant Review Criteria. In reviewing applications and recommending the funding of specific projects, reviewers shall consider[judge the projects by criteria, which includes]:

(1) If the category for funding fits within the scope of projects outlined in Section 3 of this administrative regulation;[.]

(2) Urgency of the problem, such as significance and age of the records. Precedence shall be given to local government applicants with critical records problems, those with older records, and those with chronologically complete groupings of records;[.]

(3) Value and equity in the distribution of grants. The program shall include various types and sizes of local governments, and provide geographic distribution of grants;[.]

(4) Alignment of the proposed methods with accepted professional standards of records management and archival theories and practices;[.]

(5) Adequate security and protection of records. Local governments shall[should] house records in fire-resistant facilities, or state how the proposed project shall[will] safeguard the records in question pursuant to. (See) KRS 171.710; regarding the safeguarding of public records.;

(6) Compliance with all legal requirements regarding custody and public access. This shall include complying with the requirements of the state's Open Records Law pursuant to [KRS 61.870-876] and providing access to the public in an area with proper security and supervision;[.]

(7) Commitment by the local government to a comprehensive records management program. This shall include regular legal disposition of records in accordance with the records retention schedules covering the records of a local government agency, and may also include files control, segregation of inactive or noncurrent material from active files, selective microfilming if[where]

appropriate[]], and training of records personnel in records management standards;[]]

(8) Ninety (90) percent of the grant funds shall be awarded to county clerks unless insufficient qualified applications are received from county clerks; and]

(9) If the proposed project was [not] previously funded by LRPG,

(4) [Urgency of the problem, such as significance and age of the records. The commission and other evaluation groups shall consider first local government applicants with critical records problems and to those with older records and with chronologically complete groupings of records;]

(2) [Value as a model and type for size and geographical location of the local government. The program shall promote equity in the geographic distribution of grant projects. The program shall include projects in various types and sizes of local governments, with a major goal to provide model projects in all areas of the state;]

(3) [Soundness of the proposed methods. The methods of handling the records shall conform to generally accepted professional standards of records management and archival theory and practice;]

(4) [Commitment of local government resources to the project. The commission and other evaluation groups shall give preference to local governments that commit some local resources to the proposed projects. Support may take the form of adequate office, storage, or working space; personnel; supplies; equipment; or a monetary contribution. Evidence of previous concern or commitment of support to improved local records management and preservation shall also be important factors in the reviewers' evaluation;]

(5) [Commitment by the local government to maintain the program or the lasting benefit of a specific project. This may include provisions for maintaining the accuracy and currency of a grant-funded code of ordinances with annual supplements, providing adequate storage space, designating of a person or persons responsible for maintaining and adding to a local archives, adhering to all standards for archival microfilming, or being willing to assume the cost of future security microfilming of relevant records;]

(6) [Adequate security and protection of records. Local governments shall:]

(a)

[1.] [House records in secure, fire-resistant facilities; or]

[2.] [State how the proposed project will safeguard the records in question.]

(b) [Applicants shall comply with KRS 171.710 regarding the safeguarding of public records;]

(7) [Compliance with all legal requirements regarding custody and public access. This shall include complying with the requirements of the state's Open Records Law (KRS 61.870-876) and providing access to the general public in an area with proper security and supervision; and]

(8) [Commitment by the local government to a comprehensive records management program. This shall include regular legal disposition of records in accordance with the records retention schedules covering the records of a local government agency, and may also include files control, segregation of inactive or noncurrent material from active files, selective microfilming (where appropriate), and training of records personnel in records management techniques.]

Section 7. [Informal] Appeals.

(1) An applicant who believes his or her[their] application was wrongfully denied by[agrieved by a decision of] the State Libraries, Archives, and Records Commission may[shall][may] file an [informal] appeal with the commissioner of the department.

(2) Procedures.

(a) A formal letter of appeal shall be sent via email or postal mail to the commissioner of the department within five (5)[three (3)] working days of receipt of notice of rejection.

(b) The appeal shall include a brief description of why the applicant believes the decision of the State Libraries, Archives, and Records Commission is in error. The decision of[appeal shall be based solely upon alleged error by] the State Libraries, Archives, and Records Commission shall not be overturned unless there is

clear and convincing evidence that the decision violated this administrative regulation. New information shall not be considered in[submitted with] the appeal.

(c) The commissioner of the department shall issue a[make] decision within five (5)[two (2)] working days of receipt of the letter of appeal.

(d) An applicant who is dissatisfied with the commissioner's decision may appeal to Franklin Circuit Court pursuant to KRS 13B.140.

Section 8. Local governments that are awarded grants shall enter into a grant contract with the department. The contract[grant] shall establish performance and reporting requirements. Failure to fulfill the requirements may result in the return of the grant funds to the department and may affect future funding considerations.[shall result in the return of the grant to the department.]

[Section 9.] [Selection of Codification Services Vendors. The department, in approving established codification services vendors to participate in codification work funded with local records grants, shall ensure that basic criteria and professional standards are met. Criteria such as the following shall be used as essential measures to approve prospective codification services vendors:]

(1) [Corporate stability or a history of reliable service, preferably to client governments in Kentucky;]

(2) [Experienced legal and editorial staff conversant with local government law and the technical and editorial requirements to be met in producing accurate, usable codes of ordinances;]

(3) [Access to online statutory databases; and]]

(4) [[[5] The ability to provide code supplement services on a continuing basis.]

[Section 10.] [Codification Services Vendor Applications from prospective codification services vendors shall be reviewed by the State Libraries, Archives, and Records Commission using the criteria established in Section 9 of this administrative regulation.]

Section 9.[Section 11.] Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Local Records Program Grant Guidelines", June 2025["Local Records Program Grant Application", October 2021;]

(b) "Microfilming and Digital Imaging of Public Records: A Procedural Guide", June 2025; and["Invitation for Bid Proposal", October 2021;]

(c) "Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients, PM 2021-11", November 2021["Local Records Program Grant Guidelines", November 2021;]

(d) ["Microfilming and Digital Imaging of Public Records: A Procedural Guide", January 2010;]

(e) ["Policy Memorandum on Approved Codification Services Vendors and Codification Grant Applicants/Recipients, PM 2021-11", November 2021; and]

(f) ["Codification Services Vendor Application", December 2021;]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, Monday through Friday, 9 a.m. to 4 p.m.

(3) This material may also be obtained on the department's website at <https://kdlr.ky.gov/Policies/Pages/default.aspx>.

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CONTACT PERSON: Drew Preston, Local Records Branch Manager, Kentucky Department for Libraries and Archives, 300 Coffee Tree Road, Frankfort, Kentucky 40601, phone (502) 330-4986, andrewd.preston@ky.gov.

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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.

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Property and Casualty Insurance
(As Amended at IJC on Banking and Insurance, December 17, 2025)

806 KAR 2:210. Eligibility requirements for contractors and evaluators in the Strengthen Kentucky Homes Program.

RELATES TO: KRS 304.1-050, 304.2-450

STATUTORY AUTHORITY: 304.2-450

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-450 requires[authorizes] the commissioner to promulgate administrative regulations to establish [any] rules and eligibility requirements that are necessary for the proper implementation and administration of the Strengthen Kentucky Homes program. This administrative regulation establishes the eligibility requirements for contractors and evaluators to participate in the Strengthen Kentucky Homes Program which are necessary to carry out the provisions of KRS 304.2-450, relating to the Strengthen Kentucky Homes Program.

Section 1. Definitions.

(1) "Applicant" means a real property owner seeking, or who has been approved for, a financial grant pursuant to KRS 304.2-450.

(2) "Commissioner" is defined by KRS 304.1-050(1).

(3) "Contractor" or "SKH approved contractor" means a person certified to act as a contractor by IBHS and who is approved to work with the SKH program pursuant to this administrative regulation806 KAR 2:210.

(4) "Department" means the Kentucky Department of Insurance as defined by[in] KRS 304.1-050(2).

(5) "Evaluator" or "SKH approved evaluator" means a person certified to act as an evaluator by IBHS and who is approved to work with the SKH program pursuant to this administrative regulation806 KAR 2:210.

(6) "IBHS" means the Insurance Institute for Business and Home Safety.

(7) "IBHS FORTIFIED Designation Certificate" means a certificate issued by IBHS upon successful completion of a FORTIFIED project.

(8) "SKH" means the Strengthen Kentucky Homes Program as established by KRS 304.2-450.

Section 2. Contractor Eligibility. To be eligible to work as an SKH approved contractor, a person[contractor] shall:

(1) Be in good standing with IBHS;

(2) Comply with all the requirements as set forth in the FORTIFIED Home Roofing Contractor Handbook;

(3) Execute a Certified FORTIFIED Roofing Contractor Agreement with IBHS;

(4) Maintain all required state or jurisdictional business licenses[license(s)] or work permits required by Kentucky law;

(5) (3) Maintain an in-force General Liability policy with \$1,000,000 in liability coverage;

(6) (4) Comply with all state and federal Worker's Compensation laws;

(7) (5) Obtain a Letter of Good Standing from the Kentucky Department of Revenue;

(8) (6) Complete SKH mitigation projects within the time frame set forth in 806 KAR 2:200, Section 5(7); and

(9) (7) Create an account and submit to the Department the following through the SKH online portal at <https://skh.doi.ky.gov>:

(a) An active IBHS-Certified FORTIFIED Roofing Contractor Certificate;

(b) Evidence of an in-force General Liability policy with \$1,000,000 in liability coverage; and

(c) A Letter of Good Standing from the Kentucky Department of Revenue.

Section 3. Evaluator Eligibility. To be eligible to work as an SKH approved evaluator, a person[an evaluator] shall:

(1) Be in good standing with IBHS;

(2) Comply with all the requirements as set forth in the Certified FORTIFIED Evaluator Handbook;

(3) Execute a Certified FORTIFIED Home Evaluator Agreement with IBHS;

(4) Maintain all required state or jurisdictional business licenses[license(s)] or work permits required by Kentucky law;

(5) (3) Maintain an in-force surety bond in the amount of \$50,000;

(6) (4) Obtain a Letter of Good Standing from the Kentucky Department of Revenue; and

(7) (5) Create an account and submit to the Department the following through the SKH online portal at <https://skh.doi.ky.gov>:

(a) An active IBHS-Certified FORTIFIED Home Evaluator Certificate;

(b) Evidence of an in-force surety bond in the amount of \$50,000; and

(c) A Letter of Good Standing from the Kentucky Department of Revenue.

Section 4. Conflict Prohibition.

(1) Contractors and evaluators shall not have a financial interest in any project for which they perform work toward a FORTIFIED designation other than for payment for actual work performed on behalf of the applicant.

(2) Contractors and evaluators shall not act as both the contractor and evaluator for a FORTIFIED designation on any project funded through SKH.

(3) Both contractors and evaluators shall report, in writing to the Department, any potential conflicts of interest which may violate this section before work commences on any job funded through SKH.

Section 5. Kentucky Resident Preference. Contractors and evaluators who reside in Kentucky shall[may] be [granted a preference such as being] designated as a Resident Preferred Contractor or Resident Preferred Evaluator on the SKH website available at <https://skh.doi.ky.gov>.

Section 6. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "FORTIFIED Home Roofing Contractor Handbook", (2025-1[2024] Edition);

(b) "Certified FORTIFIED Roofing Contractor Agreement", (2021 Edition);

(c) "Certified FORTIFIED Evaluator Handbook", (2023 Edition); and

(d) "Certified FORTIFIED Home Evaluator Agreement", (2023 Edition).

(2) This material may be inspected, copied or obtained, subject to applicable copyright law, at the Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the department's website at: <https://insurance.ky.gov/ppc/CHAPTER.aspx>.

FILED WITH LRC: December 17, 2025

CONTACT PERSON: Shaun T. Orme, Executive Advisor, 500 Mero Street, Frankfort, Kentucky 40601, phone +1 (502) 782-1698, fax +1 (502) 564-1453, email shaun.orme@ky.gov.

**KENTUCKY HORSE RACING AND GAMING
CORPORATION**
**Licensing and Occupations and Administrative
Regulations**
(As Amended at IJC on Licensing, Occupations, and
Administrative Regulations November 20, 2025)

810 KAR 7:060. Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund.

RELATES TO: KRS 138.510, 230.215, 230.225, 230.443, 230.445

STATUTORY AUTHORITY: KRS 230.215(2), 230.260(8), 230.445

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) and 230.260 authorize the corporation to promulgate administrative regulations establishing the conditions under which horse racing shall be conducted in Kentucky and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting. KRS 230.445 [establishes the Kentucky]Quarter Horse,]Paint Horse, Appaloosa, and Arabian development fund and]requires the corporation to promulgate administrative regulations to carry out the purpose of the statute and to administer the Paint Horse, Appaloosa, and Arabian Development Fund in a manner to promote and aid in the development of the horse industry in Kentucky, upgrade the quality of racing in Kentucky, and to improve the quality of horses bred in Kentucky. This administrative regulation establishes eligibility standards, administrative practices to enforce the standards, and the administration of purses and payments related to the Paint Horse, Appaloosa, and Arabian Fund[in these races].

Section 1. Definitions.

(1) "Broodmare" means a mare that conceives and carries her genetic foal to term.

(2) "Donor mare" means the mare from which an embryo is harvested for the purpose of performing an embryo transfer.

(3) "Fund" means the Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund established by KRS 230.445.

(4) "Kentucky bred" means that a horse that meets the requirements of this administrative regulation and is:

[a] A Quarter Horse registered with the American Quarter Horse Association or its successor;

[a] An Appaloosa registered with the Appaloosa Horse Club or its successor;

[b] An Arabian registered with the Arabian Horse Association Registry or its successor; or

[c] A Paint Horse registered with the American Paint Horse Association or its successor.

(5) "Mare" means a broodmare, donor mare, or recipient mare.

(6) "Recipient mare" means a mare of any breed who:

(a) Is implanted with an embryo from a donor mare;

(b) Carries the non-genetic foal to term; and

(c) Is implanted with an electronic horse identification microchip that accurately identifies the horse and is compliant with international standards ISO 11784.

Section 2. Advisory Committee. The fund advisory committee shall consist of five (5) members, all of whom shall be Kentucky residents, to be appointed by the chairman of the corporation by July 1 of each year. The committee shall consist of one (1):

(1) Member of the corporation;

(2) Officer or director of a licensed racing association in Kentucky conducting [Quarter Horse,]Paint Horse, Appaloosa, or Arabian racing;

(3) Owner of a horse nominated to the fund;

(4) Owner of a mare registered with the fund; and

(5) Member of [the] Kentucky Paint, Appaloosa or Arabian[Quarter Horse-Racing] association recommended by that organization's board of directors.

Section 3. Mare Eligibility.

(1) In order for a foal to be eligible to earn money from the fund, the broodmare or both the donor and recipient mares shall be registered with the fund on or before December 31[February 15] of the year of conception. Late registration may be accepted on or before July 1[June 15] of the foaling year [of conception] as established by subsection (3) of this section.

[a] [Registration fees for mares conceiving foals during the 2023 and 2024 breeding seasons shall be waived, and the registration deadlines for each year of conception shall be extended to December 31 of the year of conception, in order to promote field growth.]

[b] [Weanling and all other applicable fees regarding the foals shall remain in effect for all foals, including foals conceived during 2023 and 2024.]

(2) In order to be eligible to be registered with the fund, a mare, whether a broodmare, donor mare, or recipient mare, shall reside in Kentucky for a period of no less than 180[120] days from conception or embryo transfer implantation until foaling.

(3) A mare shall be registered with the fund by:

(a) Completing and filing with the corporation a Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund Mare Registration Form, KHRGC 7-060-1, and accompanying registration fee of:

1. Twenty-five (25) dollars if postmarked by December 31[February 15] of the year of conception; or

2. \$200 if postmarked on or before July 1 of the foaling year[between February 16 and June 15 of the year of conception]; and;

(b) Providing the corporation with a photocopy of:

1. The mare's official breed registration papers from the [AmericanQuarter Horse Association,]American Paint Horse Association, Appaloosa Horse Club, the Arabian Horse Association Registry, or The Jockey Club or their respective successors; or

2. Documentation regarding a recipient mare's electronic horse identification microchip.

Section 4. Nomination.

(1) Except as established in subsection (4) of this section, in order for a horse to be eligible to earn money from the fund, it shall be "Kentucky bred" as defined by Section 1 of this administrative regulation and shall be nominated to the fund by:

(a) Completing and filing with the corporation a Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form, KHRGC 7-060-2, and accompanying registration fee of:

1. Twenty-five (25) dollars to nominate a weanling;

2. \$100 to nominate a yearling; or

3. \$300 to nominate a horse of racing age; and;

(b) Providing the corporation with a photocopy of the horse's official breed registration papers from the [American Quarter Horse Association,]American Paint Horse Association, Appaloosa Horse Club, or the Arabian Horse Association Registry, or their respective successors

(2) In order for a foal that is the product of an embryo transfer to be eligible to earn monies from the fund, the donor mare and the recipient mare shall be registered as established in Section 3 of this administrative regulation and shall meet the other requirements of this administrative regulation.

(3) If a registered donor mare produces more than one (1) foal in one (1) breeding season, two (2) genetic foals may be nominated to the fund as determined by the owner of the donor mare.

(4) [A horse born before 2024 shall be eligible for nomination to the fund and participate in races offering monies from the fund.] A horse shall be nominated by:

(a) Completing and filing with the corporation a Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form, KHRGC 7-060-2, and accompanying registration fee of:

1. Twenty-five (25) dollars to nominate a weanling;

2. \$100 to nominate a yearling; or

3. \$300 to nominate a horse of racing age; and

(b) Including the following with the nomination form:

1. A photocopy of the official breed registration papers from the [American Quarter Horse Association,]American Paint Horse Association, Appaloosa Horse Club, or the Arabian Horse Association Registry, or their respective successors;

2. Registration papers showing ownership and demonstrating that the horse was foaled in Kentucky;

3. An official breed registry shipped semen report or a stallion breeders certificate demonstrating that the horse was conceived in Kentucky; and

4. A signed affidavit from the owner of the mare at the time of her pregnancy stating that the mare resided in Kentucky for a period of no less than 180[120] days from conception or embryo transfer implantation until foaling.

(5) Nothing in this section shall prevent a registered mare from being eligible to race for monies from the fund.

Section 5. Monies Allocated.

(1) Money deposited to the Fund shall be allocated on an equitable basis as determined by the corporation, pursuant to KRS 230.445.

(2) In allocating, the corporation shall consider at least the following factors:

- (a) The amount contributed to the fund by each association;
- (b) The amount of handle collected by each association;
- (c) The breed or breeds approved for racing in Kentucky; and
- (d) The population of horses by breed registered in Kentucky that are registered with the fund.

Section 6. Distribution of Funds.

(1) Each association shall submit a request to the advisory committee, including the proposed races eligible to receive monies from the fund and the proposed purse structure for those races, at least forty-five (45) days prior to the opening day of the live racing meet.

(2) Unless there is a corporation-approved proposal to the contrary, the proposed purse structure shall not exceed the total dollars generated by that breed to the association's fund account. Corporation approval shall be based on the standards established in Section 5(2) of this administrative regulation.

(3) The advisory committee shall review the proposed eligible races and purse structure and make a recommendation whether or not to approve the proposed races and purse structure to the corporation based upon the best interests of Kentucky racing.

(4) Two (2) or more associations conducting [Quarter Horse,]Paint Horse, Appaloosa, or Arabian racing may request permission from the advisory committee to combine their respective fund monies to supplement purses at one (1) of the associations. The advisory committee shall recommend to the corporation whether or not to approve the request, based on Section 5(2) of this administrative regulation.

Section 7. Reconciliation.

(1) Each association shall file weekly with the corporation a copy of the pari-mutuel tax form filed with the Department of Revenue, along with a copy of the check submitted for each report.

(2) Each association shall report to the corporation the actual purse distribution within fifteen (15) calendar days after the last day of a live race meeting.

(3) The corporation shall, on a monthly basis, reconcile the weekly reports submitted by the association with the Department of Revenue's reports and deposits.

(4) If, at the close of a live race meet, an association has a balance of monies earned for that meet that has not been distributed in actual fund purse distribution, then the association may choose one (1) of the following options to distribute the remaining balance, contingent on the recommendation of the advisory committee and the approval of the corporation:

(a) Use fund monies previously earned to supplement purses at future live racing meets held by that association; or

(b) Use fund monies previously earned to supplement purses already distributed at the last live racing meet held by the association to the recipients of the original purse allocations.

(5) If, at the close of a live race meet, an association offering wagering on historical horse races has a balance of fund monies

earned from historical horse race wagers that has not been distributed in actual fund purse distribution, then the association may choose one (1) of the following options to distribute a portion of the balance, contingent on the recommendation of the advisory committee and the approval of the corporation:

(a) Use the historical horse race fund monies previously earned to supplement purses at future live racing meets held by that association;

(b) Use historical horse race fund monies previously earned to supplement purses already distributed at the last live racing meet held by the association to the recipients of the original purse allocations; or

(c) Use historical horse race fund monies previously earned to supplement purses at another licensed Kentucky racetrack.

(6) Reasonable and customary corporation charges for time spent reconciling the account may be charged to each association by the corporation based on the percentage of funds generated by each association for the previous calendar year.

(7) Each association shall sign an agreement stating that it accepts and agrees with the reconciliation prior to reimbursement of any funds.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund Mare Registration Form", KHRGC 7-060-1, November September 2025[04/2023];

(b) "Kentucky [Quarter Horse,]Paint Horse, Appaloosa, and Arabian Development Fund Nomination Form", KHRGC 7-060-2, September 2025[04/2023]; and

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Horse Racing and Gaming Corporation, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the corporation's Web site at <http://khrc.ky.gov>.

*General Reviewer's Note: The "clean-up" changes to form KHRGC 7-060-2 include: (1) revising the deadlines for fees analogous to the deadline changes in the initially filed amendment; (2) revising from 120 to 180 (in two places), the number of days from conception or embryo transfer implantation until foaling (commensurate with the initially filed amendment); (3) correcting the agency name to the new corporation in four places; and (4) updating the agency address.

FILED WITH LRC: November 20, 2025

CONTACT PERSON: Ashleigh Bailey, General Counsel, 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

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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Public Health
Division of Public Health Protection and Safety
(As Amended at ARRS, December 8, 2025)

902 KAR 100:130. Dental.

RELATES TO: KRS 211.842-211.852, 211.990(4), 21 C.F.R. Part 1020[1020.30]

STATUTORY AUTHORITY: KRS 194A.050, 211.090, 211.844
CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: [The Cabinet for Health and Family Services][Human Resources] is authorized by KRS 211.844 requires the Cabinet for Health and Family Services to provide by administrative regulation for the registration and licensing of the possession or use of any sources of ionizing or electronic product radiation and the handling and disposal of radioactive waste. [The purpose of]This administrative regulation establishes the[is to provide special] requirements for the possession, use, and operation of intraoral[intra-oral] dental radiographic x-ray systems.

Section 1. Applicability. This administrative regulation shall apply to dental intraoral[intra-oral] radiographic x-ray systems and to persons, equipment, and materials used in connection with the possession, use, or operation of these systems.

Section 2. Source to Skin Distance. Each radiographic x-ray system designed for use with an intraoral[intra-oral] image receptor shall be provided with a means to limit the source to skin distance to not less than[:]

[(1)] eighteen (18) centimeters[if operable above fifty (50) kilovolts peak; or]

[(2)] [Ten (10) centimeters if not operable above fifty (50) kilovolts peak].

Section 3. Field Limitation. Each radiographic x-ray system designed for use with an intraoral[intra-oral] image receptor shall be equipped[provided] with a means to limit the x-ray beam.

(1) If the minimum source to skin distance [(SSD)] is eighteen (18) centimeters or more, the x-ray field[,-at the minimum SSD,] shall be containable in a circle having a diameter of no more than seven (7) centimeters[,-or]

(2) Circular beams are permitted, but the cabinet recommends the use of rectangular collimation.

(3) The useful beam shall be limited to the area of clinical interest[If the minimum SSD is less than eighteen (18) centimeters, the x-ray field, at the minimum SSD, shall be containable in a circle having a diameter of no more than six (6) centimeters].

Section 4. Operator and Public Protection.

(1) Except for hand-held x-ray systems with integral shields, each installation shall be provided with a protective barrier for the operator or shall be[,-so] arranged so that the operator can conveniently stand[,-in the judgment of the cabinet,] at least six (6) feet[one and eight tenths (1.8) meters] from the patient, the tube housing assembly, and outside the path of the useful x-ray beam while making an exposure.

(2) If six (6) feet cannot be maintained, a barrier shall be provided, with the ability to view the patient, while making the exposure.

(3) The operator shall monitor and secure the area prior to making an exposure near public areas.

(4) In dental facilities using a large, multi-patient open-bay design, a patient in proximity to another patient being radiographed shall be treated as a member of the public.

(5) All public areas shall comply with the applicable requirements of 902 KAR 100:019[if the exposure to the operator is within the limits provided by 902 KAR 100:020, Section 20].

Section 5. Operating Procedures. In performing intraoral[intra-oral] dental radiography, the [following] rules as established in this section shall apply[:]

(1) Patient and image receptor film holding devices shall be used if technique permits[,:]

(2) Except for units designed to be hand-held, the tube housing and position indicating device shall not be hand-held during an exposure.

(3) An[Ne] individual shall not be used routinely to hold the image receptor or patient during a radiation exposure.

(4)

(a) The registrant shall restrict the presence of individuals in the area where[of] the patient is being radiographed.

(b) Parents or guardians may accompany a child or person with special needs.

(c) Those persons present in the area where the patient is being radiographed shall be:

1. Positioned so that no part of their body is exposed to the primary beam; and

2. [be] Protected from secondary radiation by protective lead shielding to not less than 0.25 millimeter lead equivalent material.

(5) A sufficient number of protective apparel (e.g., aprons, gloves, thyroid collars) and auxiliary shields shall be available to provide the necessary radiation protection for all patients and personnel who are involved with x-ray operations.

(a) All protective apparel and auxiliary shields shall be evaluated annually for integrity and clearly labeled with their lead equivalence.

(b) Shielding shall be provided for patients if[when] it will not interfere with the examination.

(c) In accordance with guidance from a qualified expert, registrants implementing dose reduction technologies (e.g., position-indicating device twenty (20) – thirty (30) centimeters(em), rectangular collimation, fast digital image receptors) and procedures, may develop and submit to the cabinet for approval their own policies and procedures regarding human patient protection, exposure of pregnant patients, patient shielding, and patient education.

(6) The registrant shall annually review their radiation protection program in accordance with 902 KAR 100:019, Section 2.

(7) The registrant shall maintain and make available safe operating procedures to include written safety procedures and techniques required for the safe use of the x-ray system.

(8) Image receptors of speeds slower than the American National Standards Institute (ANSI) speed group E/F or D speed shall not be used for intraoral radiography.

(9) Dental fluoroscopy without image intensification shall not be used.

(10) Technique factors and selection criteria shall be appropriate to the age and size of the patient.

(11) The registrant shall maintain a quality control program that complies with 902 KAR Chapter 100[Neither the tube housing assembly nor the position indicating device shall be hand-held during an exposure;]

(3)] [The x-ray system shall be arranged and operated in a manner that the useful beam at the patient's skin does not exceed the dimensions specified in Section 3 of this administrative regulation.]

(4)] [Each patient undergoing dental radiography shall be draped with a protective apron of not less than 0.25 mm lead equivalent to cover the gonadal area;]

(5)] [Film of a USASI (USA) speed group rating of "D" or faster shall be used;]

(6)] [All dental radiographic x-ray systems registered after March 2, 1977, shall be provided with electronic timers; and]

(7)] [If patients are immobilized during an x-ray exposure mechanical restraints shall be used if technique permits].

Section 6. Beam Quality. The half-value layer of the useful beam shall:

(1) Not be less than the value specified in 21 C.F.R. 1020.30(m), Table 1; and

(2) Meet requirements specified in 21 C.F.R. 1020.30[1012.30](m)(1).

Section 7. Leakage Radiation. The leakage radiation from the diagnostic source assembly shall be measured in accordance with 21 C.F.R. 1020.30(k).

Section 8. Kilovolt Peak (kVp) Accuracy. The kVp accuracy shall be within plus or minus ten (10) percent of its indicated value.

Section 9. Coefficient of Variation. The coefficient of variation for timing, radiation exposure, and reproducibility shall not exceed 0.05 in four (4) consecutive exposures.

Section 10. Maintaining Compliance. Diagnostic x-ray systems and their associated components used on humans and certified pursuant to the Federal X-Ray Equipment Performance Standards for Ionizing Radiation Emitting Products, 21 C.F.R. Part 1020, shall

be maintained in compliance with applicable requirements of that standard.

Section 11. Additional Requirements. *[In addition to the requirements of this administrative regulation,]* [Dental intraoral x-ray systems shall:

- (1) Provide a visual and audible indication that x-rays are being produced;[.]
- (2) Utilize a "dead-man" exposure switch;[.]
- (3) Provide a means to terminate the exposure at a preset:
 - (a) Time interval;
 - (b) Product of current and time;
 - (c) Number of pulses; or
 - (d) Radiation exposure to the image receptor;[.]
- (4) Display their technique factors prior to exposure:
 - (a) If automatic exposure controls are used, the technique factors which are set prior, shall be indicated; or
 - (b) May be met by permanent display of markings on x-ray systems using fixed technique factors;[.]
- (5) Have tube housing assembly supports so that the tube housing assembly remains stable during the exposure unless tube housing movement is a designed function of the x-ray system; and [.]
- (6) Not be operated at less than fifty (50) kVp.

Section 12. Hand-held Devices. In addition to the standards in 902 KAR Chapter 100, the following standards established within this section apply[applies] specifically to intraoral hand-held devices.

- (1) Any dental intraoral hand-held x-ray system used shall be cleared by the Federal Food and Drug Administration prior to use.
- (2) The hand-held x-ray system shall be equipped with a backscatter shield of not less than (0.25)[.25] millimeter lead equivalent.
- (3) The registrant shall maintain documentation that each operator has completed training as specified by the manufacturer and [.] to ensure the operator is competent in the safe use of the x-ray system.
- (4) The training required by subsection (3) of this section shall, at a minimum, contain:
 - (a) The basics of x-ray production and scatter;[.]
 - (b) The As Low as Reasonably Achievable (ALARA) principle and basic protective measures to include time, distance, and shielding; and
 - (c) Instruction on the proper positioning of the patient and operator, location and orientation of the handheld device, and operator's hand positioning on the device.
- (5) If[When] the hand-held x-ray system is not in use, then it shall be secured and stored so that it is not accessible to members of the public.
- (6) The registrant shall provide personal dosimeters for all new hand-held x-ray system operators to determine if further monitoring is required pursuant to 902 KAR 100:019,[19] Section 3. [Filtration. In addition to the requirements of 902 KAR 100:115, Section 6, all intra-oral dental radiographic systems manufactured on and after December 1, 1980, shall have a minimum half-value layer not less than one and five tenths (1.5) millimeters aluminum equivalent filtration permanently installed in the useful beam.]

[Section 7.] [Linearity. On dental intra-oral radiographic systems certified under the federal performance standard, if the equipment allows a choice of x-ray tube current settings and is operated on a power supply as specified by the manufacturer in accordance with the requirements of applicable federal standards, for any fixed x-ray tube potential within the range of forty (40) to 100 percent of the maximum rating, the average ratios of exposure to the indicated millampere-seconds product obtained at any two (2) consecutive tube current settings shall not differ by more than one-tenth (0.1) times their sum.]

FILED WITH LRC: December 8, 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.

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.

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Medicaid Services

Division of Health Care Policy

(As Amended at ARRS, December 8, 2025)

907 KAR 1:065. Payments for price-based nursing facility services.

RELATES TO: KRS 142.361, 142.363, 216.380, 42 C.F.R. Parts 430, 431, 432, 433, 435, 440, 441, 442, 447, 455, 456, 482.58, 483.10, 483.20, 42 U.S.C. 1395tt, 1396, 1396a, 1396b, 1396c, 1396d, 1396g, 1396l, 1396n, 1396o, 1396p, 1396r, 1396r-2, 1396r-5

STATUTORY AUTHORITY: KRS 142.361(5), 142.363(3), 194A.030(2), 194A.050(1), 205.520(3)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed, or opportunity presented, by federal law for the provision of medical assistance to Kentucky's indigent citizenry. This administrative regulation establishes the method for determining amounts payable by the Medicaid program for services provided by a price-based nursing facility.

Section 1. Definitions.

(1) "Ancillary service" means a direct service including:

- (a) Ancillary services pursuant to 907 KAR 1:023; or
- (b) If ordered by a physician:
 1. Clinical laboratory procedures; or
 2. X-rays or imaging services.

(2) "Appraisal" means an evaluation of a price-based nursing facility building, excluding equipment and land, conducted by the department in accordance with Section 4 of this administrative regulation for the purpose of calculating the depreciated replacement cost of a price-based nursing facility.

(3) "Appraisal base year" means a year in which the department conducts an appraisal of each price-based NF.

(4) "Auxiliary building" means a roofed and walled structure:

- (a) Serviced by electricity, heating, and cooling;
- (b) Independent of an NF;
- (c) Used for administrative or business purposes related to an NF; and

(d) Constructed on the same tract of ground as an NF.

(5) "Capital rate component" means a calculated per diem amount for an NF based on:

(a) The NF's appraised depreciated replacement cost;

(b) A value for land;

(c) A value for equipment;

(d) A rate of return;

(e) A risk factor;

(f) The number of calendar days in the NF's cost report year;

(g) The number of licensed NF beds in the NF; and

(h) The NF's bed occupancy percentage.

(6) "Case-mix" means the time-weighted average price-based NF acuity for Medicaid-eligible and dual-eligible Medicare and Medicaid residents under a Medicare Part A reimbursed stay in a price-based nursing facility, and is based on Minimum Data Set (MDS) – Version 3.0 data classified through the Patient Driven

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Payment Model (PDPM) resident classification system or equivalent.

(7) "Core based statistical area" or "CBSA" means the designation of metropolitan and micropolitan population centers based on the national census, as published by the Federal Office of Management and Budget.

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

(9) "Equipment" means a depreciable tangible asset, other than land or a building, which is used in the provision of care for a resident by an NF staff person.

(10) "Governmental entity" means a unit of government for the purposes of 42 U.S.C. 1396b(w)(6)(A).

(11) "Hospital-based NF" means an NF that:

- (a) Is separately identifiable as a distinct part of the hospital; and
- (b) If separated into multiple but distinct parts of a single hospital, is combined under one (1) provider number.

(12) "Land" means a surveyed tract or tracts of ground that share a common boundary:

- (a) As recorded in a county government office;
- (b) Upon which a building licensed as an NF is constructed; and
- (c) Including site preparation and improvements.

(13) "Local unit of government" means a city, county, special purpose district, or other governmental unit in the state.

(14) "NF" or "nursing facility" means:

- (a) A facility:
- 1. To which the state survey agency has granted an NF license;
- 2. For which the state survey agency has recommended to the department certification as a Medicaid provider; and
- 3. To which the department has granted certification for Medicaid participation; or

(b) A hospital swing bed that provides services in accordance with 42 U.S.C. 1395t and 1396l, if the swing bed is certified to the department as meeting requirements for the provision of swing bed services in accordance with 42 U.S.C. 1396r(b), (c), (d), 42 C.F.R. 447.280, and 482.58.

(15) "NF building" means a roofed and walled structure serviced by electricity, heating, and cooling and that is also an NF.

(16) "Nursing facility with Medicaid waiver" or "NF-W" means an NF to which the state survey agency has granted a waiver of the nursing staff requirement.

(17) "Provider assessment" means the assessment imposed by KRS 142.361 and 142.363.

(18) "Routine services" means the services covered by the Medicaid program pursuant to 42 C.F.R. 483.10(f)(11)(i).

(19) "Site improvement" means a depreciable asset element, other than an NF building or auxiliary building, on NF land extending beyond an NF's foundation if used for NF-related purposes.

(20) "Standard price" means a facility-specific reimbursement that includes a case-mix adjusted component, noncase-mix adjusted component including an allowance to offset a provider assessment, noncapital-facility related component, and capital rate component.

(21) "State survey agency" means the Cabinet for Health and Family Services, Office of Inspector General, Division of Health Care.

(22) "Time-weighted" means a method of calculating case-mix by determining the number of days that a minimum data set (MDS) record is active over a calendar quarter rather than captured from a single day during the calendar quarter.

Section 2. NF Reimbursement Classifications and Criteria.

(1) An NF or a hospital-based NF shall be reimbursed as a price-based NF pursuant to this administrative regulation if:

- (a) It provides NF services to an individual who:
 - 1. Is a Medicaid recipient;
 - 2. Meets the NF patient status criteria pursuant to 907 KAR 1:022; and
 - 3. Occupies a Medicaid-certified bed; and
- (b) 1. It has more than ten (10) NF beds and the greater of:
 - a. Ten (10) of its Medicaid-certified beds participate in the Medicare program; or

b. Twenty (20) percent of its Medicaid certified beds participate in the Medicare program; or

2. It has less than ten (10) NF beds and all of its NF beds participate in the Medicare program.

(2) An NF-W shall be reimbursed as a price-based NF pursuant to this administrative regulation if it meets the criteria established in subsection (1)(a) of this section.

(3) The following shall not be reimbursed as a price-based NF and shall be reimbursed pursuant to 907 KAR 1:025:

- (a) An NF with a certified brain injury unit;
- (b) An NF with a distinct part ventilator unit;
- (c) An NF designated as an institution for mental disease;
- (d) A dually-licensed pediatric facility; or
- (e) An intermediate care facility for individuals with an intellectual disability.

Section 3. Reimbursement for Federally-Defined Swing Beds and for Skilled Nursing Facility Services in Critical Access Hospital Swing Beds.

(1) The reimbursement rate for a federally-defined swing bed shall be:

(a) The average rate per patient day paid to freestanding price-based NFs for routine services furnished during the preceding calendar year, excluding any payment made pursuant to Section 15[14] of this administrative regulation; and

(b) Established effective January 1 of each year.

(2)

(a) The department shall reimburse a critical access hospital for skilled nursing facility services in a swing bed at the same rate as established by the Centers for Medicare and Medicaid Services for Medicare.

(b) The department shall pay an interim per diem rate as established by CMS for the Medicare program.

(c) The effective date of a rate shall be the same as used by the Medicare program.

(d) A critical access hospital's final reimbursement for skilled nursing facility services in a swing bed shall reflect any adjustment made by the Centers for Medicare and Medicaid Services.

(e) Total payments made to a critical access hospital for skilled nursing facility services provided in a swing bed under this section shall be subject to the payment limitation established in 42 C.F.R. 447.271.

(f) The provisions established in this subsection shall apply to a critical access hospital that complies with all requirements established in KRS 216.380.

Section 4. Price-based NF Appraisal.

(1) The department shall appraise a price-based NF to determine the facility specific capital component in 2009, and every fifth year, in order to calculate the NF's depreciated replacement cost.

(2) The department shall not appraise equipment or land. A provider shall be given the following values for land and equipment:

(a) Ten (10) percent of an NF's average licensed bed value for land; and

(b) \$2,000 per licensed NF bed for equipment.

(3) The department shall utilize the following variables and fields of the nursing home or convalescent center CoreLogic Commercial Express Valuation System to appraise an NF identified in Section 2(1) of this administrative regulation:

- (a) Provider number;
- (b) Property owner - NF name;
- (c) Address;
- (d) Zip code;
- (e) Section number - the lowest number shall be assigned to the oldest section and a basement, appraised as a separate section, immediately follows the section it is beneath;
- (f) Occupancy code - nursing home or substructure;
- (g) Average story height;
- (h) Construction type;
- (i) Number of stories;
- (j) Gross floor area (which shall be the determination of the exterior dimensions of all interior areas including stairwells of each floor, specifically excluding outdoor patios, covered walkways,

carports, and similar areas). In addition, interior square footage measurements shall be reported for:

1. A non-NF area;
2. A shared service area by type of service; and
3. A revenue-generating area;

(k) Gross perimeter (common walls between sections shall be excluded from both sections);

- (l) Construction quality;
- (m) Year built;
- (n) Building effective age;
- (o) Building condition;
- (p) Depreciation percent;
- (q) Exterior wall material;
- (r) Roof covering material and roof pitch;
- (s) Heating system;
- (t) Cooling system;
- (u) Floor finish;
- (v) Ceiling finish;
- (w) Partition wall structure and finish;
- (x) Passenger and freight elevators - actual number;

(y) Fire protection system (sprinklers, manual fire alarms, and automatic fire detection) - percent of gross area served. If both the floor and attic areas are protected by a sprinkler system or automatic detection, the percent of gross area served shall be twice the floor area; and

(z) Miscellaneous additional features, which shall be limited to:

1. Canopies;
2. Entry foyers (sheltered entry ways):

a. The glass and aluminum standard allowance shall be fifty (50) dollars per square foot;

b. Bulkhead standard allowance shall be:

- (i) Eleven (11) dollars per square foot for a wood frame;
- (ii) Twelve (12) dollars per square foot for a steel frame; or
- (iii) Thirty-one (31) dollars per square foot for brick masonry;

3. Loading docks;

4. Code alerts, Wanderguards, or other special electronically-secured doorways, except for a door with a sound detector or sensing unit (the standard allowance shall be \$1,420 for each fully-functioning door at the time of appraisal);

5. A door with a sound detector or sensing unit shall have a standard allowance of \$865 per door;

6. Automatic sliding doors (the standard allowance shall be \$25,450 per doorway);

7. An automatic door opener shall have a standard allowance of \$9160 per door;

8. Detached garages or storage sheds (which shall have an attached reinforced concrete floor and a minimum of 200 square feet);

9. Modular buildings or trailers, if the structure has a minimum of 200 square feet, electrical service, and heating or cooling services (the standard allowance shall be eighty (80) dollars per square foot);

10. Walk-in coolers or freezers;

11. Laundry chutes (the standard allowance shall be \$2,530 per floor serviced);

12. Dumb waiters (which shall have a minimum speed of fifty (50) feet per minute. The standard allowance shall be \$20,500 for the initial two (2) stops for a manual door or \$52,520 for the initial two (2) stops for an electric door and \$5,050 per additional stop);

13. Skylights (the standard allowance shall be fifty-seven dollars per square foot);

14. Operable built-in oxygen delivery systems (valued at \$425 per serviced bed);

15. Carpeted wainscoting (the standard allowance shall be eighty (80) dollars per licensed bed);

16. Balconies;

17. Ceiling fans for which the standard allowance shall be \$375 for each ceiling fan without a light and \$675 for each ceiling fan with a light;

18. Cupolas for which the standard allowance shall be \$990 each;

19. Fireplaces;

20. Concrete-lined utility tunnels for which the standard allowance shall be thirty-two dollars per cubic foot; and

21. Mechanical penthouses.

(4) An item listed in subsection (3)(z) of this section shall be subject to the CoreLogic Commercial Express valuation system monetary limit unless a monetary limit is provided for that item in subsection (3)(z) of this section.

(5) The department shall use the corresponding CoreLogic Commercial Express valuation system default value for any variable listed in subsection (3) of this section if no other value is stated for that variable in subsection (3) of this section.

(6)

(a) Values from the most recent CoreLogic Commercial Express valuation system tables shall be used during an appraisal.

(b) An adjustment calculation shall be performed if the most recent CoreLogic Commercial Express valuation system tables do not correspond to an appraisal base year.

(7) In addition to an appraisal cited in subsection (1) of this section, the department shall appraise an NF identified in Section 2(1) of this administrative regulation if:

(a) The NF submits written proof of construction costs to the department; and

(b)

1. The NF undergoes renovations or additions costing a minimum of \$150,000 and the NF has more than sixty (60) licensed beds; or

2. The NF undergoes renovations or additions costing a minimum of \$75,000 and the NF has sixty (60) or fewer licensed beds.

(8) An auxiliary building shall be:

(a) Appraised if it rests on land, as defined in Section 1(12) of this administrative regulation; and

(b) Appraised separately from an NF building.

(9) To appraise an auxiliary building, the department shall utilize a CoreLogic Commercial Express valuation system model, if the model better fits the auxiliary building's use and type.

(10) If an NF building has beds licensed for non-NF purposes or a provider conducts business activities not related to the NF, the appraisal shall be adjusted between NF and non-NF activity. The appraiser shall determine if the adjustment shall be made by dividing the number of licensed NF beds by the total number of beds, or through the use of an adjustment factor determined in accordance with appraisal industry standards by the appraiser, regardless of the occupancy factor. For example, an adjustment factor may be used to apportion the appraisal by the percent of NF square footage relative to the square footage on non-NF-related business activities.

(11) Cost of an appraisal shall be the responsibility of the NF being appraised.

(12) A building held for investment, future expansion, or speculation shall not be considered for appraisal purposes.

(13) The department shall not consider the following location factors in rendering an appraisal:

- (a) Climate;
- (b) High-wind zone;
- (c) Degree of slope;
- (d) Position;
- (e) Accessibility; or
- (f) Soil condition.

Section 5. Standard Price Overview.

(1) Rates shall reflect the differential in wages, property values, and cost of doing business in rural and urban designated areas.

(2) On July 1 of each year, the department shall utilize the most recent Federal Office of Management and Budget's core based statistical area (CBSA) designations to classify an NF as being in an urban or rural area, with metropolitan areas always being classified as urban. The urban and rural designations shall be based on the location of the NF under the CBSA designation.

(3) The department shall utilize an analysis of fair-market pricing and historical cost for the following data:

- (a) Staffing ratios;
- (b) Wage rates;

(c) Cost of administration, food, professional support, consultation, and nonpersonnel operating expenses as a percentage of total cost;

- (d) Fringe benefit levels;
 - (e) Capital rate component; and
 - (f) Noncapital facility-related component.
- (4) The following components shall comprise the case-mix adjustable portion of an NF's standard price:
- (a) The personnel cost of:
 - 1. A director of nursing;
 - 2. A registered nurse (RN);
 - 3. A licensed practical nurse (LPN);
 - 4. A nurse aide;
 - 5. An activities staff person; and
 - 6. A medical records staff person; and
 - (b) Nonpersonnel operating cost including:
 - 1. Medical supplies; and
 - 2. Activity supplies.
- (5) The following components shall comprise the noncase-mix adjustable portion of an NF's standard price:
- (a) Administration to include an allowance to offset a provider assessment;
 - (b) Nondirect care personnel;
 - (c) Food;
 - (d) Professional support; and
 - (e) Consultation.
- (6) The following components shall comprise the facility and capital component of an NF's standard price:
- (a) The noncapital facility-related component, which shall be a fixed, uniform amount for all price-based NFs; and
 - (b) The NF's capital rate component, which shall be facility specific.
- (7) Excluding capital rate components, the following is an example of an urban and a rural price-based NF's standard price based on rebased wages at the 2024 level:

CBSA Designation	Case-Mix Adjustable Portion of Standard Price	Noncase-Mix Adjustable Portion of Standard Price Without Capital Rate Component	Total Standard Price Excluding Capital Rate Components
Urban	\$160.33[160.4]	\$133.70[101.8]	\$294.03[261.9]
Rural	\$136.05[135.8]	\$121.58[89.68]	\$257.63[225.5]

- (8) A price-based NF's standard price may be:
- (a) Adjusted for inflation every July 1 using the version of the CMS Nursing Home without Capital Market Basket that was effective on the July 1 that the inflation adjustment occurred; and
 - (b) Rebased:
 - 1. Effective July 1, 2024; and
 - 2. At least once every four (4) years thereafter.
- (9) The department shall adjust an NF's standard price if:
- (a) A governmental entity imposes a mandatory minimum wage or staffing ratio increase and the increase was not included in the inflation adjustment; or
 - (b) A new licensure requirement or new interpretation of an existing requirement by the state survey agency results in changes that affect all facilities within the class. The provider shall document that a cost increase occurred as a result of a licensure requirement or policy interpretation.

Section 6. Standard Price Calculation.

- (1) Based on the classification of urban or rural, the department shall calculate an individual NF's standard price to be the sum of:
- (a) The case-mix adjustable portion of the NF's standard price, adjusted by the NF's current case-mix index pursuant to Section 7 of this administrative regulation;
 - (b) The noncase-mix adjustable portion of the NF's standard price, which shall include an allowance to offset a provider assessment;
 - (c) The noncapital facility-related component; and

- (d) Pursuant to subsection (2) of this section, the capital rate component.

(2) An NF's capital rate component shall be calculated as follows:

(a) The department shall add the total of:

1. The NF's average licensed bed value, which shall:

a. Be determined by dividing the NF's depreciated replacement cost, as determined from an appraisal conducted in accordance with Section 4 of this administrative regulation, adjusted every July 1 using the RS Means Construction Cost Indexes, and applying the total weighted average annual change of the Kentucky cities by the NF's total licensed NF beds; and

b. Not exceed \$80,278[79,775] effective July 1, 2024[2023], which shall be adjusted every July 1 thereafter by the same factor applied to the NF's depreciated replacement cost;

2. A value for land, which shall be ten (10) percent of the NF's average licensed NF bed value, established in accordance with subparagraph 1. of this paragraph; and

3. A value for equipment, which shall be \$2,000 per licensed NF bed;

(b) The department shall multiply the sum of paragraph (a) of this subsection by a rate of return factor, which shall:

1. Be equal to the sum of:

a. The yield on a twenty (20) year treasury bond as of the first business day on or after May 31 of the most recent year; and

b. A risk factor of two (2) percent; and

2. Not be less than nine (9) percent nor exceed twelve (12) percent;

(c) The department shall determine the NF's capital cost-per-bed day by:

1. Dividing the NF's total patient days by the NF's available bed days to determine the NF's occupancy percentage;

2. If the NF's occupancy percentage is less than ninety (90) percent, multiplying ninety (90) percent by 365 days; and

3. If the NF's occupancy percentage exceeds ninety (90) percent, multiplying the NF's occupancy percentage by 365 days; and

(d) The department shall divide the sum of paragraphs (a) and (b) of this subsection by the NF's capital cost-per-bed day established in paragraph (c) of this subsection to determine an NF's capital rate component.

(3) If a change of ownership occurs pursuant to 42 C.F.R. 447.253(d), the new owner shall:

(a) Receive the capital cost rate of the previous owner unless the NF is eligible for a reappraisal pursuant to Section 4(7) of this administrative regulation; and

(b) File an updated provider application with the Medicaid program pursuant to 907 KAR 1:672, Section 3(4).

(4) A new facility shall be:

(a) Classified as a new facility if the facility does not have a July 1, of the current state fiscal year, Medicaid rate;

(b) Determined to be urban or rural; and

(c) Reimbursed at its standard price, which shall:

1. Be based on a case-mix of 1.0;

2. Be adjusted prospectively based upon no less than one (1) complete calendar quarter of available MDS Version 3.0 data following the facility's Medicaid certification;

3. Utilize \$80,278[79,775] effective July 1, 2024[2023], as adjusted through the current state fiscal year as the facility's average licensed NF bed value until the facility is appraised in accordance with Section 4 of this administrative regulation; and

4. Be adjusted, if necessary, following the facility's appraisal if the appraisal determines the facility's average licensed NF bed value to be less than \$80,278[79,775] effective July 1, 2024[2023], as adjusted through the current state fiscal year.

(5) The amounts calculated pursuant to subsection (4)(c)3. and 4. of this section shall be adjusted annually consistent with the adjustments made to the depreciated replacement cost, as described in subsection (2)(a)1.b. of this section for the capital component calculation.

Section 7. PDPM Adapted Minimum Data Set (MDS) – Version 3.0, and Validation.

(1) A price-based NF's Medicaid MDS data shall be utilized to determine its case-mix index each quarter.

(2) A price-based NF's case-mix index shall be applied to its case-mix adjustable portion of its standard price.

(3) To determine a price-based NF's case-mix index, the department shall:

(a) Calculate case-mix on a time-weighted basis using MDS data:

1. Extracted on the last date of each calendar quarter from the NF's MDS item sets:

a. Included in the PDPM Adapted Minimum Data Set (MDS) - Version 3.0, Resident Assessment and Care Screening; and

b. Transmitted by the NF to the Centers for Medicare and Medicaid Services; and

2. Which, if revised, shall be revised no later than the last date of the quarter following the date on which MDS data was extracted. For example, MDS data submitted after September 30, 2024[2023], for the purpose of revision to MDS data extracted June 30, 2024[2023], shall not be utilized;

(b) Classify the data cited in paragraph (a) of this subsection through the Patient Driven Payment Model (PDPM) resident classification system, nursing component; and

(c) Validate the data cited in paragraph (a) of this subsection as follows:

1. The department shall generate a stratified random sample consisting of the greater of thirty (30) percent of the Medicaid residents or fifteen (15) MDS assessments in a price-based NF;

2. The department shall review a minimum of fifteen (15)[one (1)] MDS assessments[assessment] from[– each resident in] the sample referenced in subparagraph 1. of this paragraph; and

3. The department shall review medical records corresponding to the individuals included in the sample identified in subparagraphs 1. and 2. of this paragraph to determine if the medical records accurately support the MDS assessments submitted for the sample residents.

(4) If the department's review, in accordance with subsection (3)(c)3. of this section, of a price-based NF's MDS assessment data reveals that the NF fails to meet the MDS data minimum accuracy threshold, the department shall conduct another review of the same data utilizing an individual or individuals not involved in the initial validation process if the price-based NF requests a reconsideration within ten (10) business days of being notified of the findings of the review.

(5) Only MDS data extracted in accordance with subsection (3)(a)2. of this section shall be allowed during a review or reconsideration.

(6) If a reconsideration of a price-based NF's MDS assessment data, in accordance with subsection (4) of this section, confirms that the NF fails to meet the minimum accuracy threshold, the department shall:

(a) Conduct a conference with the NF to review preliminary findings of the reconsideration; and

(b) Send the final results of the reconsideration to the NF within ten (10) business days of the conference.

(7) In performing validation reviews on MDS data, the department shall:

(a) Notify the NF at the time of the MDS assessment review of any assessment that is not validated and allow the NF to provide supporting documentation that had been utilized to support the assessment;

(b) Consider all MDS supporting documentation provided by the NF prior to the exit conference; and

(c) Not consider MDS supporting documentation provided by the NF after the exit conference has occurred.

(8)

(a) Reconsideration of a price-based NF's MDS assessment data validation shall be provided if the NF:

1. Requests a reconsideration and clearly identifies each specific resident's review and MDS elements that are being disputed;

2. States the basis on which the department's decision on each issue is believed to be erroneous; and

3. Provides a summary supporting the NF's position.

(b) After a reconsideration of a price-based NF's MDS assessment data has been completed, the NF may appeal the department decision regarding the data in accordance with 907 KAR 1:671, Section 9.

(9)

(a) The department shall refer any suspected intentional alteration of clinical documentation or creation of documentation after an MDS assessment has been transmitted to the Office of Inspector General (OIG) for investigation of possible fraud.

(b) A fraud investigation may result in a felony or misdemeanor criminal conviction.

(10) An NF's rate shall be effective beginning on the first date of the second quarter following the MDS extraction date.

(11) An MDS validation review, if conducted, shall be initiated in the quarter[month] containing the corresponding rate effective date.

(12) A rate sanction shall be applied on the rate effective date following the validation review initiation date.

(13) MDS assessment accuracy thresholds and corresponding rate sanctions shall be established in accordance with this subsection.

(a) If a price-based NF's percentage of accurate MDS assessments is between sixty-five (65) and seventy-nine (79) percent, the price-based NF's rate shall be sanctioned by fifty (50) cents per patient day.

(b) If a price-based NF's percentage of accurate MDS assessments is between forty (40) and sixty-four (64) percent, the price-based NF's rate shall be sanctioned by sixty (60) cents per patient day.

(c) If a price-based NF's percentage of accurate MDS assessments is below forty (40) percent, the price-based NF's rate shall be sanctioned by seventy (70) cents per patient day.

(d) [Rate sanctions shall not be applied:]

[1.] [Until the rates effective July 1, 2025 are in effect; and]

[2.] [Except for those rates that are effective on and after July 1, 2025 as specified in subsection (14) of this section.]

(14) Beginning with rates effective July 1, 2025, upon conclusion of a departmental review of MDS data, in accordance with this section of this administrative regulation:

(a) The department shall recalculate the facility's case mix index based on the review's findings; and

(b) If a recalculated case mix index results in a change to the NF's established rate or rates, the rate or rates shall be recalculated and any payment adjustment shall be made.

(15) [For rates effective April 1, 2024, through June 30, 2024, the rate shall be equal to the rate effective January 1, 2024.]

(16) Beginning July[.] 1, 2024, the PDPM case-mix index shall be phased in[using the following schedule:]

[a.] [For rates effective July 1, 2024 through September 30, 2024, the case-mix index shall be comprised of twenty-five (25) percent of the PDPM-CMI and seventy-five (75) percent of the RUG-III-CMI that was in effect prior to the transition.]

[b.] [For rates effective October 1, 2024 through December 31, 2024, the case-mix index shall be comprised of fifty (50) percent of the PDPM-CMI and fifty (50) percent of the RUG-III-CMI that was in effect prior to the transition.]

[c.] [For rates effective January 1, 2025 through March 31, 2025, the case-mix index shall be comprised of seventy-five (75) percent of the PDPM-CMI and twenty-five (25) percent of the RUG-III-CMI that was in effect prior to the transition.]

[d.] Beginning April 1, 2025, the case-mix index shall be comprised of 100 percent of the PDPM CMI at full phase in[and zero percent of the RUG-III CMI that was in effect prior to the transition.]

Section 8. Limitation on Charges to Residents.

(1) Except for applicable deductible and coinsurance amounts, an NF that receives reimbursement for a resident pursuant to Section 6 of this administrative regulation shall not charge a resident or his representative for the cost of routine or ancillary services.

(2) An NF may charge a resident or his representative for an item pursuant to 42 C.F.R. 483.10(f)(1)(ii) if:

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(a) The item is requested by the resident or representative;
(b) The NF informs the resident or representative in writing that there will be a charge; and
(c) Medicare, Medicaid, or another third party does not pay for the item.

(3) An NF shall:

(a) Not require a resident, or responsible representative of the resident, to request any item or services as a condition of admission or continued stay; and

(b) Inform a resident, or responsible representative of the resident, requesting an item or service for which a charge will be made in writing that there will be a charge and the amount of the charge.

(4) Reserved bed days, per resident, for an NF or an NF-W shall be:

(a) Reimbursed for a maximum of thirty (30) days per calendar year due to hospitalization. Accumulated bed reserve days shall follow a resident if the resident relocates to another facility within a calendar year rather than starting over at zero due to relocation;

(b) Reimbursed for a maximum of ten (10) days during a calendar year for leaves of absence other than hospitalization. Accumulated bed reserve days shall follow a resident if the resident relocates to another facility within a calendar year rather than starting over at zero due to the relocation;

(c) Reimbursed at seventy-five (75) percent of a facility's rate.

(5) Except for oxygen therapy, durable medical equipment (DME) and supplies shall:

(a) Be furnished by an NF; and

(b) Not be billed to the department under a separate DMS claim pursuant to 907 KAR 1:479, Section 6(3).

(6) Except as otherwise covered pursuant to Title 907 KAR, dentures, lenses, frames, or hearing aids shall be paid for through the resident's patient liability or spend down amounts and limited to one (1) replacement per item per calendar year.

Section 9. Reimbursement for Required Services Under the Preadmission Screening Resident Review (PASRR).

(1) Prior to an admission of an individual, a price-based NF shall conduct a level I PASRR in accordance with 907 KAR 1:755, Section 4.

(2) The department shall reimburse an NF for services delivered to an individual if the NF complies with the requirements of 907 KAR 1:755.

(3) Failure to comply with 907 KAR 1:755 may be grounds for termination of the NF's participation in the Medicaid Program.

Section 10. Price-Based NF Protection Period and Budget Constraints.

(1) A county-owned hospital-based nursing facility shall not receive a rate that is less than the rate that was in effect on June 30, 2002.

(2) For each year of the biennium, a price-based NF shall:

(a) Receive an adjustment pursuant to Section 5(8) and (9) of this administrative regulation; or

(b) Except for a county-owned hospital-based nursing facility pursuant to subsection (1) of this section, not receive an increase if the price-based NF's rate is greater than its standard price.

Section 11. Cost Report.

(1) A Medicare cost report and the Supplemental Medicaid Schedules shall be submitted pursuant to time frames established in the CMS Medicare Provider Reimbursement Manual - Part 2 (Pub. 15-2) Sections 102, 102.1, 102.3, and 104, using the Instructions for Completing the Medicaid Supplemental Schedules.

(2) A copy of a price-based NF's Medicare cost report shall be submitted for the most recent fiscal year end.

Section 12. Ancillary Services.

(1) Except for [oxygen therapy and for] ancillary services provided to an individual in a critical access hospital swing bed, the department shall reimburse for an ancillary service [that meets the criteria established in 907 KAR 1:023] utilizing a per diem component to the rates, updated every July 1.

(a) Prior year utilization based on claims through June 30, 2024, and the corresponding outpatient procedure code rate listed in the Medicaid Physician Fee Schedule established in 907 KAR 3:010, Section 1(17). For oxygen therapy procedure codes, the Medicaid DME Program fee schedule established in 907 KAR 1:479 shall be utilized.

(b) For dates of service July 1, 2024, and after, the volume of services shall be reported by the provider on the Kentucky Medicaid Nursing Facility Ancillary Supplemental Schedule[Schedules]. The schedules on file by the department as of June 1 of each year shall be used to determine the ancillary fees. *Additional information relating to the completion of supplemental schedules shall be accessed by utilizing the Kentucky Medicaid Nursing Facility Ancillary Supplemental Schedules Instructions.*

(c) The sum from paragraphs (a) and (b) of this subsection[above] shall be divided by the number of the provider's paid Medicaid days for the same time period.

(2) [The department shall reimburse for an oxygen therapy utilizing the Medicaid DME Program fee schedule established in 907 KAR 1:479.]

(2)(3) Respiratory therapy and respiratory therapy supplies shall be a routine service.

(3)(4) Reimbursement for ancillary services provided to an individual in a critical access hospital swing bed shall be included in the critical access hospital swing bed reimbursement established in Section 3(2) of this administrative regulation.

Section 13. Quality Program.

(1) Beginning with rates effective July 1, 2025, there shall be a quality add on component in the prospective per diem rates, distributed from a pool of combined funding (state and federal share) from the provider assessment.

(a) For rates effective July 1, 2025, through December 31, 2025, the quality pool shall be five (5) percent of the increase to the provider assessment effective July 1, 2024.

(b) For rates effective January 1, 2026, through June 30, 2026, the quality pool shall be ten (10) percent of the increase to the provider assessment effective July 1, 2024.

(c) For rates effective July 1, 2026, through December 31, 2026, the quality pool shall be fifteen (15) percent of the increase to the provider assessment effective July 1, 2024.

(d) For rates effective January 1, 2027 and after, the quality pool shall be twenty (20) percent of the increase to the provider assessment effective July 1, 2024.

(2) The allowance to offset the provider assessment as determined in Section 5(5)(a) of this administrative regulation shall be reduced in order to fund the quality pool.

(3) Any leftover funds shall be rolled into the pool for the next state fiscal year.

(4) Points shall be determined on a tiered scoring allocation system, as set by the department, based on metrics from CMS Care Compare, the Supplemental Medicaid Schedules, and the Kentucky Medicaid Nursing Facility Quality Program Behavioral Health Metric Attestation Statement and may be adjusted periodically.

(5) Each metric shall be weighted equally in the collection of total points and distributed by the facility's percentage of weighted Medicaid days.

(6) The quality add on shall be updated on a quarterly basis based on the most recent information as of the day preceding the rate effective date.

Section 14.[Section 13.] Appeal Rights. A price-based NF may appeal a department decision as to the application of this administrative regulation in accordance with 907 KAR 1:671.

Section 15.[Section 14.] Supplemental Payments to Nonstate Government-Owned or Operated Nursing Facilities.

(1) Beginning July 1, 2001, subject to state funding made available for this provision by a transfer of funds from a governmental entity, the department shall make a supplemental payment to a qualified nursing facility.

(2) To qualify for a supplemental payment under this section, a nursing facility shall:

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- (a) Be owned or operated by a local unit of government pursuant to 42 C.F.R. 447.272(a)(2);
- (b) Have at least 140 or more Medicaid-certified beds; and
- (c) Have a Medicaid occupancy rate at or above seventy-five (75) percent.

(3) For each state fiscal year, the department shall calculate the maximum supplemental payment that it may make to qualifying nursing facilities in accordance with 42 C.F.R. 447.272.

(4) Using the data reported by a nursing facility on a Schedule NF-7 submitted to the department as of December 31, 2000, the department shall identify each nursing facility that meets the criteria established in subsection (2) of this section.

(5) The department shall determine a supplemental payment factor for a qualifying nursing facility by dividing the qualifying nursing facility's total Medicaid days by the total Medicaid days for all qualifying nursing facilities.

(6) The department shall determine a supplemental payment for a qualifying nursing facility by applying the supplemental payment factor established in subsection (5) of this section to the total amount available for funding under this section.

(7) Total payments made under this section shall not exceed the amount determined in subsection (3) of this section.

(8) Payments made under this section shall:

- (a) Apply to services provided on or after April 1, 2001; and
- (b) Be made on a quarterly basis.

Section 16.[Section 15.] 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.

Section 17.[Section 16.] Incorporation by Reference.

(1) The following material is incorporated by reference:
(a) "Medicare Provider Reimbursement Manual - Part 2 (Pub. 15-2), Sections 102, 102.1, 102.3, and 104", October 2007;

(b) The "Instructions for Completing the Medicaid Supplemental Schedules", April 2015;

(c) The "Supplemental Medicaid Schedules", April 2015; [and]

(d) The "Kentucky Medicaid Nursing Facility Ancillary

Supplemental Schedule[Schedules]. [JuneJuly 2024];
(e) The "Kentucky Medicaid Nursing Facility Ancillary

Supplemental Schedules Instructions. July 2024;

(f) The "Kentucky Medicaid Nursing Facility Quality Program Behavioral Health Metric Attestation Statement", May[February] 2025; and

(g)[(d)] "[PDPM-Adapted][Minimum Data Set (MDS) – Version 3.0, Resident Assessment and Care Screening, Nursing Home Comprehensive (NC) Version 1.19.1]", October 1, 2024[2023].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the:

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

(b) Following location on the department's website^[Web site]: <https://www.chfs.ky.gov/agencies/dms/provider/Pages/nursingfacilities.aspx>[https://chfs.ky.gov/agencies/dms/dafm/Pages/default.aspx].

FILED WITH LRC: December 8, 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.

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.

CABINET FOR HEALTH AND FAMILY SERVICES

Department for Medicaid Services

Division of Health Care Policy

(As Amended at ARRS, December 8, 2025)

907 KAR 8:020. Independent physical therapy service coverage provisions and requirements.

RELATES TO: KRS 205.520

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 205.622, 369.101-369.120, 42 C.F.R. 431.17, 440.130, 45 C.F.R. Part 164, 42 U.S.C. 1396d(a)(13)(C)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has a responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the Medicaid program coverage provisions and requirements regarding physical therapy services provided by an independent physical therapist or physical therapy assistant working under the direct supervision of an independent physical therapist.

Section 1. Provider Participation.

(1)

(a) To be eligible to provide and be reimbursed for physical therapy as an independent provider, a provider shall be:

1. Currently enrolled in the Kentucky Medicaid Program in accordance with 907 KAR 1:672;

2. Except as established in paragraph (b) of this subsection, currently participating in the Kentucky Medicaid Program in accordance with 907 KAR 1:671; and

3. Except as provided in subsection (2) of this section, a physical therapist.

(b) In accordance with 907 KAR 17:015, Section 3(3), a provider of a service to an enrollee shall not be required to be currently participating in the fee-for-service Medicaid program.

(2) Physical therapy provided in accordance with Section 2 of this administrative regulation by a physical therapist assistant who works under the direct supervision of a physical therapist who meets the requirements in subsection (1) of this section shall be reimbursable if the physical therapist is the biller for the therapy.

Section 2. Coverage and Limit.

(1) The department shall reimburse for physical therapy if:

(a) The therapy:

1. Is provided:

a. By a:

(i) Physical therapist who meets the requirements in Section 1(1) of this administrative regulation; or

(ii) Physical therapist assistant who works under the direct supervision of a physical therapist who meets the requirements in Section 1(1) of this administrative regulation; and

b. To a recipient;

2. Is ordered for the recipient by a physician, physician assistant, or advanced practice registered nurse for:

a. Maximum reduction of a physical or intellectual disability; or

b. Restoration of a recipient to the recipient's best possible functioning level; and

3. [Is prior authorized; and]
 [4.] Is medically necessary; and
 (b) A specific amount of visits is requested for the recipient by a physical therapist, physician, physician assistant, or an advanced practice registered nurse.
- (2)
 (a) There shall be an annual limit of twenty (20) physical therapy visits per recipient per calendar year except as established in [paragraph (b) of]this subsection.
 (b) The limit established in paragraph (a) of this subsection may be exceeded if services in excess of the limits are determined to be medically necessary by the:
 1. Department, if the recipient is not enrolled with a managed care organization; or
 2. Managed care organization in which the enrollee is enrolled, if the recipient is an enrollee.
 (c) Prior authorization by the department shall be required only for each therapy visit that exceeds the limit established in paragraph (a) of this subsection unless[for a recipient who is not enrolled with] a managed care organization establishes a higher limit contractually with the provider.
 (d) The limit established in paragraph (a) of this subsection shall not apply to the list of diagnoses established in this paragraph. The therapy diagnosis codes referenced are for information purposes only and shall be updated, if necessary, by the department on an annual basis on any relevant fee schedules. These therapy diagnoses and diagnosis codes shall not be subject to a prior authorization requirement after meeting the visit limit in paragraph (a) of this subsection:
 1. Cerebral palsy, currently referenced by[via] diagnosis code G80;
 2. Amyotrophic lateral sclerosis (ALS), currently referenced by[via] diagnosis code G12;
 3. Spinal muscular atrophy (SMA), currently referenced by[via] diagnosis code G12;
 4. Muscular dystrophy, currently referenced by[via] diagnosis code G71;
 5. Multiple sclerosis, currently referenced by[via] diagnosis code G35;
 6. Any traumatic brain injury currently referenced by[via] diagnosis code S06;
 7. Parkinson's, currently referenced by[via] diagnosis code G20;
 8. Alzheimer's disease, currently referenced by[via] diagnosis code G30;
 9. Dementia, currently referenced by[via] diagnosis codes F01 to F03;
 10. Frontotemporal dementia, currently referenced by diagnosis code G31;
 11. Any intellectual disability currently referenced by diagnosis codes F70 to F79;
 12. Ankylosing spondylitis, currently referenced by diagnosis code M45.9; or
 13. Diffuse idiopathic skeletal hyperostosis (DISH), currently referenced by diagnosis code M48.1.

Section 3. No Duplication of Service.

(1) The department shall not reimburse for physical therapy provided to a recipient by more than one (1) provider of any program in which physical therapy is covered during the same time period.

(2) For example, if a recipient is receiving physical therapy from a physical therapist enrolled with the Medicaid program, the department shall not reimburse for physical therapy provided to the same recipient during the same time period by[via] the home health program.

Section 4. Records Maintenance, Protection, and Security.

- (1)
 (a) A provider shall maintain a current health record for each recipient;
 (b)
 1. A health record shall document each service provided to the recipient including the date of the service and the signature of the individual who provided the service; and

2. The individual who provided the service shall date and sign the health record within seventy-two (72) hours of[en] the date that the individual provided the service.

- (2)
 (a) Except as established in paragraph (b) of this subsection, a provider shall maintain a health record regarding a recipient for at least seven (7)[five (5)] years from the date of the service or until any audit dispute or issue is resolved beyond five (5) years; and
 (b) If the secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (a) of this subsection, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.
 (3) A provider shall comply with 45 C.F.R. Part 164.

Section 5. Medicaid Program Participation Compliance.

- (1) A provider shall comply with:
 (a) 907 KAR 1:671;
 (b) 907 KAR 1:672; and
 (c) All applicable state and federal laws.
 (2)
 (a) If a provider receives any duplicate payment or overpayment from the department, regardless of reason, the provider shall return the payment to the department.
 (b) Failure to return a payment to the department in accordance with paragraph (a) of this subsection may be:
 1. Interpreted to be fraud or abuse; and
 2. Prosecuted in accordance with applicable federal or state law.

Section 6. Third Party Liability. A provider shall comply with KRS 205.622.

Section 7. Use of Electronic Signatures.

- (1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.
 (2) A provider that chooses to use electronic signatures shall:
 (a) Develop and implement a written security policy that shall:
 1. Be adhered to by each of the provider's employees, officers, agents, or contractors;
 2. Identify each electronic signature for which an individual has access; and
 3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;
 (b) Develop a consent form that shall:
 1. Be completed and executed by each individual using an electronic signature;
 2. Attest to the signature's authenticity; and
 3. Include a statement indicating that the individual has been notified of his or her responsibility in allowing the use of the electronic signature; and
 (c) Provide the department, immediately upon request, with:
 1. A copy of the provider's electronic signature policy;
 2. The signed consent form; and
 3. The original filed signature.

Section 8. Auditing Authority. The department shall have the authority to audit any claim, medical record, or documentation associated with any claim or medical record.

Section 9. 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.

Section 10. Appeal Rights.

- (1) An appeal of an adverse action by the department regarding a service and a recipient who is not enrolled with a managed care organization shall be in accordance with 907 KAR 1:563.

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(2) An appeal of an adverse action by a managed care organization regarding a service and an enrollee shall be in accordance with 907 KAR 17:010.

FILED WITH LRC: December 8, 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.

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.

CABINET FOR HEALTH AND FAMILY SERVICES
Department for Medicaid Services
Division of Health Care Policy
(As Amended at ARRS, December 8, 2025)

907 KAR 8:040. Coverage of occupational therapy, physical therapy, and speech-language pathology services provided by various entities.

RELATES TO: KRS 205.520, 205.622, 369.101-369.120, 42 C.F.R. 431.17, 440.130, 45 C.F.R. Part 164, 42 U.S.C. 1396a(a)(30)

STATUTORY AUTHORITY: KRS 194A.030(2), 194A.050(1), 205.520(3), 42 U.S.C. 1396a(a)(30)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has a responsibility to administer the Medicaid program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with any requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the Medicaid program coverage provisions and requirements regarding occupational therapy services, physical therapy services, and speech-language pathology services provided by adult day health care programs, rehabilitation agencies, special health clinics, mobile health services, multi-therapy agencies, and comprehensive outpatient rehabilitation facilities to Medicaid recipients.

Section 1. Provider Participation. To be eligible to provide and be reimbursed for services covered under this administrative regulation, a provider shall be:

(1) Currently enrolled in the Kentucky Medicaid program in accordance with 907 KAR 1:672;

(2) Currently participating in the Kentucky Medicaid program in accordance with 907 KAR 1:671; and

(3)

(a) An adult day health care program;

(b) A multi-therapy agency;

(c) A comprehensive outpatient rehabilitation facility;

(d) A mobile health service;

(e) A special health clinic; or

(f) A rehabilitation agency.

Section 2. Coverage of Services.

(1) The services covered under this administrative regulation shall include:

(a) Physical therapy;

(b) Occupational therapy; or

(c) Speech-language pathology services.

(2) To be covered under this administrative regulation, a service shall be:

(a) Provided to a recipient;

(b) Provided by:

1. An occupational therapist who renders services on behalf of a provider listed in Section 1(3) of this administrative regulation;

2. A physical therapist who renders services on behalf of a provider listed in Section 1(3) of this administrative regulation;

3. A speech-language pathologist who renders services on behalf of a provider listed in Section 1(3) of this administrative regulation;

4. An occupational therapy assistant who renders services:

a. Under supervision in accordance with 201 KAR 28:130; and

b. On behalf of a provider listed in Section 1(3) of this administrative regulation; or

5. A physical therapist assistant who renders services:

a. Under supervision in accordance with 201 KAR 22:053; and

b. On behalf of a provider listed in Section 1(3) of this administrative regulation;

(c) Ordered by:

1. A physician currently participating in the Medicaid program in accordance with 907 KAR 1:671;

2. An advanced practice registered nurse currently participating in the Medicaid program in accordance with 907 KAR 1:671;

3. A physician assistant currently participating in the Medicaid program in accordance with 907 KAR 1:671; or

4. A psychiatrist currently participating in the Medicaid program in accordance with 907 KAR 1:671;

(d) Consistent with a plan of care that shall:

1. Be developed:

a. By:

(i) An occupational therapist currently participating in the Medicaid program in accordance with 907 KAR 1:671;

(ii) A physical therapist currently participating in the Medicaid program in accordance with 907 KAR 1:671; or

(iii) A speech-language pathologist currently participating in the Medicaid program in accordance with 907 KAR 1:671; and

b. In collaboration with:

(i) A physician currently participating in the Medicaid program in accordance with 907 KAR 1:671;

(ii) An advanced practice registered nurse currently participating in the Medicaid program in accordance with 907 KAR 1:671;

(iii) A physician assistant currently participating in the Medicaid program in accordance with 907 KAR 1:671; or

(iv) A psychiatrist currently participating in the Medicaid program in accordance with 907 KAR 1:671; and

2. Identify a specific amount and duration;

(e) For the:

1. Maximum reduction of the effects of a physical or intellectual disability; or

2. Restoration of a recipient to the recipient's best possible functioning level; and

(f) Medically necessary.

(3)

(a) There shall be an annual limit of twenty (20) rehabilitative visits and an annual limit of twenty (20) habilitative visits for each of the following:

1. Occupational therapy service visits per recipient per calendar year except as established in paragraph (c) of this subsection;

2. Physical therapy service visits per recipient per calendar year except as established in paragraph (c) of this subsection; and

3. Speech-language pathology service visits per recipient per calendar year except as established in paragraph (c) of this subsection.

(b) For example, a recipient may receive twenty (20) rehabilitative occupational therapy visits, twenty (20) rehabilitative physical therapy visits, and twenty (20) rehabilitative speech-language pathology service visits per calendar year and in the same calendar year, a recipient may receive twenty (20) habilitative occupational therapy visits, twenty (20) habilitative physical therapy visits, and twenty (20) habilitative speech-language pathology service visits.

(c) The limit established in paragraph (a) of this subsection may be exceeded if services in excess of the limits are determined to be medically necessary by the:

1. Department, if the recipient is not enrolled with a managed care organization; or

2. Managed care organization in which the enrollee is enrolled, if the recipient is an enrollee.

(d) Medical necessity shall be determined on an individual basis per recipient based on the given recipient's needs.

(e) Prior authorization by the department shall be required only for visits above the limit established in paragraph (a) of this subsection unless for a recipient who is not enrolled with] a managed care organization establishes a higher limit contractually with the provider.

(f) The limit established in paragraph (a) of this subsection shall not apply to the list of diagnoses established in this paragraph. The therapy diagnosis codes referenced are for information purposes only, and shall be updated – if necessary – by the department on an annual basis on any relevant fee schedules. These therapy diagnoses and diagnosis codes shall not be subject to a prior authorization requirement after meeting the visit limits in paragraph (a) of this subsection[paragraph (a)'s visit limit].

1. Cerebral palsy, currently referenced by[via] diagnosis code G80;

2. Amyotrophic lateral sclerosis (ALS), currently referenced by[via] diagnosis code G12;

3. Spinal muscular atrophy (SMA), currently referenced by[via] diagnosis code G12;

4. Muscular dystrophy, currently referenced by[via] diagnosis code G71;

5. Multiple sclerosis, currently referenced by[via] diagnosis code G35;

6. Any traumatic brain injury currently referenced by[via] diagnosis code S06;

7. Parkinson's, currently referenced by[via] diagnosis code G20;

8. Alzheimer's disease, currently referenced by[via] diagnosis code G30;

9. Dementia, currently referenced by[via] diagnosis codes F01 to F03;

10. Frontotemporal dementia, currently referenced by diagnosis code G31;

11. Intellectual disabilities, currently referenced by diagnosis codes F70 to F79;

12. Ankylosing spondylitis, currently referenced by diagnosis code M45.9; or

13. Diffuse idiopathic skeletal hyperostosis (DISH), currently referenced by diagnosis code M48.1.

Section 3. Documentation, Records Maintenance, Protection, and Security.

(1) A provider shall maintain a current health record for each recipient.

(2) A health record shall:

(a) Document the provider's initial assessment of the recipient and any subsequent assessments;

(b) Document each service provided to the recipient; and

(c) Include detailed staff notes that state:

1. Progress made toward outcomes identified according to the provider's assessment and in the plan of care developed pursuant to Section 2(2)(d) of this administrative regulation;

2. The date of each service;

3. The beginning and ending time of each service; and

4. The signature and title of the individual providing each service.

(3) The individual who provides a service shall date and sign the health record within seventy-two (72)[forty-eight (48)] hours of the date that the individual provides the service.

(4)

(a) Except as established in paragraph (b) of this subsection, a provider shall maintain a health record regarding a recipient for at least six (6) years from the date of the service or until any audit dispute or issue is resolved beyond six (6) years.

(b) If the secretary of the United States Department of Health and Human Services requires a longer document retention period than the period referenced in paragraph (a) of this subsection, pursuant to 42 C.F.R. 431.17, the period established by the secretary shall be the required period.

(5) A provider shall comply with 45 C.F.R. Part 164.

Section 4. Medicaid Program Participation Compliance.

(1) A provider shall comply with:

(a) 907 KAR 1:671;

(b) 907 KAR 1:672; and

(c) [KAR Title 895; and]

(d) All applicable state and federal laws.

(2)

(a) If a provider receives any duplicate payment or overpayment from the department, regardless of reason, the provider shall return the payment to the department in accordance with 907 KAR 1:671.

(b) Failure to return a payment to the department in accordance with paragraph (a) of this subsection may be:

1. Interpreted to be fraud or abuse; and

2. Prosecuted in accordance with applicable federal or state law.

Section 5. No Duplication of Service.

(1) The department shall not reimburse for an occupational therapy service, physical therapy service, or speech-language pathology service provided to a recipient by more than one (1) provider of any Medicaid program in which the respective service is covered during the same time period.

(2) For example, if a recipient is receiving an occupational therapy service from a multi-therapy agency enrolled with the Medicaid program, the department shall not reimburse for the same occupational therapy service provided to the same recipient during the same time period by[via] the home health program.

Section 6. Third Party Liability. A provider shall comply with KRS 205.622.

Section 7. Out-of-State Providers. The department shall cover a service under this administrative regulation that is provided by an out-of-state provider if the:

(1) Service meets the coverage requirements of this administrative regulation; and

(2) Provider:

(a) Complies with the requirements of this administrative regulation; and

(b) Is:

1. Licensed as an adult day health care program in the state in which it is located;

b. A comprehensive outpatient rehabilitation facility licensed in the state in which it is located;

c. Licensed as a mobile health service in the state in which it is located;

d. A special health clinic licensed in the state in which it is located;

e. A rehabilitation agency licensed in the state in which it is located;

f. An occupational therapist or occupational therapist group;

g. A physical therapist or physical therapist group;

h. A speech-language pathologist or speech-language pathologist group; or

i. A multi-therapy agency;

2. Currently enrolled in the Kentucky Medicaid program in accordance with 907 KAR 1:672; and

3. Currently participating in the Kentucky Medicaid program in accordance with 907 KAR 1:671.

Section 8. Use of Electronic Signatures.

(1) The creation, transmission, storage, and other use of electronic signatures and documents shall comply with the requirements established in KRS 369.101 to 369.120.

(2) A provider that chooses to use electronic signatures shall:

(a) Develop and implement a written security policy that shall:

1. Be adhered to by each of the provider's employees, officers, agents, or contractors;

2. Identify each electronic signature for which an individual has access; and

3. Ensure that each electronic signature is created, transmitted, and stored in a secure fashion;

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(b) Develop a consent form that shall:

1. Be completed and executed by each individual using an electronic signature;
 2. Attest to the signature's authenticity; and
 3. Include a statement indicating that the individual has been notified of his or her responsibility in allowing the use of the electronic signature; and
- (c) Provide the department, immediately upon request, with:
1. A copy of the provider's electronic signature policy;
 2. The signed consent form; and
 3. The original filed signature.

Section 9. Auditing Authority. The department shall have the authority to audit any claim, medical record, or documentation associated with any claim or medical record.

Section 10. 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.

Section 11. Appeals.

(1) An appeal of an adverse action by the department regarding a service and a recipient who is not enrolled with a managed care organization shall be in accordance with 907 KAR 1:563.

(2) An appeal of an adverse action by a managed care organization regarding a service and an enrollee shall be in accordance with 907 KAR 17:010.

FILED WITH LRC: December 8, 2025

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

ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING
OR RECEIPT OF WRITTEN COMMENTS

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:731. Examination requirements for AAHP providers.

RELATES TO: KRS 321.175, 321.181(1)-(4), 321.235, 321.251, 321.255

STATUTORY AUTHORITY: KRS [321.175(2)(c), (4), (5),] 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2., 321.251, 321.255

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, setting appropriate examination requirements for allied animal health professional(AAHP) providers to ensure their competency and work readiness. KRS 321.235(1)(b) requires the board to promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of KRS Chapter 321[the Kentucky Veterinary Medicine Practice Act]. KRS 321.235(2)(b)2. authorizes the Kentucky Board of Veterinary Examiners to establish examination requirements and passing scores for allied animal health professionals. This administrative regulation establishes examination requirements as one (1) part of the requirements to qualify for an allied animal health professional (AAHP) license[permit] from the board.

Section 1. State Exam Qualifications for Allied Animal Health Professional providers.

(1) The board shall require a passing score on the Kentucky Board of Veterinary Examiners State Jurisprudence Examination for AAHPs as one (1) requirement for licensure[permitting] by the board as an allied animal health professional.

(2) There shall be a unique Kentucky Board of Veterinary Examiners State Jurisprudence Examination for AAHPs for each provider type identified in KRS 321.251(2).

(3) Candidates seeking an AAHP license[permit] shall pay a state examination fee pursuant to 201 KAR 16:513.

(4) Candidates shall successfully complete the Kentucky Board of Veterinary Examiners State Jurisprudence Examination for AAHPs, which shall cover the specific requirements of KRS Chapter 321 and 201 KAR Chapter 16, in either paper or electronic format.

(5) To successfully complete the Kentucky Board of Veterinary Examiners State Jurisprudence Examination for AAHPs, applicants for an AAHP license[permit] shall [be required to] achieve a score of eighty (80) percent or higher.

Section 2. National Exam Qualifications for Allied Animal Health Professionals. As one (1) qualifying component of licensure[the Application for an AAHP license], an[the] applicant for an AAHP license shall successfully pass a national qualifying exam approved by the board.

(1) The examination required for an AAHP license[permitting] by the board as an allied animal health professional shall be the successful completion of a certification exam required by an approved allied animal health professional program, pursuant to 201 KAR 16:730.

(a) A candidate shall be limited to five (5) examination attempts.

(b) An official score report, verified certificate of completion, or other official documentation from the certifying body shall be provided directly from the certifying body to the board to provide proof of successful completion of the board-approved[board approved] exam.

(2) [For AAHP animal chiropractic providers, the board approved examinations and passing scores are as established in paragraphs (a) and (b) of this subsection.]

(a) [The American Veterinary Chiropractic Association (ACVA) passing score shall be the passing score set by ACVA.]

(b) [The International Veterinary Chiropractic Association (ICVA) passing score shall be the passing score set by ICVA.]

(3) Applicants for an AAHP license[permit] to the board shall pay any required national exam or score transfer fees directly to the approved allied animal health professional program, their designee, or official records custodian. MICHELLE M. SHANE, Executive DirectorFor JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: October 23, 2025

FILED WITH LRC: December 15, 2025 at 9:15 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

Subject Headings: Animals: Domestic; Chiropractic; Equine and Horses; Occupations and Professions; Veterinary Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes examination requirements as one part of the requirements to qualify for an allied animal health professional (AAHP) license from the board.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the required examinations needed for applicants to qualify for an AAHP license from the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.175(2)(c), (4) and (5) establish that the intent of the Kentucky Veterinary Medicine Practice Act is to regulate the professions of veterinary medicine, including the work of authorized allied animal health professionals. KRS 321.181(1)-(4) define key AAHP terminology. KRS 321.235(1)(b) and (2)(b) authorize the board to promulgate administrative regulations in accordance with KRS Chapter 13A to effectively carry out and enforce the provisions of the Kentucky Veterinary Medicine Practice Act. KRS 321.235(2)(b)2. requires the Kentucky Board of Veterinary Examiners to establish examination requirements and passing scores for allied animal health professionals. KRS 321.251 defines the allowable AAHP professions, including equine dental providers, and requires licensure by the Board. KRS 321.253 requires AAHP providers to maintain and renew a license to provide AAHP services in the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in effective administration by clearly defining the examination requirements for AAHP applicants as approved by the board.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates the administrative regulation for conformity with Acts Chapter 87; changes the "permit" to a "license"; and defines examination requirements for the added AAHP equine dental providers (EDPs).

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish conformity with Acts Chapter 87 and to define examination requirements for the added AAHP EDP applicants.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.175(2)(c) states the intent of KRS Chapter 321 is to regulate the professions of veterinary medicine, including work done by authorized allied animal health professional (AAHP) providers. KRS 321.175(4) states that regulations are necessary to protect the public and animals of the commonwealth. KRS 321.175(5) states that KRS Chapter 321 shall fully occupy the field of AAHP provider work on animals to be enforced by the Board. KRS 321.181(1)-(4) defines key terms related to AAHP providers. KRS 321.235(1)(a)-(c) requires the board to implement and enforce the chapter and to promulgate administrative regulations to do so. KRS 321.235(2)(b)2 allows the Board to establish minimum requirements for AAHP licensees. KRS 321.251 defines the allowable AAHP

professions, including equine dental providers, and requires licensure by the Board.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in effective administration by clearly expressing the examination requirements approved by the board for AAHP provider applicants.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This administration implements legislation by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Future applicants to the board for an AAHP license. The board anticipates receiving approximately 45 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Applicants will be required to complete board approved AAHP examinations within the approved scope for the AAHP work to qualify for licensure as an AAHP provider in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will not be any additional costs to the applicant. This administrative regulation simply clarifies the examination requirements needed to obtain an AAHP license and provide public protection related to competency to perform services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants who complete the required AAHP examinations shall have met one (1) of the requirements of the board for licensure as an AAHP provider.

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

(a) Initially: Enforcement of this regulation will be accomplished using current funding.

(b) On a continuing basis: The KBVE expects that, on an ongoing basis, the agency will enforce the provisions of this regulation using the current funding available to the agency.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative fines.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies to all premises at which the practice of an AAHP provider occurs, except those entities excluded under KRS 321.200, KRS 321.181(2), and 201 KAR 16:772, Section 3.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 321.175, 181(1)-(4), 321.235(1)(a)-(c), (2)(b)2. , 321.251, 321.255

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administration is expressly authorized by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: There are no other affected state units, parts, or divisions.

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

1. Expenditures:

For the first year: The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first year.

For subsequent years: The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.

2. Revenues:

For the first year: There is no revenue generated by this filing.

For subsequent years: There is no revenue generated by this filing.

3. Cost Savings:

For the first year: There will be no cost savings; this administrative regulation simply codifies examination requirements for persons applying for an AAHP license, making them easily accessible for regulated entities.

For subsequent years: There will be no cost savings; this administrative regulation simply codifies examination requirements for persons applying for an AAHP license.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(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): KBVE does not anticipate that any other regulated entities will be impacted.

(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: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts individuals seeking a license to practice as an AAHP provider in Kentucky.

(b) Methodology and resources used to reach this conclusion: Budget reports and licensure reports were inputted into a large spreadsheet to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(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(14): This administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:732. Application requirements for AAHP licenses[permits] -- reinstatement.

RELATES TO: KRS 321.175, 321.181[(1)-(4)], 321.189, 321.200, 321.235, 321.251, 321.253, 321.255, 321.257

STATUTORY AUTHORITY: KRS [321.175(2)(c), [(4)](5),] 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2., 321.251(4), 321.253, 321.255

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, setting application requirements for allied animal health professional (AAHP) providers to establish their qualifications for licensure. KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321. KRS 321.235(2)(b)2. authorizes the board to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved application to qualify for a license[permit] from the board. This administrative regulation establishes application requirements for individuals applying for an AAHP license[permit] from the board in the Commonwealth of Kentucky.

Section 1. Definitions.

(1) "Allied animal health professional" or "AAHP" is defined by KRS 321.181(1).

(2) "Allied animal health professional facility" or "AAHP facility" is defined by KRS 321.181(2).

(3) "Allied animal health professional license" or "AAHP license" is defined by KRS 321.181(4).

(4) "Allied animal health professional manager" or "AAHP manager" is defined by KRS 321.181(3).

[4] "Allied animal health professional [license][permit]" or "AAHP [license][permit]" is defined by KRS 321.181(4).

(5) "Fixed facility" is defined by KRS 321.181(40)[KRS 321.181(38)].

(6) "Legacy candidate" means a candidate for licensure[permitting] that did not complete the board-approved allied animal health professional program or board-approved qualifying exam for an AAHP license[permit], but holds significant experience as defined in Section 3 of this administrative regulation which shall qualify the person for consideration of an AAHP license[permit] from the board.

(7) "Mobile facility" or "mobile unit" is defined by KRS 321.181(48)[KRS 321.181(46)].

(8) "Registered responsible party" is defined by KRS 321.181(59)[KRS 321.181(57)].

(9) "Veterinarian" is defined by KRS 321.181(69)[KRS 321.181(67)].

Section 2. Allied animal health professional provider practice falls under the scope and meaning of the practice of veterinary medicine.

(1) A veterinarian shall not be subject to the scope of practice limitations established for an allied animal health professional licensee[permittee].

(2) Pursuant to KRS 321.200(1)(o), after receiving a license[permit] from the board, an AAHP provider shall be limited to providing services for animal patients within the scope designated within KRS 321.255 and 201 KAR 16:737.

(3) Practice on animals without a board credential shall be prohibited. Except as provided for in KRS 321.200, a person shall not provide veterinary or allied animal health professional services to any animal unless they hold[without holding] a valid credential in active status issued by the board.

Section 3. Legacy Candidate Pathway for the AAHP License[Animal Chiropractic Provider (ACP) Permit].

(1) As established in KRS 321.251(4), in[In] lieu of proof of completion of a board-approved allied animal health professional program and board-approved qualifying exam for an AAHP license[permit], legacy candidates may submit application materials in accordance with the provisions of this section.

(2) Legacy candidates awarded an AAHP license by the board shall be required to comply with all provisions of an AAHP license, including earning continuing education requirements as established in 201 KAR 16:730, Section 4 and 16:735, Section 2.

(3) For an AAHP Animal Chiropractic Provider (ACP) applicant[ACP applicants], the legacy candidate pathway[candidates] shall be open[eligible] until March 31, 2026[June 30, 2026]. As established in KRS 321.251(4), an AAHP ACP legacy candidate[candidates] shall submit as a part of an Application for an Allied Animal Health Professional Provider License form or online equivalent form[the application for licensure]:

(a) Proof of employment or 1099 showing self-employment in the ACP area of practice[as an ACP] for a minimum of ten (10) years prior to the date of application;

(b) Identification of school where the applicant was trained and hours of training received;

(c) Letters of recommendation from at least two (2) licensed veterinarians;

(d) Letters of recommendation from at least two (2) licensed chiropractors;

(e) Details regarding the duration of experience and times during which practice occurred, including:

1. Length of time of practice; and

2. Average number of hours practicing per year;

(f) Letter of Good Standing from any other jurisdictions in which they are credentialed; and

(g) Information about CE earned in the past two (2) years[each year], including the CE provider, topic, and the number of hours(number of hours, etc.).

(4) For an AAHP Equine Dental Provider (EDP) applicant, the legacy candidate pathway shall be open until April 30, 2027. As established in KRS 321.251(4), an AAHP EDP legacy candidate shall submit proof of competency and experience as a part of an Application for an Allied Animal Health Professional Provider License form or online equivalent form[the application for licensure]:

(a) Proof of employment or 1099 showing self-employment in the EDP area of practice for a minimum of five (5) years prior to the date of application;

(b) Identification of where the applicant was trained and hours of training received;

(c) Letters of recommendation from at least two (2) licensed veterinarians;

(d) Letters of recommendation from at least two (2) clients who have utilized the applicant's services in the last two (2) years;

(e) Details regarding the duration of experience and times during which practice occurred, including:

1. Length of time of practice; and

2. Average number of hours practicing per year;

(f) Letter of Good Standing from any other jurisdictions in which they are credentialed as an EDP; and

(g) Information about CE earned in the past two (2) years, if CE has been earned, including the CE provider, topic, and the number of hours.

(5)[(3)] The board or the AAHP advisory committee as established in KRS 321.257 under the direction of the board chair may[shall] conduct an[mandatory] interview of an AAHP[each] legacy candidate to confirm their eligibility and, as necessary, ascertain details about their experience.

[4] [Legacy candidates awarded an AAHP permit by the board shall be required to comply with all provisions of an AAHP permit, including earning continuing education requirements as established in 201 KAR 16:730, Section 4.]

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Section 4. Approval of an Allied Animal Health Professional Provider License[Permit] Application. The board shall issue a license[permit] as an AAHP provider in a specific area of practice, as defined in KRS 321.181, to an applicant who meets the following requirements:

- (1) Has completed an Application for an Allied Animal Health Professional Provider License[Permit] form or online equivalent form, including all required attachments;
- (2) Has paid the appropriate fees as established in 201 KAR 16:513;
- (3) Is a person of good moral character. As one (1) element of good moral character, the board shall require each applicant for licensure to submit a full set of the applicant's fingerprints for the purpose of obtaining criminal records checks, pursuant to applicable law and KRS 321.189. All good moral character information, including the information obtained through the criminal background checks, shall be relevant to licensure[permit] eligibility determinations to the extent permitted by law;
- (4) Has graduated and received a degree or certificate from an approved allied animal health professional program, as approved by the board in 201 KAR 16:730, or qualifies as a legacy candidate according to the provisions established in Section 3 of this administrative regulation during the legacy application window;
- (5) Has achieved passing examination scores, on examinations required by the board, as established in 201 KAR 16:731, or qualifies as a legacy candidate during the legacy application window;
- (6) Holds licensure in the AAHP practice area as established in 201 KAR 16:730, Section 2, or qualifies as a legacy candidate;
- (7) Has been approved for licensure[permitting] by the board; and
- (8) Has complied with any other requirement of the board.

Section 5. New Application for an Allied Animal Health Professional License[Permit].

(1) A new application to the board for an allied animal health professional license[permit] shall include [the following components]:

- (a) A completed application on an Application for an Allied Animal Health Professional (AAHP) Provider License[Permit] form or online equivalent form, including all required attachments;
 - (b) Designation of one (1) or more qualified AAHP scopes as listed in the application, and designated as available scope of practice in KRS 321.251(2), 321.255, and 201 KAR 16:737[KRS 321.181 and 201 KAR 16:730];
 - (c) A current color photograph of the applicant not smaller than 2 in. x 2 in., or a color copy of the applicant's current valid driver's license or passport with photo;
 - (d) An official licensure verification letter from the professional licensing board in Kentucky in the human AAHP discipline, if required by the application;
 - (e) An official copy of the certificate of completion or diploma showing graduation from an approved allied animal health professional program established in 201 KAR 16:730;
 - (f) A copy of any court documents, final orders, settlement agreements, or other documents required by the board in support of the application;
 - (g) The completed Kentucky Board of Veterinary Examiners State Jurisprudence Examination for AAHPs Exam Answer Sheet for each provider type the applicant is applying for; and
 - (h) Payment for the application fee required by 201 KAR 16:513.
- (2) In addition to the requirements listed in subsection (1) of this section, requirements for AAHP license[permit] endorsement applications shall include verifications: Verifications of good standing from all jurisdictions in which an applicant once held or currently holds a license[permit] or equivalent credential by the jurisdictional entities which regulate the applicant's profession in both human and animal practice.

Section 6. License[Permit] Renewal Required. An AAHP license[permit holder of the board] shall renew their license[permit] pursuant to 201 KAR 16:735.

Section 7. Inactive Status for an AAHP License[Permit]. An AAHP licensee[license] holder may place their license[permit] into an inactive status in accordance with 201 KAR 16:580.

Section 8. An allied animal health professional may apply for reinstatement of an expired license[permit] if not more than five (5) years have elapsed since the last date of license[permit] expiration.

(1) A reinstatement application shall be required during this period; an application for a new license[permit] shall not be accepted until five (5) years after the last date of expiration. Legacy candidates five (5) years after the last date of expiration shall [be required to] meet the current requirements of KRS Chapter 321[the Kentucky Veterinary Medicine Practice Act] and 201 KAR Chapter 16 and shall no longer qualify for the legacy candidate pathway.

(2) Reinstatement applications to the board for a license[permit] as an allied animal health professional shall include [the following components]:

(a) A completed application on a Reinstatement Application for AAHP Licenses[Permits] form or online equivalent form, including all required attachments;

(b) A copy of any court documents, final orders, settlement agreements, or other documents requested by the board in support of the application;

(c) Proof of current certification in the allied animal health profession, including any required continuing education by the board-approved allied animal health professional program;

(d) Payment for the reinstatement application fee pursuant to 201 KAR 16:513;

(e) If the license[permit] is in expired status for more than one (1) year since the date of expiration, an official licensure verification letter from the professional licensing board in Kentucky in the human AAHP discipline, if required by the application; and

(f) If the license[permit] is in expired status for more than two (2) years since the date of expiration:

1. A background check pursuant to Section 9 of this administrative regulation; and

2. Verifications of good standing from all jurisdictions in which an applicant once held or currently holds a license[permit] or equivalent credential by the jurisdictional entities which regulate the profession.

Section 9. Background checks. Pursuant to KRS 321.189, the board may:

(1) Conduct a national or jurisdictional level background check on each applicant for licensure. The check shall be processed by a board-approved background check provider, and may include a copy of the applicant's fingerprints captured at a board-approved location;

(2) Reject background checks that do not have an official seal or watermark, or that are more than ninety (90) days old; and

(3) Impose additional requirements as a condition of licensure or deny licensure following the board's review of findings from a background check.

Section 10. Denial. If any of the requirements of this administrative regulation are not met by the applicant, the board shall deny the license[permit] application.

Section 11. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Application for an Allied Animal Health Professional (AAHP) Provider License[Permit]", 8/2025[2/2025]; and

(b) "Reinstatement Application for AAHP Licenses[Permits]", 11/2025[8/2025]2/2025].

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.APPROVED: 7/31/2025; and 10/23/2025

MICHELLE M. SHANE, KBVE Executive Director
For JOHN C. PARK, DVM, Board Chair

VOLUME 52, NUMBER 7– JANUARY 1, 2026

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

Subject Headings: Animals: Domestic; Chiropractic; Equine and Horses; Occupations and Professions; Veterinary Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes application requirements for allied animal health professionals (AAHPs) applying for an AAHP license from the board in the Commonwealth.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the application requirements for individuals to apply for an AAHP license from the board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.235(1)(b) authorizes the board to promulgate administrative regulations to implement KRS Chapter 321. KRS 321.235(2)(b)2. provides the board authority to promulgate administrative regulations to limit the scope of practice of allied animal health professional (AAHP) work on animals and to require an AAHP applicant to apply to the board on an approved application to qualify for a license from the board. KRS 321.251 defines the allowable AAHP professions, including equine dental providers, and requires licensure by the Board. KRS 321.253 requires AAHP providers to maintain and renew a license to provide AAHP services in the Commonwealth. KRS 321.255 establishes limits on the scope of practice for equine dental providers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in effective administration by clearly expressing the application requirements for AAHP provider applicants as approved by the board.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates the administrative regulation for conformity with Acts Chapter 87; changes the “permit” to a “license”; and defines application requirements for the added AAHP equine dental providers (EDPs).

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish conformity with Acts Chapter 87 and to define application requirements for the added AAHP EDP applicants.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.175(2)(c) states the intent of KRS Chapter 321 is to regulate the professions of veterinary medicine, including work done by authorized allied animal health professional (AAHP) providers. KRS 321.175(4) states that regulation is necessary to protect the public and animals of the Commonwealth. KRS 321.175(5) states that KRS Chapter 321 shall fully occupy the field of AAHP provider work on animals to be enforced by the Board. KRS 321.181(1)-(4) defines key terms related to AAHP providers. KRS 321.235(1)(a)-(c) requires the board to implement and enforce the chapter and to promulgate administrative regulations to do so. KRS 321.235(2)(b)2 allows the Board to establish minimum requirements for AAHP licensees. KRS 321.251 defines the allowable AAHP professions, including equine dental providers, and requires licensure by the Board. KRS 321.253 requires AAHP providers to maintain and renew a license to provide AAHP services in the Commonwealth. KRS 321.255 establishes limits on the scope of practice for equine dental providers.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in effective administration by clearly expressing the application requirements for AAHP provider applicants as approved by the board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This administration implements legislation by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Future applicants to the board for an AAHP license. The board anticipates receiving approximately 30 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Applicants will be required to complete a board approved application to apply for an AAHP license in Kentucky.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will not be any additional costs to the applicant. This administrative regulation simply clarifies the application requirements needed to obtain an AAHP license and provide public protection related to competency to perform services.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants who complete the required AAHP application shall have met one (1) of the requirements of the board for licensure as an AAHP provider.

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

(a) Initially: Enforcement of this regulation will be accomplished using current funding.

(b) On a continuing basis: The KBVE expects that, on an ongoing basis, the agency will enforce the provisions of this regulation using the current funding available to the agency.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative fines.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies to all AAHP applicants.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 321.181(1)-(4), 321.235(1)(a)-(c), (2)(b)2., 321.251(4), 321.253, 321.255.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administration is expressly authorized by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There are no other affected state units, parts, or divisions.

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

1. Expenditures:

For the first year: The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first year.

For subsequent years: The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.

2. Revenues:

For the first year: There is no revenue generated by this filing.

For subsequent years: There is no revenue generated by this filing.

3. Cost Savings:

For the first year: There will be no cost savings; this administrative regulation simply codifies requirements for persons applying for an AAHP license, making them easily accessible for regulated entities.

For subsequent years: There will be no cost savings; this administrative regulation simply codifies application requirements for persons applying for an AAHP license.

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

departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(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): KBVE does not anticipate that any other regulated entities will be impacted.

(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: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts individuals seeking a license to practice as an AAHP provider in Kentucky.

(b) Methodology and resources used to reach this conclusion: Budget reports and licensure reports were inputted into a large spreadsheet to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(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(14): This administrative regulation shall not have a "major economic impact", as defined in KRS 13A.010(13). This administrative regulation does not set fees and will not bring in revenue.

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

BOARDS AND COMMISSIONS
Board of Veterinary Examiners
(Amended After Comments)

201 KAR 16:737. Responsibilities for AAHP providers; limitations on practice.

RELATES TO: KRS 321.175, 321.181[(1)-(4)], 321.187, 321.200, 321.203, 321.205, 321.235, 321.251, 321.255

STATUTORY AUTHORITY: KRS [321.175(2)(c), (4), (5),] 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c)(2)(b)2., 321.236, 321.255

CERTIFICATION STATEMENT: This certifies that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: [KRS 321.175(4) states the purpose of the Kentucky Veterinary Medicine Practice Act is to promote, preserve, and protect the public health, safety, and welfare by and through, in part, setting limitations and responsibilities for AAHP licensure.] KRS 321.235(1)(b) requires the board to promulgate administrative regulations to implement and enforce KRS Chapter 321 and 201 KAR Chapter 16. KRS 321.235(2)(b)2. authorizes the board to promulgate administrative regulations to establish conditions for licensing,[permitting][and] limitations upon the[on]

practice of[upon] allied animal health professional (AAHP) licensees, and limitations on[permittees][. KRS 321.235(2)(b)2. authorizes the board to promulgate administrative regulations to limit] the scope of practice allowable by AAHP providers on animals. This administrative regulation establishes the responsibilities for AAHP providers licensed[permitted] by the board,[and] limitations upon[on] their practice on animal patients, and allowable scope of practice for[establishes] an allied animal health professional's allowable scope of practice on animals.

Section 1. Prohibitions on Practicing Veterinary Medicine.

(1) Except as provided for in KRS 321.200 and this administrative regulation, an allied animal health professional licensee[permittee] shall not practice veterinary medicine.

(2) An AAHP provider shall be held to the same standard of care as a veterinarian if the licensee[permittee] provides services within the scope of practice as established in this administrative regulation.

Section 2. Communications with Veterinarians.

(1) To ensure patient safety, an allied animal health professional licensee[permit holder] may communicate with an animal patient's veterinarian regarding services to be rendered by the AAHP provider on an animal to ensure:

(a) Appropriate services are provided; and

(b) No concerns exist related to an animal patient's condition, current treatment regime, and medicines.

(2) If the AAHP provider does not communicate with the animal patient's veterinarian prior to initiation of services, then if[in the event of] an adverse outcome occurs the liability lies solely with the AAHP provider.

(3) AAHP licensees[permittees] shall communicate findings, services provided, or relevant information to the client and the client's veterinarian within an appropriate timeframe according to the condition, but no more than three (3) business days after services are rendered.

(4) Communication between an AAHP licensee[permittee] and a veterinarian shall be recorded in the medical record.

(5) An AAHP licensee[permittee] providing services to a patient that results in harm shall be cause for the AAHP licensee[permittee] to be liable for that harm. The patient's veterinarian shall not be liable for harm as a result of services provided by an AAHP licensee[permittee].

Section 3. Limitations on Practice.

(1) An AAHP licensee[permittee] shall be limited in their practice on animal patients, as established in KRS 321.255 and this section, or the practice shall be considered the practice of veterinary medicine and subject to penalty for practicing without a veterinarian license from the board.

(2) An AAHP licensee[licensees] shall only provide AAHP services to the species for which the licensee has received training.

(3) An AAHP licensee's[permittee's] practice shall not be construed to allow any of the following on animals the:

(a) Performance of radiographs or other medical imaging;

(b) Performance of surgery;

(c) Performance of shockwave, laser, ultrasound, electrotherapy, or similar therapies;

(d) Rehabilitation activities;

(e) Prescription or[.] dispensation_[, or administration] of medications, supplements, or nutraceuticals, or diet;[or]

(f) Provision of dietary guidance;

(g) Administration of medications, except in the context of KRS 321.200(1)(b);

(h) For AAHP equine dental provider (EDP) licensees, offering[offer] or conducting[conduct] a veterinary oral exam on the mouth of patients; or

(i)(f) Practice of veterinary medicine outside the scope of the allied animal health professional's licensed[permitted] practice area.

(4)(3) [For] AAHP licensees[permittees] specializing in animal chiropractic, the applicant shall:

(a) Conform with applicable requirements of the Horseracing Integrity and Safety Authority (HISA) and the Kentucky Horse Racing and Gaming Corporation; and

(b) Comply with other state and federal laws.

Section 4. EDP Students.

(1) An EDP licensee who was granted licensure by the board through the traditional licensure pathway and who is certified by a board-approved AAHP program may provide immediate supervision to EDP students, if so long as both the licensed EDP and the EDP student are under the indirect supervision of a Kentucky licensed veterinarian.

(a) The supervising veterinarian shall[must] sign a statement taking on the liability for each student.

(b) An EDP licensee [as in the above subsection] may supervise no more than three (3) students concurrently.

(2) An EDP who was granted licensure by the board through the legacy pathway shall not [be authorized to] provide supervision to EDP students.

(3) The supervising veterinarian shall:

(a) Hold a license as a veterinarian in good standing with the board;[:]

(b) Provide indirect supervision of EDP students who are supervised by board-licensed AAHP EDPs, totaling no more than six (6) students concurrently, except as allowable in paragraph (c) of this subsection;

(c) Provide direct supervision in an EDP workshop setting to no more than twenty (20) EDP students;

(d) Be readily available and responsive to the needs of the patient that are beyond the scope of practice allowable by an EDP in KRS 321.255 and as established in this administrative regulation; and

(e) Be[Obligated to be] available for and [to] provide follow-up[follow up] care to patients worked on by students.

(4) Prior to an EDP student beginning practice in the commonwealth, the veterinarian supervisor shall complete and submit to the board the Registration for Supervision of EDP Students form or online equivalent form provided by the board, including all required attachments. One (1)[such] attachment shall be a written agreement between the supervising veterinarian, the supervising AAHP EDP, and the EDP student outlining and acknowledging their respective responsibilities for supervision and liability regarding the patient and client.

(5) An EDP student shall be limited in practice to six (6) consecutive months on live, privately owned animals.

(a) The [For good cause shown, the] board may extend in writing the allowable period of study for an EDP student for no more than six (6) months at a time and collectively not more than two (2) years in total time.

(b) There shall be no limitation for EDP student work on equine cadavers, except for that which may exist in state or federal laws related to animal cadavers.

Section 5. Record Keeping. An AAHP licensee[permittee] shall keep medical records on all animal patients on which they practice their profession pursuant to KRS 321.187 and this section.

(1) The AAHP licensee's[permittee's] animal patient medical records shall contain sufficient information to justify and describe the course of care on the patient. The records shall contain, at a minimum:

(a) Name, address, and telephone number of the client, as defined by[in] KRS 321.181(22)(24);

(b) Identity of the animal patient, including name, age, sex, and breed;

(c) Name, address, and telephone number of the animal patient's veterinarian;

(d) Dates of consultations, observations[examinations], or services provided;

(e) Brief history of the condition of each animal;

(f) AAHP provider findings and observations;

(g) Plan for services, including expected duration and frequency;

(h) Notations related to provided services;

(i) Progress and disposition of the case;

(j) Name of the AAHP provider or providers~~practitioner or practitioners~~ providing service to the patient;

(k) Name and contact information of any person consulted for medical advice regarding the patient; and

(l) Communication attempts of the AAHP licensee[permittee] to the veterinarian of record.

(2) For AAHP EDP licensees, in addition to the information in the medical record as established in subsection (1) of this section, the dental chart shall include:

(a) A disclaimer stating that the work provided is not inclusive of a veterinary oral exam and is ancillary to veterinarian services;

(b) Notes of observations made;

(c) If sedation is administered as allowable by the client or supervising veterinarian, documentation of:

1. Drug name;[:]

2. Amount of drug administered;

3. Route of administration:

4. Time of administration; and[:]

5. IfAnd if additional drugs are provided, subsequent name of drug, dosage, route, and time of administration for each additional administration event; and[:]

(d) Include a check box for referral to a veterinarian, which shall, as warranted:

1. Be[, be] checked ifin the event EDP observations determine the need for veterinary attention for the patient;[:] and

2. Include corresponding notes shall be included in the observation section of the chart detailing observations and concerns.

(3) For an AAHP-EDP, the dental chart may comprise the medical record if all required information as established in subsections (1) and (2) of this section is included.

(4) Patient medical records shall be complete and accurate.

(5) (3) Patient medical records shall be maintained in the AAHP licensee's registered facility or other location~~[permittee's office]~~ for at least five (5) years past the date of the last patient visit. Cessation from practice, either temporarily or permanently, does not relieve the practitioner from compliance with this section.

(6) (4) An AAHP licensee~~[permittee]~~ shall not violate the confidential relationship between the licensee~~[permittee]~~ and the client, pursuant to KRS 321.187(6). Consultation by the licensee~~[permittee]~~ with another AAHP licensee~~[permittee]~~ or veterinarian for the benefit of the patient shall not constitute a violation of confidentiality.

(a) An AAHP licensee~~[permittee]~~ shall not release information concerning a client or care of a client's animal, except as authorized by KRS 321.187(6).

(b) An AAHP licensee~~[permittee]~~ shall, if requested by the client, communicate their findings, service plan, or records with the client's designated veterinarian.

Section 6.[Section 5.] Duty to Report. AAHP licensees~~[permittees]~~ shall report to the board:

(1) Any change of name, address, phone, or email within thirty (30) days;

(2) A written response to a grievance or inquiry from the board in accordance with 201 KAR 16:610; and

(3) Disciplinary action or conviction in any jurisdiction.

Section 7.[Section 6.] Compliance and Disciplinary Action.

(1) AAHP licensees~~[permittees]~~ shall be subject to disciplinary action for violation of:

(a) KRS Chapter 321 and 201 KAR Chapter 16; and

(b) Other applicable federal, state, and local laws.

(2) The board shall report any grievance or disciplinary action received against an AAHP permittee to the professional licensing board in the human area of specialty and may consult with that board as experts in their professional field.

Section 8. Incorporation by Reference.

(1) "Registration for Supervision of EDP Students", 08/2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subjected to applicable copyright law, at the Kentucky Board of Veterinary Examiners, 4047 Iron Works Parkway, Suite 104, Lexington, Kentucky 40511, Monday through Friday, 8:30 a.m. to 4:30 p.m. This material may also be obtained at kbve.ky.gov.

VOLUME 52, NUMBER 7– JANUARY 1, 2026

MICHELLE M. SHANE, Executive Director
For JOHN C. PARK, DVM, Board Chair

APPROVED BY AGENCY: October 23, 2025

FILED WITH LRC: December 15, 2025 at 9:15 a.m.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michelle Shane

Subject Headings: Animals: Domestic; Chiropractic; Equine and Horses; Occupations and Professions; Veterinary Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the responsibilities for an allied animal health professional (AAHP) licensee and limitations on the allowable scope of work on animals patients.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to communicate clear requirements regarding limitations on scope of practice on animal patients and the duties of AAHP licensees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 321.175(2)(c), (4) and (5) establish that the intent of the Kentucky Veterinary Medicine Practice Act is to regulate the professions of veterinary medicine, including the work of authorized allied animal health professionals. KRS 321.181(1)-(4) define key AAHP terminology. KRS 321.235(1)(a)-(c) and (2)(b)2 require the board to ensure the competence of credential holders and to administer credentialing programs to ensure competency to practice and to protect the public. This administrative regulation will assist in effective administration by clearly expressing what requirements have been established by the board. KRS 321.251 defines the allowable AAHP professions, including equine dental providers, and required licensure by the Board. KRS 321.253 requires AAHP providers to maintain and renew a license to provide AAHP services in the Commonwealth.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in effective administration by clearly expressing the responsibilities and limitations for AAHP provider licensees as established by the board.

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

(a) How the amendment will change this existing administrative regulation: This amendment updates the administrative regulation for conformity with Acts Chapter 87; changes the "permit" to a "license"; and defines limitations and responsibilities for the added AAHP equine dental providers (EDPs); places limitations on EDP students who are learning to practice, including who may supervise these students and required registration with the board.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to establish conformity with Acts Chapter 87 and to define limitations and responsibilities for the added AAHP EDP applicants.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 321.175(2)(c) states the intent of KRS Chapter 321 is to regulate the professions of veterinary medicine, including work done by authorized allied animal health professional (AAHP) providers. KRS 321.175(4) states that regulation is necessary to protect the public and animals of the commonwealth. KRS 321.175(5) states that KRS Chapter 321 shall fully occupy the field of AAHP provider work on animals to be enforced by the Board. KRS 321.181(1)-(4) defines key terms related to AAHP providers. KRS 321.235(1)(a)-(c) requires the board to implement and enforce the chapter and to promulgate administrative regulations to do so. KRS 321.235(2)(b)2 allows the Board to establish minimum requirements for AAHP licensees. KRS 321.251 defines the allowable AAHP professions, including equine dental providers, and requires licensure by the Board. KRS 321.253 requires AAHP providers to maintain and renew a license to provide AAHP services in the Commonwealth.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in effective administration by clearly expressing the responsibilities and limitations for AAHP provider licensees as established by the board.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? This administration implements legislation by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Future applicants to the board for an AAHP license. The board anticipates receiving approximately 30 initial applications for this credential under the new laws, and one-two (1-2) annually in future years.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Licensees will be required to work within a limited scope of practice as established by the General Assembly and the board, and must also be responsible for creating appropriate medical records to document services provided to animal patients and clients in Kentucky. Further, any EDP who wishes to train students will need to register those students with the Board and operate within the boundaries as established in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No costs are associated with compliance, as this administrative regulation simply establishes the duties and limitations on AAHP permittees as approved by the board.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Administrative ease of clear communications of the limited scope of practice and responsibilities for AAHP permittees, and limitations and requirements for EDP students and their authorized supervisors.

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

(a) Initially: Enforcement of this regulation will be accomplished using current funding.

(b) On a continuing basis: The KBVE expects that, on an ongoing basis, the agency will enforce the provisions of this regulation using the current funding available to the agency.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: KBVE does not receive any general funds. All funds for the agency come from application fees, service fees, and administrative fines.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipation of an increase in fees to implement this administrative regulation, as the KBVE is already running an administrative program to process applications and an enforcement program to ensure compliance.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish or increase any fees, directly or indirectly.

(10) TIERING: Is tiering applied? Tiering is not applied because this administrative regulation applies to all AAHP licensees.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 321.181(1)-(4), 321.203, 321.205, 321.235(1)(a)-(c)(2)(b)2., 321.236, 321.255.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administration is expressly authorized by the General Assembly in Acts Chapter 95 in 2023 and Acts Chapter 87 in 2025.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Board of Veterinary Examiners. There Kentucky Horse Racing and Gaming Corporation who separately licenses equine dental providers to work on race tracks may be impacted by having

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to verify EDP licensure with KBVE for all "dental techs" licensed by that agency; the KHRG can complete verifications at no cost through online licensure lookup through the KBVE website.

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

1. Expenditures:

For the first year: The KBVE expects that it may enforce this provision of its regulations using existing fund available to the agency in the first year.

For subsequent years: The KBVE expects that, in subsequent years, the agency will enforce the provisions of this regulation using the funding available to the agency.

2. Revenues:

For the first year: There is no revenue generated by this filing.

For subsequent years: There is no revenue generated by this filing.

3. Cost Savings:

For the first year: There will be no cost savings; this administrative regulation simply codifies responsibilities and limitations for AAHP licensees, making them easily accessible for regulated entities.

For subsequent years: There will be no cost savings; this administrative regulation simply codifies responsibilities and limitations for AAHP licensees.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): KBVE does not anticipate that any local entities will be impacted.

(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): KBVE does not anticipate that any other regulated entities will be impacted.

(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: This administrative regulation does not set fees and will not bring in revenue. This filing only impacts individuals who hold a license to practice as an AAHP provider in Kentucky.

(b) Methodology and resources used to reach this conclusion: Budget reports and licensure reports were inputted into a large spreadsheet to calculate all board revenues, expenditures, proposed fees, and estimated quantities of applications based on historical numbers. Projections were calculated ten (10) years out to F.Y. 2036.

(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(14):

(b) The methodology and resources used to reach this conclusion: This amendment will not have a negative impact, as no fees are established or collected as a part of this administrative regulation.

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.

EDUCATION AND LABOR CABINET
Board of Education
Department of Education
(Amended After Comments)

701 KAR 5:170. Waiver requests.

RELATES TO: KRS 156.070, 156.160, 156.161, 157.360, 158.854

STATUTORY AUTHORITY: KRS 156.070, 156.161

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070 authorizes the Kentucky Board of Education to manage and control the common schools, including prescribing administrative regulations the Kentucky Board of Education deems necessary for the efficient management, control and operation of public schools. KRS 156.161 authorizes the Kentucky Board of Education to promulgate administrative regulations to establish procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161. This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.

Section 1. Definitions.

(1) "Amendment application" means a waiver request wherein a school district board of education seeks to amend the waiver of a statute or administrative regulation previously granted to the requestor by the Kentucky Board of Education and still in effect as of the date of the waiver request.

(2) "Commissioner" means the commissioner of the department.

(3) "Department" means the Kentucky Department of Education.

(4) "New application" means a waiver request wherein a school district board of education seeks a waiver of a statute or administrative regulation not previously granted to the requestor by the Kentucky Board of Education, or previously granted to the requestor by the Kentucky Board of Education but expired or terminated as of the date of the waiver request.

(5) "Renewal application" means a waiver request wherein a school district board of education seeks renewal of a waiver of a statute or administrative regulation previously granted to the requestor by the Kentucky Board of Education and still in effect as of the date of the waiver request.

(6) "Special education maximum class size application" means a waiver request wherein a superintendent or school-based decision making council seeks a waiver of the special education class sizes prescribed in 707 KAR 1:350, or to renew a waiver of the special education class sizes prescribed in 707 KAR 1:350 previously granted to the requestor by the Kentucky Board of Education and still in effect as of the date of the waiver request.

(7) "Waiver request" means a request to waive statutes or administrative regulations made pursuant to KRS 156.161 and this administrative regulation.

Section 2. Waiver Request Application.

(1) A waiver request shall be in the form of a new application, a renewal application, an amendment application, or a special education maximum class size application, and shall comply with the requirements of this section.

(2) A waiver request shall be submitted by U.S. mail to the department with the phrase "Attn: Waiver Request" in the address. The Commissioner may allow email submission of waiver requests at his or her discretion to an email address selected by the Commissioner.

(3) A new application shall include an Application Cover Sheet, and attached thereto a Specific Waiver Request Form for each statute or administrative regulation from which the requestor seeks a waiver.

(4) A renewal application shall include an Application Cover Sheet, and attached thereto a Renewal Application Form.

(5) An amendment application shall include an Application Cover Sheet, and attached thereto an Amendment Request Form.

(6) A special education maximum class size application shall include a Special Education Maximum Class Size Request Form.

(7) A waiver request shall be deemed incomplete if:

(a) The request fails to include all forms required for the waiver request as provided in subsections (3) – (6) of this section;

(b) The forms required for the waiver request as provided in subsections (3) – (6) of this section contain missing or incomplete responses; or

(c) Attachments prescribed within the forms required for the waiver request as provided in subsections (3) – (6) of this section are missing or incomplete.

Section 3. Receipt and Technical Review.

(1) Upon receipt of a waiver request, the department shall:

(a) Note the date the department received the request;

(b) Assign a number to identify the request;

(c) Notify the Kentucky Board of Education that the waiver request should appear on its next regular meeting for review and decision; and

(d) Perform a technical review of the waiver request as set forth in subsection (2) of this section.

(2) The department shall perform the following technical review for each waiver request received:

(a) Calculate the number of calendar days from the date noted on the waiver request pursuant to subsection (1)(a) of this section and the next regular meeting of the Kentucky Board of Education following that date;

(b) Determine whether the waiver request seeks waiver of any statute or administrative regulation set forth in KRS 156.161(1)(a)-(j); and

(c) Determine whether the waiver request meets the requirements of KRS 156.161(2) and Section 2 of this administrative regulation.

(3) Following the technical review performed pursuant to subsection (2) of this section, the department shall notify the party submitting the waiver request of the following:

(a) The date the department received the waiver request;

(b) The number assigned by the department to identify the waiver request;

(c) The Kentucky Board of Education meeting date when the waiver request will be acted upon;

(d) If the number of calendar days calculated pursuant to subsection (2)(a) of this section is less than forty-five (45), that denial of the waiver request shall be recommended to the Kentucky Board of Education due to insufficient time to conduct a meaningful review of the request, unless the Commissioner determines the waiver request is narrowly tailored to address an emergency situation requiring timely action by the Kentucky Board of Education;

(e) If the waiver request seeks waiver of any statute or administrative regulation set forth in KRS 156.161(1)(a)-(j), that denial of those portions of the request shall be recommended to the Kentucky Board of Education;

(f) If the waiver request does not meet the requirements of KRS 156.161(2) or Section 2 of this administrative regulation, that denial of the request shall be recommended to the Kentucky Board of Education, along with a description of how the request does not meet the requirements of KRS 156.161(2) or Section 2 of this administrative regulation;

(g) Instructions on how the party submitting the waiver request may voluntarily withdraw its request from Kentucky Board of Education review prior to the date set forth in paragraph (c) of this subsection; and

(h) Instructions on how the party submitting the waiver request may request that the Kentucky Board of Education act upon the request on a date different from that set forth in paragraph (c) of this subsection.

(4) Following the notice provided in subsection (3) of this section, the department shall take the following steps in processing the waiver request:

(a) If the waiver request is recommended to the Kentucky Board of Education for denial as set forth in paragraph (d) or (f) of subsection (3) of this section, then such recommendation shall be forwarded to the Kentucky Board of Education and the department shall terminate further review of the waiver request pursuant to this administrative regulation;

(b) If portions of the waiver request are recommended to the Kentucky Board of Education for denial as set forth in paragraph (e) of subsection (3) of this section, then such recommendation shall be forwarded to the Kentucky Board of Education and the department shall terminate further review of those portions of the waiver request pursuant to this administrative regulation; and

(c) Any waiver request, or portion thereof, not recommended for denial to the Kentucky Board of Education as set forth in paragraphs (d) – (f) of subsection (3) of this section shall proceed to substantive review pursuant to Section 4 of this administrative regulation.

Section 4. Substantive Review.

(1) A waiver request, or portion thereof, that proceeds to substantive review pursuant to subsection (4)(c) of Section 3 of this administrative regulation shall be reviewed and recommended by the Commissioner to the Kentucky Board of Education for approval or denial following such review.

(2) In reviewing and evaluating the waiver request for a recommendation pursuant to subsection (1) of this section, the Commissioner shall consider the following factors:

(a) The entirety of the waiver request as set forth in subsections (3) – (6) of Section 2 of this administrative regulation;

(b) Student academic achievement for the past three full school years for which data is available in the schools and programs identified in the waiver request;

(c) Whether and to what extent the waiver request describes processes the requesting party will utilize to measure success as a result of the waiver, if granted, using data and accountability;

(d) The likelihood of the schools and programs identified in the waiver request realizing meaningful operational efficiency improvements if the waiver is granted;

(e) The likelihood of the students enrolled in the schools and programs identified in the waiver request realizing improved academic achievement if the waiver is granted;

(f) Whether and to what extent the waiver request reasonably anticipates potential adverse impacts on student academic achievement and addresses such potential adverse impacts;

(g) Whether and to what extent the waiver request demonstrates the establishment of high expectations for student learning and evidence based best practices for learning in the schools and programs identified in the request; and

(h) For special education maximum class size applications, any additional factors to be considered pursuant to 707 KAR 1:350 for waiver or exemption of special education maximum class sizes.

(3) Following review and evaluation as provided in subsection (2) of this section, the Commissioner shall recommend approval of a waiver request, or portion thereof, only if he or she finds the requested waiver is more likely than not:

(a) To improve school or program operations without hindering student academic achievement; or

(b) To improve student academic achievement at the school or program.

Section 5. Notification of Kentucky Board of Education Action.

(1) Within ten (10) business days following action by the Kentucky Board of Education on any waiver request, the department shall notify the requesting party of:

(a) The action taken by the Kentucky Board of Education on the waiver request; and

(b) If any portion of the waiver request was granted:

1. The specific statutes or administrative regulations waived;

2. The schools or programs to which the waiver applies;

3. The expiration date of the waiver granted;

4. The process to file a renewal application to avoid expiration of the waiver granted; and

5. The process to file an amendment application to seek future amendments to the waiver granted.

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(2) The department shall maintain a list of waiver requests granted by the Kentucky Board of Education. The department shall remove from the list any waivers that are no longer effective due to expiration or termination.

Section 6. Termination of Waiver.

(1) A party to whom a waiver request is granted may request voluntary termination of the waiver by submitting an amendment application using the procedures set forth in Section 2 of this administrative regulation.

(2) The Kentucky Board of Education may terminate a waiver it previously granted as provided in KRS 156.161(9). No less than twenty (20) calendar days prior to a meeting of the Kentucky Board of Education to consider termination of a waiver pursuant to this subsection, the department shall provide written notice to the party to whom the waiver was granted of the following:

(a) That the Kentucky Board of Education will consider termination of a previously granted waiver as provided in KRS 156.161(9);

(b) The Kentucky Board of Education meeting date when such consideration and action shall occur;

(c) The reasons for potential termination of the previously granted waiver along with copies of any documents that will be considered by the Kentucky Board of Education as evidence in support of the reasons for potential termination; and

(d) That any written response of the party to whom the waiver was granted, received by the department within fifteen (15) calendar days following the date of the notice, shall be provided to the Kentucky Board of Education for its consideration prior to any action to terminate a previously granted waiver as provided in KRS 156.161(9).

(3) Within five (5) business days following any action by the Kentucky Board of Education pursuant to subsection (2) of this section, the department shall provide written notice to the party granted a waiver subject to termination action of the outcome of the Kentucky Board of Education's action pursuant to KRS 156.161(9).

Section 7. Incorporation by Reference.

(1) The following material is incorporated by reference:

- (a) "Application Cover Sheet", **October 2025[June 2025]**;
- (b) "Specific Waiver Request Form", June 2025;
- (c) "Renewal Application Form", June 2025;
- (d) "Amendment Request Form", June 2025; and
- (e) "Special Education Maximum Class Size Request Form", **October 2025[June 2025]**.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at Kentucky Department of Education, 300 Sower Blvd. 5th Floor, Frankfort, Kentucky, Monday through Friday, 8:00 a.m. to 4:30 p.m. eastern time. This material may also be accessed on the Kentucky Department of Education website at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

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).

DR. ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: December 8, 2025

FILED WITH LRC: December 10, 2025 at 12:00 p.m.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

Subject Headings: Board of Education; Waivers; Forms and Applications

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets forth the procedures for processing requests to waive

statutes or administrative regulations pursuant to KRS 156.161.

(b) The necessity of this administrative regulation: KRS 156.161 authorizes the Kentucky Board of Education to promulgate administrative regulations to establish the procedures for processing requests to waive statutes or administrative regulations. Without this regulation, no procedure will exist for local boards of education to utilize KRS 156.161 to request that the Kentucky Board of Education waive statutes or administrative regulations.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.161 specifically authorizes the Kentucky Board of Education to promulgate administrative regulations to establish the procedures for processing requests to waive statutes or administrative regulations.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation sets forth the procedures for processing requests to waive statutes or administrative regulations pursuant to KRS 156.161.

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

(a) How the amendment will change this existing administrative regulation: This is a new administrative regulation.

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

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

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

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See 2025 Ky. Acts ch. 113, sec. 1.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Kentucky Department of Education and 171 public school districts.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The Kentucky Department of Education must follow the procedures listed in the regulation for review, processing, and recommendation to the Kentucky Board of Education for any waiver request received from a local board of education. Local boards of education are not required to take any action as a result of the administrative regulation. However, if they choose to apply to the Kentucky Board of Education for a waiver pursuant to KRS 156.161, they must utilize the forms and comply with the procedures set forth in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. Costs to local boards of education are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Kentucky Department of Education will be guided by clear procedures that are uniform to all applicants. Local school boards will have access to fillable forms and instructions to guide them through the process of requesting a waiver pursuant to KRS 156.161.

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

(a) Initially: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

(b) On a continuing basis: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be

minimal.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General funds.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The administrative regulation does not establish or increase any fees. Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of re-quests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. If this changes in the future, the Kentucky Department of Education will explore the need for additional funding.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, 156.161.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by KRS 156.161.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education.

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

1. Expenditures:

For the first year: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

For subsequent years: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue. For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

For subsequent years: This regulation is not expected to result in cost savings to the Kentucky Department of Education.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

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

1. Expenditures:

For the first year: Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.

For subsequent years: Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue. For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: Local school districts may realize cost savings depending on the specific waivers requests and granted.

For subsequent years: Local school districts may realize cost savings depending on the specific waivers requests and granted.

(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: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(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: Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of re-quests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal. Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal. This regulation is not expected to generate revenue. Local school districts may realize cost savings depending on the specific waivers requests and granted.

(b) Methodology and resources used to reach this conclusion: The agency considered the procedures called for by this administrative regulation, as well as historical volume of requests from school district to waive administrative regulations.

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

(a) Whether this administrative regulation will have a "major economic impact", as defined by KRS 13A.010(14): This regulation will not have a "major economic impact" as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: As previously stated, local boards of education are not required to take any action as a result of the administrative regulation. How-ever, if they choose to apply to the Kentucky Board of Education for a waiver pursuant to KRS 156.161, they must utilize the forms and comply with the procedures set forth in the regulation. Costs to local school districts are in the form of staff time completing required forms if the school district chooses to pursue a waiver request. These costs are estimated to be minimal. Costs to the Kentucky Department of Education are in the form of staff time processing waiver requests. These costs depend on the volume of requests received. At this time, costs to the Kentucky Department of Education are estimated to be minimal based on historical volume of requests from school districts to waive administrative regulations.

PROPOSED AMENDMENTS

Public comment periods for ordinary, non-emergency regulations are at least two months long. For other regulations with open comment periods, please also see last month's *Administrative Register of Kentucky*.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(Amendment)

40 KAR 12:410. Business opportunity sellers[forms].

RELATES TO: KRS 367.805, 367.807, 367.815[367.816, 367.990(13)]

STATUTORY AUTHORITY: KRS 15.180, 367.150(4), 367.805(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.805 requires business opportunity sellers to register with the Attorney General and provide certain information and documents. KRS 367.805 requires registered business opportunity sellers to renew registrations annually. KRS 367.805 and 367.815 require business opportunity sellers to submit surety bonds or cash certificates of deposit to the Attorney General. KRS 367.807 exempts certain offerors from the provisions of KRS 367.801 to 367.819. This administrative regulation establishes an online registration application process, an online renewal registration application process, a surety bond, and a cash bond/certificate of assignment for use by business opportunity sellers; and an online notice submission process for exempt offerors.[To provide forms which allow for the review of a prospective seller's offering of business opportunities for conformity with the business opportunity act and for the registration of the seller as such is needed.]

Section 1. Business Opportunity Sellers Registration Application.

(1) The Attorney General must approve a business opportunity seller's registration application before a seller may sell business opportunities to Commonwealth of Kentucky residents. A business opportunity seller shall submit an online registration application using the "Business Opportunity Seller registration application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) When completing an online application, an applicant shall submit:

- (a) Payment of the \$150.00 registration fee;
 - (b) The applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky;
 - (c) A completed Business Opportunity Seller Surety Bond, Form A-1; a completed Business Opportunity Seller Cash Bond/Certificate of Deposit Assignment, Form A-2; a completed surety bond complying with KRS 367.815; or a completed cash bond/certificate of deposit assignment complying with KRS 367.815;
 - (d) A copy of applicant's current audited financial statement;
 - (e) Copies of all materials provided by the applicant to prospective consumers or investors; and
 - (f) Copies of all contracts used by the applicant.
- [1] [A seller of business opportunities shall register with the Attorney General pursuant to KRS 367.805 if the seller's proposed activity meets the definition of a business opportunity set out in KRS 367.801.]
- [2] [The Attorney General shall make the business opportunity determination pursuant to subsection (1) of this section consistent

with the following information which shall be provided by the seller in affidavit form:]

[(a)] [The name of the business opportunity;]

[(b)] [The complete address and telephone number of the principle office;]

[(c)] [The address and telephone number of the principal office in Kentucky;]

[(d)] [A list of trade names, assumed names and all trademarks by which the offeror or the prospective consumer or investor will be doing business;]

[(e)] [A list of all officers and directors and salesmen of the offeror along with their home addresses, home telephone numbers and Social Security numbers;]

[(f)] [A description of the product or service to be offered;]

[(g)] [A description of any sales commission or other remuneration to be paid to anyone in connection with offers and sales of the business opportunities, including a list of persons and positions to receive commissions;]

[(h)] [A list of states in which the business opportunities have been or are being offered for sale;]

[(i)] [The proposed beginning date and length of time for offering this business opportunity in Kentucky;]

[(j)] [Information relating to the definition of a business opportunity found in KRS 367.801(5);]

[(k)] [A statement of whether the registrant or any of its officers, directors, or sales representatives has been a defendant or is currently a defendant in any litigation or declares bankruptcy within the last seven (7) years.]

[(3)]

[(a)] [The information required pursuant to subsection (2) of this section shall be supplied by the seller on a "Determination of Registration for Sale of Business Opportunity Form A-1" (July 1994 edition) which is incorporated by reference.]

[(b)] [Copies of the "Determination of Registration for Sale of Business Opportunity Form A-1" may be inspected, copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.]

[(3) Applicants shall submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an applicant fails to timely complete the application by not paying the application fee or not submitting requested missing information or required documents.]

Section 2. Business Opportunity Seller Renewal Application.

(1) An approved business opportunity seller registration application shall be valid for one (1) year from written confirmation of registration approval provided by the Attorney General.[If the Attorney General determines that a seller of business opportunities must register pursuant to KRS 367.805, the seller shall complete a "Business Opportunity Annual Registration Statement Form A-2" which shall contain the following information in affidavit form:]

(2) Thirty (30) days prior to the expiration of a current registration, a registrant may renew its registration for another annual period by submitting an online renewal application using the "Business Opportunity Sellers Renewal application portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(3) When completing the online renewal application portal, a registrant shall submit:

(a) Payment of the \$50.00 renewal fee;

(b) A copy of the registrant's audited financial statement for the preceding year;

(c) A completed Business Opportunity Seller Surety Bond, Form A-1; a completed Business Opportunity Seller Cash Bond/Certificate of Deposit Assignment, Form A-2; a completed surety bond complying with KRS 367.815; or a completed cash bond/certificate of deposit complying with KRS 367.815; when the registrant's prior filed security is not current.

(d) Copies of any new materials provided by the registrant to prospective consumers/investors since last application; and

(e) Copies of any new contracts used by registrant since last application.

(4) A registrant shall submit additional information or documents for its renewal application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any renewal application if a registrant fails to timely complete the application by not paying the renewal application fee or not submitting requested missing information or required documents.

(5) Any registration renewal by the Attorney General shall not be construed to waive or condone any violation of law that occurred prior to any registration renewal and shall not prevent subsequent proceedings against the registrant.

[(2)]

[(a)] [The name of the business opportunity;]

[(b)] [The complete address and telephone number of the principle office;]

[(c)] [The address and telephone number of the principal office in Kentucky;]

[(d)] [A list of trade names, assumed names and all trademarks by which the offeror or the prospective consumer or investor will be doing business;]

[(e)] [A list of all officers and directors and salesmen of the offeror along with their home addresses, home telephone numbers and Social Security numbers;]

[(f)] [The length of time, the business opportunity has been offered for sale;]

[(g)] [A statement of whether the registrant or company or any of its officers, directors, or sales representatives have been involved in or is currently involved in any legal proceeding as set forth in KRS 367.805(1)(d);]

[(h)] [A statement of whether the registrant or any of its officers, directors, or sales representatives has been a defendant or is currently a defendant in any litigation or declares bankruptcy within the last seven (7) years;]

[(i)] [A statement of whether the registrant or the company offering the business opportunity or its officers, directors, or sales representatives has been a party to any legal cause of action brought by a consumer/investor of the business opportunity within the last seven (7) years and, if so, the name and address of individual bringing such action;]

[(j)] [The names and addresses, and telephone numbers for people buying a business opportunity from offeror during the past two (2) years;]

[(k)] [The names and addresses of individuals requesting a return of money from the purchase of a business opportunity during the past three (3) years;]

[(l)] [A complete description of the training to be provided to the consumer investor;]

[(m)] [A complete description of the actual services the offeror of the business opportunity will provide for the consumer investor.]

[(3)]

[(a)] [The information required pursuant to subsection (1) of this section shall be supplied by the seller on a "Business Opportunity Annual Registration Statement Form A-2" (September 1994 edition) which is incorporated by reference.]

[(b)] [Copies of the "Business Opportunity Annual Registration Statement Form A-2" (September 1994 edition) may be inspected, copied, or obtained at the Office of Attorney General, Consumer Protection Division, 1024 Capital Center Drive, Frankfort, Kentucky 40602, between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday.]

Section 3. Exempt Offerors.

(1) A business claiming a KRS 367.807 exemption from the provisions of KRS 367.801 to 367.819 shall submit a notice of

exemption using the "Franchise Exemption Notice portal" available at <https://www.ag.ky.gov/Resources/Pages/Office-of-Regulatory-Relief.aspx>.

(2) When completing the online exemption notice portal, the offeror shall submit:

(a) The offeror's certificate of existence; authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and

(b) A copy of the offeror's Federal Trade Commission (FTC) Franchise Disclosure Document (FDD) when the KRS 367.807(1)(a) franchise exemption is claimed.

Section 4. Written notification of material changes. A registered business opportunity seller and offeror submitting an exemption notice shall notify the Attorney General, in writing, within fourteen (14) days of any material change to information provided in the registrant's original application, any renewal application, or application attachments.

Section 5. Record Requests. A business opportunity seller or offeror submitting an exemption notice shall make requested records, documents, and information readily available to the Attorney General for inspection and copying upon request.

Section 6. Incorporation by Reference.

(1) The following materials are incorporated by reference:

(a) "Business Opportunity Seller Surety Bond", Form A-1, Dec. 2025;

(b) "Business Opportunity Seller Cash Bond/CD Assignment", Form A-2, Dec. 2025;

(c) "Business Opportunity Seller Registration application portal," Dec. 2025.

(d) "Business Opportunity Sellers Renewal application portal," Dec. 2025.

(e) "Franchise Exemption Notice portal," Dec. 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of Attorney General, Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40602, Monday through Friday, between the hours of 8:00 a.m. and 4:30 p.m. This material is also available on the Office's website, <https://ag.ky.gov/Pages/default.aspx>.

STEPHEN B. HUMPHRESS, Executive Director
RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: December 11, 2025

FILED WITH LRC: December 12, 2025 at 4:15 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 11:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify the Attorney General 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 February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

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REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress

Subject Headings: Attorney General; Occupations and Professions; and Bonds

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes an online registration application process, an online registration renewal application process, a surety bond, and a cash bond/certificate of assignment for use by business opportunity sellers. This administrative regulation establishes an online notice submission process for exempt offerors.

(b) The necessity of this administrative regulation: This regulation is necessary since it allows the Office of Attorney General ("Attorney General") to perform its statutory mandates.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law by law. KRS 367.150(4) requires the Department of Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.805 requires business opportunity sellers to register with the Attorney General and provide information and documents. KRS 367.805 requires registered business opportunity sellers to renew registrations annually. KRS 367.805 authorizes the Attorney General to promulgate administrative regulations as needed. KRS 367.805 and 367.815 require registered business opportunity sellers to submit surety bonds or cash certificate of deposits to the Attorney General. KRS 367.807 exempts certain offerors from the provisions of KRS 367.801 to 367.819.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes an online registration application process, an online registration renewal application process, a surety bond, and a cash bond/certificate of assignment for use by business opportunity sellers. This administrative regulation establishes an online notice submission process for exempt offerors.

(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 makes changes to comply with KRS Chapter 13A drafting requirements. This amendment removes unnecessary language from the regulation as duplicative of the language incorporated by reference in the online registration application and renewal application portals. The amendment updates the incorporated bond and cash certificate of deposit forms so that they are easier to understand and consistent in appearance. The amended regulation provides better notice about when regulated businesses must submit registration renewal applications. The amendment provides for online credit card and electronic fund transfer payment processes through the application portals.

(b) The necessity of the amendment to this administrative regulation: The Attorney General needs to update regulations to conform to KRS Chapter 13A drafting requirements. The Attorney General needs to update its regulation and forms to make both more easily understood by regulated entities and consumers. The Attorney General also needs to modernize application and documentation processes by providing for online processes.

(c) How the amendment conforms to the content of the authorizing statutes: As previously explained, KRS 15.180, 367.150(4), 367.805, 367.807 and 367.815 authorize the administrative regulation amendments.

(d) How the amendment will assist in the effective administration of the statutes: The regulation amendments will cause the regulation to be more easily understood by regulated entities and consumers. The regulation amendments will provide online application, reporting and payment processes for regulated entities and cause the forms used by regulated entities to be more easily understood and completed.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No

(4) List the type and number of individuals, businesses, organizations,

or state and local governments affected by this administrative regulation: This regulation amendment affects one (1) registered business opportunity seller and approximately three hundred (300) exempt offerors each year, and the Attorney General.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Future business opportunity sellers will be required to use the online registration application processes. The registered business opportunity seller will be required to use the new online renewal application process. Applicants and registrants may use the new incorporated bond forms. Exempt offerors will be required to use the new online notice processes. The Attorney General will review and process the online submissions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Future applicants, the business opportunity seller and exempt offerors will bear no additional costs as they will be able use the online processes at no additional cost. The Attorney General will incur no additional costs to process the online applications and notices.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): It is intended that the online registration application, renewal application, exempt notice processes, and online payment processes will make it easier for applicants and regulated entities to apply and provide required documentation and notices. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker processing time by Attorney General staff.

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

(a) Initially: There are no costs to implement this administrative regulation amendment.

(b) On a continuing basis: There are no continuing costs to implement this administrative regulation amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation amendment.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to amend this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation amendment does not directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all business opportunity sellers.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15.180, 367.150(4), 367.805, 367.807, and 367.815

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 1960 Ky. Acts ch. 68, Art. II, sec. 1; 1972 Ky. Acts ch. 4, sec. 4; and 1978 Ky. Acts ch. 315, sec. 3.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies.

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

1. Expenditures:

For the first year: There are no expenditures to administer this administrative regulation for the first year.

For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.

2. Revenues:

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For the first year: The administrative regulation will generate no revenues to the Attorney General in the first year.

For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years.

3. Cost Savings:

For the first year: In the first year, the Attorney General will have cost savings from efficient and quicker processing of registration applications, renewal applications and exemption notices which are difficult to estimate at this time but estimated to be de minimis.

For subsequent years: In subsequent years, the Attorney General will have cost savings from efficient and quicker processing of registration applications, renewal applications and exemption notices which are difficult to estimate at this time but estimated to be de minimis.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect any local entities.

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

1. Expenditures:

For the first year: This administrative regulation will not cause expenditures by local entities for the first year.

For subsequent years: This administrative regulation will not cause expenditures by local entities in subsequent years.

2. Revenues:

For the first year: Local entities will receive no revenues from this administrative regulation for the first year.

For subsequent years: Local entities will receive no revenues from this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: Local entities will receive no cost savings from this administrative regulation for the first year.

For subsequent years: Local entities will receive no cost savings from this administrative regulation for subsequent years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Applicants and business opportunity sellers will be affected by this administrative regulation. Exempt offerors will be affected by this administrative regulation.

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

1. Expenditures:

For the first year: This administrative regulation will not cause applicants, business opportunity sellers and exempt offerors to have any additional expenditures for the first year.

For subsequent years: This administrative regulation will not cause applicants, business opportunity sellers and exempt offerors to have any additional expenditures for subsequent years.

2. Revenues:

For the first year: Applicants, business opportunity sellers and exempt offerors will not receive any revenues directly from this administrative regulation for the first year.

For subsequent years: Applicants, business opportunity sellers and exempt offerors will not receive any revenues directly from this administrative regulation for subsequent years.

3. Cost Savings:

For the first year: For the first year, applicants and business opportunity sellers will receive cost savings from quicker processing of online registration and renewal application submissions. Exempt offerors will receive cost savings from simple online notice submissions. These cost savings are difficult to estimate at this time but estimated to be de minimis.

For subsequent years: For subsequent years, applicants and business opportunity sellers will receive cost savings from quicker processing of online registration and renewal application submissions. Exempt offerors will receive cost savings from simple online notice submissions. These cost savings are difficult to estimate at this time but estimated to be de minimis.

(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 administrative regulation will have no fiscal impact. The new regulation merely creates an online notice submission process for exempt offerors, creates an online registration and renewal application process for business opportunity sellers, and establishes a surety bond form and cash certificate of deposit for business opportunity sellers to use. The

regulation does not affect any other governmental agencies or local governments. The regulation does not establish any fees. For these reasons, the regulation is not expected to have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.

(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(14): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.

(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

BOARDS AND COMMISSIONS

Board of Pharmacy (Amendment)

201 KAR 2:010. Schools approved by the board.

RELATES TO: KRS 315.050

STATUTORY AUTHORITY: KRS 315.050, 315.191(1)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the board to promulgate administrative regulations to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists. KRS 315.050(1) requires the board to approve the schools or colleges of pharmacy whose curricula or course of studies are acceptable. This administrative regulation establishes the educational standards for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

Section 1. An applicant for licensure as a pharmacist, shall have graduated and received a degree in an accredited pharmacy degree program, which has been approved by the Board of Pharmacy. A program shall be considered approved if the program's standards are equivalent to the minimum standards for accreditation for a similar program established by:

(1) The Accreditation Council on Pharmaceutical Education, Accreditation Standards and Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree; or

(2) The Canadian Council for Accreditation of Pharmacy Programs, Accreditation Standards for Canadian First Professional Degree in Pharmacy Programs.

Section 2. An applicant for licensure as a pharmacist who shall have graduated and received a degree in a foreign pharmacy degree program, other than from a college or school accredited by the Canadian Council for Accreditation of Pharmacy Programs shall be deemed to be a graduate of a pharmacy degree program, which has been approved by the Board of Pharmacy if the applicant has obtained a Foreign Pharmacy Graduate Examination Committee Certificate through the Foreign Pharmacy Graduate Examination Committee Certification Program, which is administered by the National Association of Boards of Pharmacy.

Section 3. Incorporation by Reference.

(1) The following material is incorporated by reference:

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(a) "Accreditation Standards and Key Elements for the Professional Program in Pharmacy Leading to the Doctor of Pharmacy Degree", July 2025,[January 25, 2015.] Accreditation Council on Pharmaceutical Education; and

(b) "Accreditation Standards for Canadian First Professional Degree in Pharmacy Programs", July 2018, Revised 2020,[January 2018,] Canadian Council for Accreditation of Pharmacy Programs.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, Frankfort, Kentucky 40601-8204, Monday through Friday 8 a.m. to 4:30 p.m.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 10, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Colleges and Universities; Education and Professional Standards

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the educational standards for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

(b) The necessity of this administrative regulation: KRS 315.050(1) requires the board to approve the schools or colleges of pharmacy whose curricula or course of studies are acceptable. This administrative regulation establishes the educational standards for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation establishes the educational standards for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Updates the language concerning the accreditation documents and standards that are acceptable for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

(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: Updated reference links for The Accreditation Council on Pharmaceutical Education "ACPE", Canadian Council for Accreditation of Pharmacy Programs and The National Association of Boards of Pharmacy "NABP".

(b) The necessity of the amendment to this administrative regulation: The accreditation standards were out of date and the update makes them reflective of current standards.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.050(1) requires the board to approve the schools or colleges of pharmacy whose curricula or course of studies are acceptable.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information regarding accreditation agencies.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes beyond the updated standards.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and the public can refer to the correct information for accreditation questions. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and sponsors that desire approval for continuing education credit.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.050 and KRS 319.191(1).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 315.050(1) requires the board to approve the schools or colleges of pharmacy whose curricula or course of studies are acceptable. This administrative regulation establishes the educational standards for an applicant for licensure as a pharmacist in Kentucky and identifies the acceptable and approved colleges or schools of pharmacy from which an applicant shall graduate.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0
 For subsequent years: \$0
 2. Revenues:
 For the first year: \$0
 For subsequent years: \$0
 3. Cost Savings:
 For the first year: \$0
 For subsequent years: \$0
 (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.
 (b) Estimate the following for each affected local entity identified in (4)(a):
 1. Expenditures:
 For the first year: \$0
 For subsequent years: \$0
 2. Revenues:
 For the first year: \$0
 For subsequent years: \$0
 3. Cost Savings:
 For the first year: \$0
 For subsequent years: \$0
 (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: \$0
 For subsequent years: \$0
 2. Revenues:
 For the first year: \$0
 For subsequent years: \$0
 3. Cost Savings:
 For the first year: \$0
 For subsequent years: \$0
 (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
 (a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.
 (b) Methodology and resources used to reach this conclusion: None.
 (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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).
 (b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:050. Licenses and permits; fees.

RELATES TO: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.035(1), 315.036(1), 315.050(5), 315.060, 315.110, 315.120, 315.191, 315.402

STATUTORY AUTHORITY: KRS 218A.205(3)(g), 315.035(1), (2), (4), 315.036(1), 315.050(5), 315.060, 315.110(1), 315.120(4), 315.191(1)(i), 315.402(1)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(i) authorizes the board to assess reasonable fees for services rendered to perform its duties and responsibilities. This administrative regulation establishes reasonable fees for the board to perform all the functions for which it is responsible.

Section 1. The following fees shall be paid in connection with pharmacist examinations and licenses, pharmacy permits, intern certificates, and the issuance and renewal of licenses and permits:
 (1) Application for initial pharmacist license - \$150;
 (2) Application and initial license for a pharmacist license by license transfer - \$250;
 (3) Annual renewal of a pharmacist license - ninety-five (95) dollars;
 (4) Delinquent renewal penalty for a pharmacist license - ninety-five (95) dollars;
 (5) Annual renewal of an inactive pharmacist license - ten (10) dollars;
 (6) Pharmacy intern certificate valid six (6) years - twenty-five (25) dollars;
 (7) Duplicate of original pharmacist license wall certificate - seventy-five (75) dollars;
 (8) Application for a permit to operate a pharmacy - \$200[\$150];
 (9) Renewal of a permit to operate a pharmacy - \$175[\$150];
 (10) Delinquent renewal penalty for a permit to operate a pharmacy - \$175[\$150] dollars;
 (11) Change of location, name or [change of] ownership of a pharmacy or manufacturer permit - \$175[\$150];
 (12) Application for a permit to operate as a manufacturer - \$175[\$150];
 (13) Renewal of a permit to operate as a manufacturer - \$175[\$150];
 (14) Delinquent renewal penalty for a permit to operate as a manufacturer - \$175[\$150];
 (15) Change of location, name or [change of] ownership of a wholesale distributor license - \$175[\$150];
 (16) Application for a license to operate as a wholesale distributor - \$175[\$150];
 (17) Renewal of a license to operate as a wholesale distributor - \$175[\$150];
 (18) Delinquent renewal penalty for a license to operate as a wholesale distributor - \$175[\$150]; and
 (19) Query to the National Practitioner Data Bank of the United States Department of Health and Human Services - twenty-five (25) dollars.

Section 2. A pharmacy permit applicant shall submit:

(1) An initial or renewal application for a pharmacy permit on either the:
 (a) 1. Application for Permit to Operate a Pharmacy in Kentucky; or
 2. Application for Resident Pharmacy Permit Renewal; or
 (b) 1. Application for Non-Resident Pharmacy Permit, as incorporated by reference into 201 KAR 2:465; or
 2. Application for Non-Resident Pharmacy Permit Renewal, as incorporated by reference into 201 KAR 2:465; and
 (2) As appropriate, the:
 (a) Initial application fee established by Section 1(8) of this administrative regulation; or
 (b) Renewal fee established by Section 1(9) of this administrative regulation.

Section 3. All fees shall be non-refundable.

Section 4. Applications shall expire one (1) year after the date the application is received by the board.

Section 5. Incorporation by Reference.

(1) The following material is incorporated by reference:
 (a) "Application for Permit to Operate a Pharmacy in Kentucky", Form 1, 6/2023; and
 (b) "Application for Resident Pharmacy Permit Renewal", Form 2, 6/2023.
 (2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, State Office Building Annex, Suite 300, 125 Holmes Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the board's Web site at <https://pharmacy.ky.gov/Businesses/Pages/Pharmacy.aspx>.

VOLUME 52, NUMBER 7– JANUARY 1, 2026

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 10, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Licensing; Fees

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation sets out the fees and permit-licensing requirements for pharmacists, pharmacies, interns, wholesale distributors, manufacturers, etc. in Kentucky- including application, renewal and delinquency fees for licenses and permits.

(b) The necessity of this administrative regulation: This regulation is necessary to establish the fees required for the licensure, permitting, and renewal of individuals and entities regulated by the Kentucky Board of Pharmacy. These fee structures ensure the Board has the resources needed to administer its statutory duties, maintain oversight of pharmacy practice, and protect public health and safety.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation conforms with KRS 315.191(1) and KRS 315.050 by implementing the Board's authority to regulate the practice of pharmacy and to set reasonable fees for licenses and permits. These statutes empower the Board to administer and enforce Kentucky's pharmacy laws, and establishing a fee structure is a necessary and expressly contemplated mechanism for carrying out those statutory responsibilities.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of the statutes by establishing clear, consistent fees for applications, renewals and permits and thereby providing the financial framework the Board needs to carry out the duties assigned under KRS Chapter 315. The fee structure supports efficient processing of licenses, funding of inspections and enforcement activities and overall regulatory oversight, thereby enabling the Board to effectively administer and enforce the statutes governing pharmacy practice in Kentucky.

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

(a) How the amendment will change this existing administrative regulation: The amendment increases fees for facilities permitted by the Board.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary to ensure the Board is appropriately funded to cover personnel costs and comply with the administrative functions required for pharmacies, wholesale distributors, and manufacturers.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation amendment conforms with KRS 315.191 which authorizes the Board to assess reasonable fees for services rendered and to be able to effectively perform its duties and responsibilities under KRS Chapter 315.

(d) How the amendment will assist in the effective administration of the

statutes: The fee increase strengthens the Board's ability to administer KRS Chapter 315 by providing adequate funding for core statutory functions such as licensing, complaint investigations, inspections, and enforcement activities. By aligning fees with the actual cost of regulatory oversight, the amendment ensures the Board can maintain operational capacity, improve efficiency, and uphold the statutory mandate to protect public health and safety.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates pharmacists will be affected minimally by this regulation amendment. Pharmacies, manufacturers and wholesale distributors will have increased fees of twenty-five dollars for most licenses and licensure renewals. Permits for new pharmacies include a \$50 increase.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Licensees will need to pay the updated fees associated with their applications, renewals, or permit changes once the amended regulation takes effect.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The fee increase amount varies by license and/or permit type, but all increases comport with the maximum annual increase authorized by statute which is \$25. The only exception is that the application for operating a pharmacy was increased from \$150 to \$200 which is permissible by statute.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Applicants will maintain uninterrupted licensure and access to the privileges associated with their license or permit, ensuring that they can legally practice pharmacy and operate in Kentucky. Compliance also supports a well-funded regulatory system, which promotes efficient processing, timely renewals and consistent oversight that enhances the safety and reliability of the pharmacy profession.

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

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(8) 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: Yes, this regulation assesses an increase in fees. The increase in fees is necessary to properly fund the Board for the administrative activities related to licensing and inspection to ensure the Board is achieving its mission of public and patient safety.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Yes, fees for pharmacies, manufacturers, and wholesale distributors.

(10) TIERING: Is tiering applied? Tiering is not applied because the fee regulation is applicable to all pharmacies, wholesale distributors, manufacturers

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.035(4), 315.036(1), 315.110(1), 315.191(1)(i)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 315.191.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0
For subsequent years: \$0
2. Revenues:
For the first year: \$107,375 (additional revenue from fee increase)
For subsequent years: \$107,375 (additional revenue from fee increase)
3. Cost Savings:
For the first year: \$0
For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:
For the first year: \$0
For subsequent years: \$0
2. Revenues:
For the first year: \$0
For subsequent years: \$0
3. Cost Savings:
For the first year: \$0
For subsequent years: \$0

(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: \$0
For subsequent years: \$0
2. Revenues:
For the first year: \$0
For subsequent years: \$0
3. Cost Savings:
For the first year: \$0
For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:090. Reference material and prescription equipment.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.035(6), 315.191

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.035(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice. This administrative regulation establishes the reference material and equipment required for pharmaceutical practice.

Section 1.

[41] The pharmacy shall have appropriate reference material and equipment as dictated by experience to meet the needs of the particular pharmacy, and necessary to practice pharmacy in a safe manner.

[a] Appropriate reference material includes references such as those from the following categories:

[1.] Category I – Pharmacology;

[2.] Category II – Drug Interactions;

[3.] Category III – Drug Product Composition; and

[4.] Category IV – State and Federal Laws and Regulations.

[b] [Appropriate equipment as determined by the pharmacist in charge includes items such as the following:]

[1.] [A prescription balance with sensitivity not less than that of a Class 3 balance;]

[2.] [Weights-metric or apothecary-complete set;]

[3.] [Graduates-capable of accurately measuring from 1 ml to 250 ml;]

[4.] [Mortars and pestles-glass, porcelain, or Wedgewood;]

[5.] [Spatulas-steel and nonmetallic;]

[6.] [Filtration funnel with filter papers;]

[7.] [A heating unit;]

[8.] [Suitable refrigeration unit for proper storage of drugs; and]

[9.] [Ointment slab or ointment papers.]

[2] [Electronic references shall be acceptable.]

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 3, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Workforce Development; Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the minimum reference material and equipment required for pharmaceutical practice.

(b) The necessity of this administrative regulation: KRS 315.035(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the minimum reference material and equipment required for pharmaceutical practice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Removes the language from Section (1)(b)1.-9. and (2) to remove outdated requirements and requirements that are necessarily will be added to 201 KAR 2:205 because the pharmacist-in-charge is responsible for ensuring there is proper access to reference materials and equipment.

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

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(a) How the amendment will change this existing administrative regulation: The amendment removes outdated language and clarifies the responsibility for ensuring that a pharmacy has proper reference material and equipment in 201 KAR 2:205 (pharmacist-in-charge).
(b) The necessity of the amendment to this administrative regulation: The criteria needed to be updated to reflect modern pharmacy conditions.
(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the Board to regulate the practice of pharmacy. KRS 315.191 authorizes the Board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.0353(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information. In addition, the removal of the responsibility and inclusion of that language in 201 KAR 2:205 provides clarification for the responsibility of maintaining reference materials and equipment.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The requirements are not changing and therefore the Board anticipates that no individual, business, organization or state or local government will be affected by this regulation.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no changes or additional responsibilities added as this was just clarification.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment because there are no changes to requirement being made at this time.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and the public can refer to the correct information for reference material and equipment needs. (6) Provide an estimate of how much it will cost to implement this administrative regulation:
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No costs will be incurred.
(b) On a continuing basis: No costs will be incurred.
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.
(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.035(6)
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 315.035(6)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS

Board of Pharmacy
(Amendment)

201 KAR 2:116. Substitution of drugs, biologics and biosimilar products.

RELATES TO: KRS 217.819

STATUTORY AUTHORITY: KRS 217.814(5), (6), (7), (8), 217.819(1)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 217.819(1) requires the Kentucky Board of Pharmacy to prepare by administrative regulation a drug product formulary of drugs which

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should not be interchanged by pharmacists. This administrative regulation references drug products with active ingredients or dosage forms that are interchangeable. All other products not referenced as interchangeable are non-interchangeable.

Section 1. The following have been determined by the board to be interchangeable:

(1) Drugs, drug products, or dosage formulations considered by the United States Food and Drug Administration to be therapeutically equivalent as published in the Approved Drug Products with Therapeutic Equivalence Evaluations (Orange Book); and

(2) Biologics drugs, biologics drug products, or biologics dosage formulations considered by the United States Food and Drug Administration to be therapeutically equivalent as published in the Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations (Purple Book).

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Approved Drug Products with Therapeutic Equivalence Evaluations," (Orange Book), U.S. Food and Drug Administration, 45th Edition, 2025[39th Edition, 2019]; and

(b) "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations" (Purple Book), United States Food and Drug Administration, June 27, 2025[June 2019].

(c) "Approved Animal Drug Products," (Green Book), U.S. Food and Drug Administration, 2025.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Pharmacy, 125 Holmes Street, Suite 300, Frankfort, Kentucky 40601-8204, Monday through[through] Friday, 8 a.m. to 4:30 p.m. and is available online at <http://www.fda.gov>.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 3, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Health and Medical Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable.

(b) The necessity of this administrative regulation: KRS 217.819 directs the Kentucky Board of Pharmacy to prepare a drug product formulary of drugs which should not be interchanged by pharmacists. This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as

interchangeable are deemed non-interchangeable.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation references drug products that are deemed interchangeable. All other products not referenced as interchangeable are deemed non-interchangeable.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment updates the references that are incorporated to the most recent version.

(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: Updated reference information to the most recent edition for the "Approved Drug Products with Therapeutic Equivalence Evaluations" published by the United States Food and Drug Administration (FDA); "Lists of Licensed Biological Products with Reference Product Exclusivity and Biosimilarity or Interchangeability Evaluations" or the "Purple Book" published by the FDA and adds the veterinary equivalent reference, "Approved Animal Drug Products," known as the "Green Book" published by the U.S. Food and Drug Administration.

(b) The necessity of the amendment to this administrative regulation: The incorporated references were out of date and the new editions were included in this amendment. In addition, because pharmacies also dispense drug products for animals the Board included the equivalent reference for veterinary practice.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the board to regulate the practice of pharmacy. KRS 315.191 authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 217.819 directs the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information regarding the substitution of drugs, biologics and biosimilar products.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes beyond the updated references. These references are widely used in the practice of pharmacy.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and the public can refer to the correct information for substitution of drugs for both humans and animals. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

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 217.819

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 217.819

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:160. Licensees; inactive status.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.065, 315.110, 315.120, 315.191(1)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: Senate Bill 241 of the General Assembly, Commonwealth of Kentucky, Regular Session 1982, provided for changes in KRS Chapter 315. This necessitated requirements for licensees to be issued inactive status and for those who desire to apply for renewal of a license to return to active practice.

Section 1. A pharmacist may apply for inactive status by:

- (1) Completing annual renewal application; and
- (2) Paying annual fee for inactive status.

Section 2. Pharmacists maintaining an active license to practice in another state or jurisdiction are ineligible for inactive status in Kentucky.

Section 3. Pharmacists seeking relicensure from[form] inactive to active status must fulfill the following requirements:

(1) If the pharmacist has been inactive for no more than five (5) consecutive years, the pharmacist[he] must:

(a) Provide written notice to the board requesting their consideration to active status. The board shall act upon such request within sixty (60) days.

(b) Satisfy the board's continuing education requirements for each year of inactive status.

(c) Successfully complete a jurisprudence examination given by the board.

(d) Pay all cumulative annual renewal fees required for active licensees.

(2) If a pharmacist has had inactive status for more than five (5) consecutive years, the pharmacist[he] must:

(a) Provide written notice to the board requesting their consideration to active status. The board shall act upon such request within sixty (60) days.

(b) Successfully complete any[a] satisfactory examinations~~examination before the board~~.

(c) Pay all cumulative annual renewal fees required of active licensees.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Licensing; Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation provides a framework for a pharmacist to make his or her license "inactive" and provides guidance on seeking relicensure after a period of inactivity.

(b) The necessity of this administrative regulation: Senate Bill 241 of the General Assembly, Commonwealth of Kentucky, Regular Session 1982, provided for changes in KRS Chapter 315. This necessitated requirements for licensees to be issued inactive status and for those who desire to apply for renewal of a license to return to active practice.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation provides a framework for inactive license status and relicensure.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment updates the regulation to reflect the modern method for making a license inactive and for relicensure.

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

(a) How the amendment will change this existing administrative regulation: The amendment provides clarification for a pharmacist seeking relicensure as it relates to the testing requirement and what is required.

(b) The necessity of the amendment to this administrative regulation: The regulation language was outdated and reflected a prior time when an applicant had to appear before the Board to request relicensure. That process has been simplified and is now completed through the licensure portal.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies the process for inactive status and relicensure as was directed by Senate Bill 241 of the General Assembly in 1982.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information regarding inactive licensure and the request process for relicensure.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No. The regulation implements legislation from 1982.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as it is just an update but reflects existing practices.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and the public can refer to the correct information for inactive license status and relicensure process.

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

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

(8) Provide an assessment of whether an increase in fees or funding

will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: Senate Bill 241 of General Assembly, Commonwealth of Kentucky, Regular Session 1982.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Senate Bill 241 of General Assembly, Commonwealth of Kentucky, Regular Session 1982.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:180. Pharmacy[Pharmacies] sanitation.

RELATES TO: KRS Chapter 315

STATUTORY AUTHORITY: KRS 315.035(6), 315.191(1)(-5)]

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: There is no existing uniform administrative regulation for which the Kentucky Board of Pharmacy can monitor a pharmacy for cleanliness. Existing administrative regulations pertain only to food handling facilities. The purpose of this administrative regulation is to provide the board with the authority to require standards for compliance.

Section 1. The designated pharmacy area(s) shall be used exclusively for the compounding and dispensing of drugs and other usual procedures incidental to compounding and dispensing of drugs. This area shall be maintained in a clean and sanitary condition, adequately lighted and ventilated.

Section 2. No compounding or dispensing of drugs shall be carried on in any room used as a dwelling or for usual household purposes.

Section 3. Hot and cold water shall be readily accessible. Adequate facilities, separate and distinct from toilets and washrooms, shall be provided for maintaining clean and sanitary conditions.

Section 4. All equipment used in the storage, compounding, and dispensing of drugs or medicines shall be kept in a clean and sanitary manner.

Section 5. Maintaining Proper Temperature.

(1) Proper temperatures and humidity shall be maintained for compounding and dispensing of drugs and medicines.

(2) Controlled room temperatures shall be fifteen (15) to thirty (30) degrees Centigrade, fifty-nine (59) to eighty-six (86) degrees Fahrenheit. Refrigeration temperatures shall be two (2) to eight (8) degrees Centigrade, thirty-six (36) to forty-six (46) degrees Fahrenheit. Freezer temperatures shall be minus twenty (-20) to minus ten (-10) degrees Centigrade, minus four (-4) to fourteen (14) degrees Fahrenheit.

(3) Absent a United States Pharmacopeia (USP) standard or package insert information for a specific prescription medication, [Under nonspecific conditions, it is to be understood that] the proper storage conditions include protection from moisture, freezing, and excessive heat.

Section 6. Violation of any provision of this administrative regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written

comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Health and Medical Services; Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes minimum sanitation and cleanliness standards for pharmacies in Kentucky, including requirements for maintaining a clean, safe and sanitary environment for preparation, storage and dispensing of drugs. The standards include equipment maintenance and hygienic practices to protect patient safety and drug integrity.

(b) The necessity of this administrative regulation: The regulation is necessary to establish enforceable sanitation standards for pharmacies, ensuring that facilities, equipment, and workflow conditions minimize contamination risks and protect the integrity and safety of drug products dispensed to the public.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation falls within the authority of KRS 315.191(1) which empowers the Board to promulgate regulations to regulate and control all matters relating to the practice of pharmacy, including the establishment of minimum standards for pharmacy sanitation and equipment.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation facilitates effective administration of the authorizing statutes by establishing defined sanitation and facility-maintenance requirements, thereby enabling the Board to consistently evaluate compliance, mitigate risks to drug integrity, and ensure that licensed pharmacies meet the statutory mandate to safeguard patient safety.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the requirements for proper temperature and humidity to address safety concerns that have arisen during inspections of pharmacy facilities recently.

(b) The necessity of the amendment to this administrative regulation: An amendment is necessary to address the prior regulation's lack of specificity regarding temperature and humidity controls. By establishing defined standards for moisture, humidity, and temperature, the amendment strengthens sanitation requirements, supports medication integrity, and enhances patient safety.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation amendment falls within the authority of KRS 315.191(1) which empowers the Board to promulgate regulations to regulate and control all matters relating to the practice of pharmacy, including the establishment of minimum standards for pharmacy sanitation and equipment.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is necessary to address the prior regulation's lack of specificity regarding temperature and humidity controls. By establishing defined standards for moisture, humidity, and temperature, the amendment strengthens sanitation requirements, supports medication integrity, and enhances patient safety.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The Board expects minimal impact, as most facilities already incorporate temperature and moisture control into their sanitation protocols. The amendment codifies a baseline threshold to identify when these conditions compromise medication integrity and

public safety.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes to the sanitation expectations. Temperature and moisture have always been factors that are included in drug inserts and pharmacy sanitation practices.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no additional expected costs for compliance with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with the amended requirements will help pharmacies maintain appropriate environmental conditions, protect drug stability, minimize sanitation-related risks, and ensure reliable, safe service to the public. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

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 regulation falls within the authority of KRS 315.191(1) which empowers the Board to promulgate regulations to regulate and control all matters relating to the practice of pharmacy, including the establishment of minimum standards for pharmacy sanitation and equipment.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No, KRS 315.191.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS

Board of Pharmacy (Amendment)

201 KAR 2:185. Noncontrolled substance prescription drug refills.

RELATES TO: KRS [245.191(f), (g),]315.191(1)(f)

STATUTORY AUTHORITY: KRS 217.215, 315.191(1)(f)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.010, 315.191 and 217.215(2) require the Board of Pharmacy to promulgate administrative regulations necessary to regulate the practice of pharmacists and the recordkeeping systems associated with prescriptions. This administrative regulation establishes the responsibilities of pharmacists and practitioners relating to prescription drug refills.

Section 1.

[4) A pharmacist shall not refill a prescription for a noncontrolled substance prescription drug unless authorized by the prescribing practitioner or permitted under the emergency pharmacy powers granted pursuant to KRS 315.500.

[2) [A pharmacist shall record all refills by writing the date of the refill together with his name or initials on the original prescription.]

[3) [If an alternate approved automated data processing system is used, refills and records shall be maintained in compliance with 201 KAR 2:170.]

Section 2.

(1) The use of the terms "prn" and "ad lib" in relation to authorization for refilling prescriptions shall mean the prescription may be refilled for a maximum period of one (1) year from the date prescribed.

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(2) After one (1) year from the date prescribed, a[the] prescribing practitioner shall issue a new prescription.

Section 3. If the authorized refills are expressed solely as a number, the prescription shall be refilled for the authorized limit of refills within one (1) year of the date prescribed.

Section 4. Violation of a provision of this administrative regulation shall constitute unethical or unprofessional conduct in accordance with KRS 315.121(2)(d), (f), (g).

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation governs refills of noncontrolled prescription drugs and requires that a pharmacist obtain authorization from the prescribing practitioner before refilling and limits automatic refills to one year from the date prescribed.

(b) The necessity of this administrative regulation: This regulation is necessary to establish clear, enforceable standards governing prescription refills, ensuring that refills occur only with valid prescriber authorization, are properly documented, and are limited to an appropriate timeframe to safeguard patient health and comply with statutory requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 315.191(1) empowers the Board to promulgate administrative regulations to regulate and control all matters relating to the practice of pharmacy, including prescription dispensing standards and recordkeeping. Because 201 KAR 2:185 defines the conditions under which pharmacists may refill noncontrolled prescriptions and sets documentation requirements, it falls squarely within the statutory mandate to ensure safe and lawful pharmacy practice.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of the statutes by providing clear, uniform rules for when and how prescriptions may be refilled, enabling the Board to evaluate compliance consistently and ensuring pharmacists dispense medications in accordance with statutory safety requirements.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the conditions under which a pharmacist may refill a noncontrolled prescription by explicitly recognizing refill authority during declared emergencies in accordance with KRS 315.500.

(b) The necessity of the amendment to this administrative regulation:

The regulation language did not include the emergency powers that have been codified since the regulation was last updated.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies existing statutory authority that did not exist at the time the regulation was drafted originally.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information regarding when a pharmacist may refill a noncontrolled substance prescription.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as it is just an update but reflects existing practices.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will give pharmacists definitive, legally supported guidance for dispensing noncontrolled refills during declared emergencies, enabling uninterrupted patient access to essential medications while ensuring adherence to statutory requirements and promoting public health. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.191(1) empowers the Board to promulgate administrative regulations to regulate and control all matters relating to the practice of pharmacy, including prescription dispensing standards and recordkeeping. Because 201 KAR 2:185 defines the conditions under which pharmacists may refill noncontrolled prescriptions and sets documentation requirements, it falls squarely within the statutory mandate to ensure safe and lawful pharmacy practice.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 315.500.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

the original standard unit[dose, unit] of dispensing[use or tamper resistant drug packaging.]

Section 2. Drug Integrity Must Be Verified Before Accepting Return.

(1) No pharmacist shall accept the return of a prescription drug unless:

(a) The drug is in a sealed container by which it can be readily determined by a pharmacist employed by the dispensing pharmacy that entry or attempted entry by any means has not been made;

(b) The drug container meets the standards of the United States Pharmacopoeia for storage conditions including temperature, light sensitivity, moisture, chemical and physical stability;

(c) The drug labeling and packaging has not been altered or defaced and the identity of the drug, its potency, lot number and expiration date are legible;

(d) The drug does not require refrigeration; and

(e) The drug is returned to a pharmacist employed by the dispensing pharmacy within fourteen (14) days.

(2) Subsection (1)(d) and (e) shall be waived if all other conditions are met and if:

(a) The drug was dispensed for a patient in a health care facility licensed by the Cabinet for Human Resources;

(b) The drug has not come into the physical possession of the person for whom it was prescribed;

(c) The drug has been under the continuous control of personnel in the health care facility who are trained and knowledgeable in the storage and administration of drugs;

(d) The drug has been properly stored in an area which is regularly inspected by a pharmacist; and

(e) The drug is not expired.

(3) Drugs dispensed within an acute care facility shall be exempt from the provisions of subsection 1(a), (d), and (e) of this section.

(4) Nothing in this administrative regulation shall be construed to require a pharmacist to accept the return of a prescription drug.

Section 3. Violation of any provision of this administrative regulation constitutes unethical or unprofessional conduct in accordance with KRS 315.121.

CHRISTOPHER HARLOW, Pharm D, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prohibits pharmacies, pharmacists, or their agents from accepting previously dispensed prescription drugs for reuse or resale except when the drugs are in sealed, unopened, unit-dose, unit-of-use, or tamper-resistant packaging.

(b) The necessity of this administrative regulation: This regulation is

RELATES TO: KRS Chapters 217 and 315
STATUTORY AUTHORITY: KRS 217.055, 217.215,[315.010(5),] 315.191(1), (5)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 20252 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: To prevent the dispensing of drugs that have been adulterated, contaminated or misbranded.

Section 1. No pharmacy, pharmacist, or agent thereof shall accept for reuse or resale a prescription drug. This administrative regulation shall not apply to sealed/unopened prescription drugs in

necessary to establish clear prohibitions on accepting returned prescription drugs, except under tightly controlled conditions, thereby safeguarding drug integrity, preventing diversion, and ensuring that only medications of verified quality enter the pharmaceutical supply chain.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 315.191(1) empowers the Board to promulgate administrative regulations to regulate and control all matters relating to the practice of pharmacy including establishing standards for dispensing, handling and safeguarding prescription medications. By prohibiting the acceptance of returned drugs except under safe, controlled conditions, 201 KAR 2:190 directly implements the Board's statutory mandate to protect drug integrity and public safety.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation supports effective statutory administration by establishing definitive standards for when dispensed drugs may or may not be accepted back into the pharmacy, thereby allowing the Board to uniformly enforce safeguards that protect drug integrity, prevent diversion, and uphold the statutory mandate to ensure public health and safety.

(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: This amendment is necessary because it clarifies the conditions under which a pharmacist may accept a returned prescription drug including tamper-evident packaging, proper storage, labeling integrity, and time limits, thereby ensuring that only medications meeting verified safety standards may be considered for reuse.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the Board's authority under KRS 315.191(1), which authorizes the promulgation of regulations governing the practice of pharmacy and the safeguarding of prescription drugs. By establishing clear standards for the acceptance, storage conditions, and verification of returned medications, the amendment fulfills the statutory mandate to ensure safe pharmacy operations and prevent adulterated or compromised drugs from re-entering the supply chain.

(d) How the amendment will assist in the effective administration of the statutes: The amendment assists in the effective administration of the statutes by creating clear, objective criteria for when prescription drugs may be accepted for return, enabling consistent enforcement and ensuring pharmacists comply with statutory requirements related to drug integrity and patient safety.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as the same protections are already enacted by other provisions of Kentucky law.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no significant changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance will give pharmacists definitive, legally supported guidance for dispensing noncontrolled refills during declared emergencies, enabling uninterrupted patient access to essential medications while ensuring adherence to statutory requirements and promoting public health. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

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 Controlled Substances Act; KRS 217, KRS 315.191(1) empowers the Board to promulgate administrative regulations to regulate and control all matters relating to the practice of pharmacy including establishing standards for dispensing, handling and safeguarding prescription medications. By prohibiting the acceptance of returned drugs except under safe, controlled conditions, 201 KAR 2:190 directly implements the Board's statutory mandate to protect drug integrity and public safety.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

- (a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.
- (b) Methodology and resources used to reach this conclusion: None.
- (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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).
- (b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:205. Pharmacist-in-charge.

RELATES TO: KRS 315.020, 315.035, 315.0351, 315.191, 315.300, 315.335, 21 C.F.R. 1301.76(b)

STATUTORY AUTHORITY: KRS 315.020(1), 315.0351, 315.191(1)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1) authorizes the board to promulgate administrative regulations pursuant to KRS Chapter 13A necessary to regulate and control all matters relating to pharmacists, pharmacist interns, pharmacy technicians, pharmacies, wholesale distributors, and manufacturers. KRS 315.020(1) and 315.0351(1)(g) require applicants for pharmacy permits to place a pharmacist in charge as a prerequisite to compounding and dispensing privileges granted by the Kentucky Board of Pharmacy. This administrative regulation establishes the requirements relating to a pharmacist-in-charge.

Section 1. Definition. "Pharmacist-in-charge" means a pharmacist licensed in the Commonwealth of Kentucky, who accepts responsibility for the operation of a pharmacy in conformance with all laws and administrative regulations pertinent to the practice of pharmacy and the distribution of prescription drugs and who is personally in full and actual charge of the pharmacy.

Section 2. Duties and Responsibilities.

(1) The pharmacist-in-charge shall be so designated in the Application for Permit to Operate a Pharmacy in Kentucky and in the Application for Non-Resident Pharmacy Permit, and in each Application for Resident Pharmacy Renewal and Application for Non-Resident Pharmacy Permit Renewal, as incorporated by reference in 201 KAR 2:050, and submitted for the renewal of that permit thereafter.

(2) A pharmacist shall not serve as a pharmacist-in-charge:

(a) For more than one (1) pharmacy at a time, except upon written approval from the Kentucky Board of Pharmacy; and

(b) Unless he or she is physically present in that pharmacy for a minimum of ten (10) hours per week or the amount of time appropriate to provide supervision and control.

(3) The pharmacist-in-charge shall be responsible for:

(a) Quality assurance programs for pharmacy services designed to objectively and systematically monitor care, pursue opportunities for improvement, resolve identified problems as may exist, and detect and prevent drug diversion;

(b) The procurement, storage, security, and disposition of drugs and the provision of pharmacy services;

(c) Assuring that all pharmacists and interns employed by the pharmacy are currently licensed;

(d) Providing notification in writing to the Board of Pharmacy within fourteen (14) calendar days of any change in the:

1. Employment of the pharmacist-in-charge;
2. Employment of staff pharmacists; or

3. Schedule of hours for the pharmacy;
- (e) Making or filing of any reports required by state or federal laws and regulations;
- (f) Responding to the Kentucky Board of Pharmacy regarding identified violations or deficiencies; and
- (g) Filing of any report of a theft or loss to:
 1. The U. S. Department of Justice Drug Enforcement Administration as required by 21 C.F.R. 1301.76(b);
 2. The Department of the Kentucky State Police as required by KRS 315.335;
 3. The board by providing a copy to the board of each report submitted; and
 4. The Cabinet for Health and Family Services.
- (h) Ensuring appropriate equipment is available and in working order to allow within the pharmacy area. Such as the following:
 1. A prescription balance with sensitivity not less than that of a Class 3 balance;
 2. Weights-metric or apothecary-complete set;
 3. Graduates capable of accurately measuring from one (1) ml to 250 ml;
 4. Mortars and pestles-glass, porcelain, or Wedgewood;
 5. Spatulas-steel and nonmetallic;
 6. A heating unit;
 7. Suitable refrigeration unit for proper storage of drugs; and
 8. Ointment slab or ointment papers.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 3, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Workforce Development; Occupations and Professions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for the pharmacist-in-charge at pharmacies permitted by the Kentucky Board of Pharmacy. This amendment makes the pharmacist-in-charge responsible for ensuring all necessary reference material and equipment is available to pharmacy employees.

(b) The necessity of this administrative regulation: KRS 315.191(1)(a) authorizes the Board of Pharmacy to promulgate administrative regulations necessary to regulate and control all matters relating to pharmacists and pharmacies. KRS 315.020(1) and KRS 315.0351(7) require applicants for pharmacy permits to place a pharmacist in charge as a prerequisite to compounding and dispensing privileges. This regulation amendment dictates the responsibilities of a pharmacist-in-charge as it relates to pharmacy reference materials and equipment.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation establishes the requirements for the pharmacist-in-charge at pharmacies permitted by the Kentucky Board of Pharmacy. The amendment clarifies the

responsibility for ensuring that the proper reference material and equipment is made available to pharmacy employees.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: Pharmacist-in-charge requirements are established by this regulation. This amendment is clarification of what has already been the practical reality for the pharmacist-in-charge.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies that it is the responsibility of the pharmacist-in-charge to ensure that a pharmacy has proper reference material and equipment.

(b) The necessity of the amendment to this administrative regulation: Previously the duty was contained within 201 KAR 2:090, but this amendment seeks to move that language to be included within the pharmacist-in-charge regulation, which will be more efficient and provide clarification on this responsibility. This also codifies the existing practice of holding the pharmacist-in-charge as the responsible party for ensuring the proper reference material and equipment are accessible by pharmacy employees.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 315.002 and 315.005 authorize the Board to regulate the practice of pharmacy. KRS 315.191 authorizes the Board to promulgate administrative regulations pertaining to pharmacists and pharmacies. KRS 315.0353(6) authorizes the Board of Pharmacy to promulgate administrative regulations regarding reference material and equipment suitable for pharmaceutical practice. KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations pertaining to pharmacists and pharmacies.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will further promote, preserve, and protect public health through effective regulation of pharmacists and pharmacies by providing the most accurate and up to date information. In addition, the removal of the responsibility and inclusion of that language in 201 KAR 2:205 provides clarification for the responsibility of maintaining reference materials and equipment.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The requirements are not changing and therefore the Board anticipates that no individual, business, organization or state or local government will be affected by this regulation. This is not a new responsibility but rather a clarification of an existing responsibility for a pharmacist-in-charge.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation. However, there has been no changes or additional responsibilities added.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment because there are no changes to requirements being made at this time.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and the public can refer to the correct information for reference material and equipment needs. An acting pharmacist-in-charge will better understand the responsibility to ensure proper reference material and equipment is available for pharmacy employees. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

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

Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.035(6) 315.020, 315.035, 315.0351, 315.191(1)(a).

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 315.035(6); KRS 315.035(6); KRS 315.020; 315.035, 315.0351

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major

economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:250. Pharmacist Recovery Network Committee.

RELATES TO: KRS 315.121(1)(d)

STATUTORY AUTHORITY: KRS 61.810(k), 315.126(3), (6)
(7), 315.191(1)(a)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.126(1) requires the Board of Pharmacy to establish a pharmacy recovery network committee (PRNC). This administrative regulation establishes minimum requirements for the establishment and operation of the PRNC. This administrative regulation specifies the manner by which the board's PRNC consultant works with the board in intervention, evaluating and treating a pharmacist or intern, and providing for continuing care and monitoring by the consultant through a treatment provider.

Section 1. The Board of Pharmacy's[board's] Pharmacist Recovery Network Committee (PRNC) consultant shall be a pharmacist licensee of the board. The consultant shall assist the Case Review Panel (CRP)[Committee (CRC)] and the PRNC in carrying out their respective responsibilities. This shall include working with the board's inspectors and investigators to determine whether a pharmacist or pharmacist intern is in fact impaired.

Section 2. If a pharmacist or pharmacist intern self-reports[self reports] impairment as a result of the misuse or abuse of alcohol or drugs, or both; or if the board receives a legally sufficient complaint alleging that a pharmacist or pharmacist intern is impaired as a result of the misuse or abuse of alcohol or drugs, or both, and where there is no other alleged violation of state pharmacy law[complaint] against the pharmacist or intern other than impairment exists, the reporting of any impairment information to the board shall be forwarded to the consultant and shall not constitute grounds for discipline, if the PRNC finds the pharmacist or pharmacist intern has:

(1) Acknowledged the impairment problem;
(2) Voluntarily enrolled in an appropriate, approved treatment program;

(3) Voluntarily withdrawn from practice or limited the scope of practice as required by the consultant, in each case, until the PRNC is satisfied the licensee has successfully completed an approved treatment program; and

(4) Executed releases for medical records, authorizing the release of all records of evaluations, diagnoses, and treatment of the licensee, including records of treatment for emotional or mental conditions, to the consultant. The consultant shall not make copies or reports of records that do not regard the issue of the licensee's impairment and his or her participation in a treatment program.

Section 3.

(1) A treatment provider shall disclose to the consultant or board if applicable all information in its possession regarding the issue of a pharmacist's or pharmacist intern's impairment and participation in the treatment program. Failure of the treatment provider to provide information to the consultant shall be a basis for the withdrawal of the use of the program or provider.

(2) If in the opinion of the consultant or PRNC, an impaired pharmacist or pharmacist intern has not progressed satisfactorily in a treatment or recovery program, all information regarding the issue of a pharmacist's or intern's impairment and participation in a treatment or recovery program in the consultant's possession shall

be disclosed to the board. That disclosure shall constitute a complaint.

Section 4. All information concerning a pharmacist or intern held by the consultant, PRNC, CRP[CRC], or board shall remain confidential.

Section 5.

(1) The PRNC shall be comprised of eleven (11) members. The members shall include:

(a) The President of the Board of Pharmacy;
(b) The Chair, who shall be the consultant of the PRNC;
(c) The Executive Director of the Board of Pharmacy; and
(d) Eight (8) other members, of which seven (7) shall be pharmacists and one (1) shall be a citizen member.

(2)

(a) All members shall have the same rights, which include voting privileges.

(b) A member of the PRNC shall not be on the board, except the President of the Board.

(c) Any criminal conviction or disciplinary action by a licensure board against a proposed member shall be reported to the board prior to consideration for appointment.

(d) There may be no more than four (4) members in successful recovery on the PRNC.

(e) A pharmacist under a Pharmacist Recovery Network Agreement shall not serve on the PRNC.

(3)

(a) A board approved PRNC member may be appointed[by the board] a maximum of three (3), four (4) year terms or a total of 12 years.

(b) A PRNC member shall not serve more than (2) terms consecutively.

(c) After serving two (2) consecutive terms a PRNC member shall rotate off the PRNC for at least two (2) years.

(d) [A committee member shall serve no more than twelve (12) years on the PRNC.]

(e)[(e)] The President of the Board, the PRNC Consultant, and the Executive Director of the Board shall be permanent members of the PRNC[membership on the PRNC shall not constitute a twelve (12)-year term].

(e)[(f)] Membership of the PRNC shall be selected by the board from a list of qualified candidates submitted by an interested individual or entity.

(4) A member of the PRNC who becomes impaired, relapses, has any criminal conviction, or has any disciplinary action by a licensure board shall immediately resign from the PRNC.

(5) The board by majority vote, with the recusal of the President of the Board, may remove a member of the PRNC for any of the following reasons:

(a) Refusal or inability of a committee member to perform duties as a member of the committee in an efficient, responsible, and professional manner;

(b) Misuse of the committee by a member to obtain personal, pecuniary, or material gain or advantage for the member or others; and

(c) Violation of any provision of KRS Chapter 315.

Section 6.

(1) PRNC meetings are confidential. All PRNC information, interviews, reports, statements, memoranda or other documents furnished to or produced by the PRNC, all communications to or from the committee, and all proceedings, findings and conclusions of the committee, including those relating to intervention, treatment or rehabilitation, that in any way pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential pursuant to KRS 315.126. In accordance with KRS 61.810(k), any meeting which is required by state (or federal) law to be conducted in private is an exception to the open meetings requirements. Thus, PRNC will publish its meeting schedule and a redacted meeting agenda, but the meetings remain confidential and are not open to the public.

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(2) Meeting records are confidential. Pursuant to KRS 315.126(7), all PRNC records and proceedings that pertain or refer to a pharmacist or pharmacist intern who is or may be impaired shall be privileged and confidential, used by the committee and its members only in the exercise of the proper function of PRNC, are not considered public records and not subject to court subpoena, discovery or introduction as evidence in any civil, criminal or administrative hearing, except as required by the statute.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Licensing; Health and Medical Services
(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the Kentucky Pharmacist Recovery Network Committee and sets the minimum requirements for its structure and operation, including the role of the consultant in identifying, intervening with, referring and monitoring impaired pharmacists and pharmacist interns. The regulation implements KRS 315.126 by outlining evaluation, treatment and ongoing care for those within the profession that are suffering from substance abuse disorder or addiction issues.

(b) The necessity of this administrative regulation: The regulation is necessary to implement KRS 315.126 to create a structure, duties and operational requirements for the committee to ensure consistent and accountable process that protects public safety, supports treatment and rehabilitation and allows the Board to fulfil its statutory mandate to address impairment in a manner that promotes both patient protection and pharmacist recovery.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 315.191 and KRS 315.126 by establishing the procedures and oversight framework necessary for the Board to operate an impaired pharmacist recovery program. The regulation implements a statutory directive.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 201 KAR 2:250 assists in the effective administration of KRS 315.126 by providing a detailed operational framework for how the Pharmacist Recovery Network identifies, refers, and monitors impaired pharmacists and pharmacist interns. By establishing defined procedures, roles, and reporting mechanisms, the regulation enables the Board to consistently enforce statutory requirements, ensure accountability within the PRN program, and protect public safety while facilitating rehabilitation, thereby allowing the Board to carry out the statute's intent in a clear, uniform, and enforceable 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: The amendment does not change the content of the original regulation but rather provides clarification on the confidentiality of the committee meetings pursuant to KRS 315.126 and KRS

61.810(k). This inclusion helps to clarify that the meetings of this committee are protected by law and are confidential in nature.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because it clarifies the protected status of the committee meetings as guaranteed by KRS 315.126 (7-8) and KRS 61.810(k).

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the original statutory exemption provided to these confidential meetings in KRS 315.126 (7-8). This ensures the privacy of participants to foster early intervention, treatment and prevention efforts across the profession of pharmacy.

(d) How the amendment will assist in the effective administration of the statutes: The amendment clarifies the confidential nature of the meetings as provided in statute and clarifies expectations for participants and members of the public.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, KRS 315.126 (7-8).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as the same protections are already enacted by other provisions of Kentucky law.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Pharmacists and pharmacist interns that are experiencing impairment can be identified and assisted earlier, reducing the risk of patient harm and support safe reintegration into practice. The Board benefits from a structured, accountable process for monitoring impaired pharmacists, which enhances public protections, promotes rehabilitation, reduces disciplinary burdens and ensures consistent application of KRS 315.126 across all cases.

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

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.126

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 315.126.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

administrative regulation establishes the standards for the operation of this type of system.

Section 1. Definitions.

(1) "Automated Pharmacy System" is defined by KRS 315.295(1)(a).

(2) "Residential Hospice Facility" is defined by KRS 315.295(1)(b).

Section 2. Responsibility. The pharmacist-in-charge of a pharmacy utilizing an automated pharmacy system shall be responsible for all of the following:

(1) Assuring that the automated pharmacy system is in good working order and accurately dispenses the correct strength, dosage form, and quantity of drug prescribed and complying with the recordkeeping and security safeguards pursuant to Section 3 of this administrative regulation;

(2) Assuring medications are reviewed by a pharmacist prior to access;

(3) Implementing an ongoing quality assurance program that monitors performance of the automated system, which is evidenced by written policies and procedures; and

(4) Notifying the board with prior written notice of the installation or removal of an automated pharmacy system. This notification shall include the following:

(a) Name and address of pharmacy;

(b) Initial location of the automated pharmacy system. The automated pharmacy system may thereafter be relocated within the pharmacy or health care facility without providing subsequent notification to the board; and

(c) Pharmacist-in-charge.

(5) Assigning, discontinuing or changing personnel access to the system;

(6) Assuring that access to the medications comply with state and federal laws; and

(7) Assuring that the automated pharmacy system is stocked accurately and that the automated pharmacy system stock is checked monthly in accordance with established written policies and procedures, including the following:

(a) Accuracy;

(b) Integrity; and

(c) Expiration date.

Section 3. Standards. An automated pharmacy system shall comply with the following provisions:

(1) A pharmacy shall maintain on-site the following documentation relating to an automated pharmacy system:

(a) Name and address of the pharmacy or inpatient health care facility where the system is being used;

(b) The automated pharmacy system manufacturer's name, model, and serial number;

(c) Description of how the system is used;

(d) Written quality assurance procedures to determine continued appropriate use of the system; and

(e) Written policies and procedures for system operation, safety, security, accuracy, access and malfunction.

(2) All written policies and procedures shall be maintained in the pharmacy responsible for the automated pharmacy system.

(3) An automated pharmacy system shall maintain adequate security systems and procedures, evidenced by written policies and procedures to prevent unauthorized access to maintain patient confidentiality and to comply with federal and state laws.

(4) Records and data kept by the automated pharmacy system shall meet the following requirements:

(a) All events involving the contents of the automated pharmacy system shall be recorded electronically; and

(b) Records shall be maintained by the pharmacy and be available to the Board and shall include the following:

1. The time and location of the system accessed;

2. Identification of the individual accessing the system;

3. Type of transaction;

4. Name, strength, dosage form and quantity of drug accessed;

5. Name of the patient for whom the drug was ordered;

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:260. Automated Pharmacy System in residential hospice facilities.

RELATES TO: KRS 216B.195, 315.010(9), 315.020, 315.035, 315.295, 315.300

STATUTORY AUTHORITY: KRS 315.035, 315.191(1)(a), 315.295

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.020(1) requires that prescription drugs, medicines, and pharmaceuticals be dispensed or manufactured by a licensed pharmacist. KRS 315.295 authorizes the board to regulate an automated pharmacy system in a residential hospice facility. This

6. The prescription number;
7. The name of the prescriber; and
8. All events involving user database modifications shall be recorded electronically and maintained.

(5) The stocking of all medications in the automated pharmacy system shall be done by a pharmacist, pharmacist intern, or pharmacy technician pursuant to 201 KAR 2:045 [, who shall be under the general supervision of a pharmacist on-site.]

(6) A record of medications stocked into an automated pharmacy system shall be maintained for five (5) years and shall include identification of the person stocking and pharmacist checking for accuracy.

(7) All containers of medications stored in the automated pharmacy system shall be packaged and labeled in accordance with federal and state laws.

(8) The automated pharmacy system shall provide a mechanism for securing and accounting for medications removed from and subsequently returned to the automated pharmacy system, in accordance with federal and state laws.

(9) The automated pharmacy system shall provide a mechanism for securing and accounting for medications returned to the system and accounting for wasted medications in accordance with federal and state laws.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Health and Medical Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation governs the use of automated pharmacy systems in residential hospice facilities, establishing standards for their installation, operation, security, quality assurance, record-keeping and pharmacist oversight.

(b) The necessity of this administrative regulation: The regulation is necessary to ensure the safe and compliant operation of automated pharmacy systems in residential hospice facilities by establishing standards for security, accountability, pharmacist oversight, and drug integrity. It provides the framework needed for the Board to regulate these systems in a way that protects patients, ensures proper handling of medications, and aligns with the Board's statutory duty to oversee the practice of pharmacy in all settings.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 315.191 requires the Board to protect the public and ensure the safe practice of pharmacy, including oversight of how drugs are stored, accessed, and dispensed. This regulation fulfills that mandate by establishing the operational, security, and oversight framework for automated pharmacy systems in hospice settings. KRS 315.295 requires the Board develop regulations to govern automated pharmacy systems in residential hospice facilities.

(d) How this administrative regulation currently assists or will assist in

the effective administration of the statutes: The regulation assists in administering the statutes by providing clear, enforceable standards for the operation and oversight of automated pharmacy systems, enabling the Board to consistently monitor compliance, ensure drug security, and protect patients as required by KRS 315.191.

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

(a) How the amendment will change this existing administrative regulation: The amendment clarifies the role that a pharmacy technician can play with regards to stocking of an automated pharmacy system in accordance with 201 KAR 2:045.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because it clarifies that a pharmacy technician can only stock an automated pharmacy system in a hospice setting if a pharmacist is on-site pursuant to 201 KAR 2:045.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment clarifies the role that a pharmacy technician can play with regards to stocking of an automated pharmacy system in accordance with 201 KAR 2:045.

(d) How the amendment will assist in the effective administration of the statutes: The amendment assists in administering the statutes by providing clear, enforceable standards for the operation and oversight of automated pharmacy systems including the role that a pharmacy technician may play in a residential hospice setting.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No. KRS 315.295 (2006).

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as the same protections are already enacted by other provisions of Kentucky law.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies, pharmacists and pharmacy technicians will have to familiarize themselves with new amended language in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with the regulation ensures safe and secure medication handling in hospice settings, reducing risks to patients and improving the accuracy and accountability of automated pharmacy systems. It also provides pharmacies with clear operational standards, supports consistent Board oversight, and helps prevent regulatory or disciplinary issues. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative

regulation: KRS 315.191, KRS 315.295

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No. KRS 315.295 requires the Board develop regulations to govern automated pharmacy systems in residential hospice facilities.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: {Response}

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:280. Prescription dispensing for formulary Compliance.

RELATES TO: KRS 217.822[217.814], 315.191

STATUTORY AUTHORITY: KRS 315.191(1)(a), (f)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.191(1)(a) authorizes the board to promulgate administrative regulations necessary to regulate and control all matters set forth in KRS Chapter 315 relating to pharmacists. KRS 315.191(1)(f) authorizes the board to promulgate administrative regulations to control the storage, retrieval, dispensing, refilling, and transfer of prescription drug orders within and between qualifying pharmacists and pharmacies. This administrative regulation establishes procedural and substantive requirements for dispensing an equivalent drug product pursuant to a practitioner declaration of formulary compliance approval.

Section 1. Dispensing.

(1) A pharmacist may dispense a therapeutic equivalent drug product under the following conditions:

(a) The ordering practitioner has indicated "formulary compliance approval" on the prescription, in one of the following ways:

1. In the practitioner's own handwriting or an equivalent designation within an electronic system; or

2. By checking a "formulary compliance approval" box on a preprinted form; or

3. By indicating a "formulary compliance approval" through a note, prescriber comment or other designation within an electronic prescription system.

(b) The pharmacist receives a formulary change as a consequence of the patient's third-party plan; and

(c) The product designated as "preferred" by the third-party formulary is in the same therapeutic class as the prescribed drug.

(2) The pharmacist, within twenty-four (24) hours of the formulary compliance substitution, shall notify the ordering practitioner, in an original writing or by facsimile:

(a) That the pharmacist engaged in formulary compliance; and

(b) The therapeutic equivalent drug product that was dispensed.

Section 2. The pharmacist may make adjustments in the quantity and directions to provide for an equivalent dose of the preferred formulary therapeutic alternative.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Medical and Health Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the conditions under which a pharmacist may dispense a therapeutic equivalent drug product when a prescriber has

authorized "formulary compliance approval" and a patient's third-party plan requires a formulary change. It sets procedural requirements for such medication substitutions.

(b) The necessity of this administrative regulation: The regulation is necessary to implement KRS 217.822 by establishing the procedure that pharmacists must follow when dispensing a therapeutic equivalent under "formulary compliance approval." The framework ensures that substitutions required by insurance plans occur safely, consistently and with the appropriate prescriber notification, therefore protecting patients while allowing pharmacists to comply with statutory authority and third-party formulary requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 315.191 and KRS 217.822 by establishing the procedures and oversight framework under which a pharmacist may make a formulary-driven therapeutic substitution. The regulation directly implements the statutory grant of authority by defining how substitutions must occur, including prescriber authorization and notice, ensuring the practice aligns with the scope and safeguards required by the statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of the statutes by providing clear, enforceable procedures for therapeutic substitutions made under formulary compliance approval. These standards ensure consistent pharmacist practices, proper prescriber notification, and safe patient care, enabling the Board to oversee and enforce the statutory framework established in KRS 217.822.

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

(a) How the amendment will change this existing administrative regulation: The amendment does not change the content of the original regulation but rather strengthens its applicability in modern medicine by providing explicit provisions to allow a prescriber to leave a comment or note or designation within an electronic prescription system to require "formulary compliance approval."

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because it modernizes the formulary compliance provisions to account for electronic prescription systems that may not have a "check box" for "formulary compliance approval."

(c) How the amendment conforms to the content of the authorizing statutes: The amendment is consistent with the intention of KRS 217.822 and enhances the procedures and conditions under which a pharmacist may make a formulary driven therapeutic substitution. Allowing electronic communication of this substitution creates efficiency for the prescriber, pharmacists and the patient.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides a modern way for all parties involved in the prescription cycle to communicate formulary compliance approval as is required by KRS 217.822.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, KRS 217.822.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as this is already practiced within electronic prescription systems.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Allowing electronic prescription system notes or designations for formulary compliance will streamline workflow for pharmacists, reduce administrative burden, and minimize delays in patient care. It also provides prescribers with a more efficient and consistent method of granting formulary compliance approval, increases accuracy by reducing handwritten or verbal ambiguity, and

facilitates clearer documentation and auditing for both pharmacies and insurers. (6) Provide an estimate of how much it will cost to implement this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

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 217.822

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 217.822 (2016)

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does

not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None. (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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:300. Common database.

RELATES TO: KRS 315.020, 315.035, 315.0351

STATUTORY AUTHORITY: KRS 315.035, [315.0351,]315.191(1)(a), (f)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.035 and 315.0351 require that prescription drugs, medicines, and pharmaceuticals be dispensed or manufactured by a licensed pharmacist. KRS 315.191(1)(a) and (f) authorize the Kentucky Board of Pharmacy to promulgate administrative regulations pertaining to pharmacies; pharmacists; and the storage, retrieval, dispensing, refilling, and transfer of prescription drug orders. This administrative regulation establishes minimum requirements for prescription drug orders within and between pharmacists and pharmacies.

Section 1. Definition. "Common Database" means information shared among pharmacists and pharmacies for the purpose of dispensing medications or providing other forms of pharmacist care to a patient.

Section 2. The use of a common database shall not constitute a transfer as established in 201 KAR 2:165, provided that the following conditions are met:

(1) All pharmacies involved in the transactions pursuant to which the prescription is dispensed shall be under common ownership and utilize a common database;

(2) All pharmacies involved in the transactions pursuant to which the prescription is dispensed and all pharmacies engaging in dispensing functions shall be properly permitted in Kentucky pursuant to KRS 315.035 or 315.0351;

[(3)] [A pharmacist who provides a pharmacy service on a prescription dispensed in Kentucky shall be licensed in Kentucky.]

(3)[(4)] The common database shall maintain a record of all pharmacists, pharmacist interns, and pharmacy technicians involved in the process of dispensing a prescription;

(4)[(5)] The owner of the common database shall maintain a policy and procedure manual that governs its participating pharmacies, pharmacists, and pharmacy employees and that is available to the board or its agents upon request within five (5) business days and which shall include:

(a) A procedure detailing how each pharmacy and each pharmacist accessing the common database shall comply with applicable federal and state laws, rules, and regulations;

(b) The procedure for maintaining appropriate records for regulatory oversight for tracking a prescription during each stage of the filling and dispensing process, identifying the pharmacists involved in filling and dispensing the prescription and counseling the patient, and responding to any requests for information made by the board;

(c) The policy and procedure for providing adequate security to protect the confidentiality and integrity of patient information; and

(d) A quality assurance program designed to objectively and systematically monitor, evaluate, and improve the quality and appropriateness of patient care through the use of a common database; and

(5)[(6)] A pharmacist dispensing a prescription shall at all times exercise independent professional judgment and shall be responsible for his or her actions and the professional actions of those individuals the pharmacist is required to supervise.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Medical and Health Services

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation defines the rules for shared "common databases" used by pharmacies under common ownership so that using a shared database does not count as a formal prescription transfer. It sets requirements for licensing, record-keeping, security, and quality assurance to ensure prescriptions and related care remain properly documented, secure, and under pharmacist control.

(b) The necessity of this administrative regulation: The regulation is necessary to set clear standards for pharmacies sharing a common database, ensuring secure, accurate prescription information and maintaining pharmacist accountability. This framework allows the Board to regulate shared-data operations in a way that protects patient safety and supports compliant dispensing practices.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 315.191 by establishing the controls and oversight needed to regulate how pharmacies store, access and share prescription information through a common database. The regulation directly implements the Board's statutory duty to ensure safe pharmacy practice and protect the public by defining standards for security, documentation and pharmacist responsibility.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of the statutes by providing clear, enforceable standards for shared pharmacy databases, allowing the Board to consistently monitor compliance, ensure proper record-keeping, and maintain patient safety. These requirements give the Board a uniform framework for oversight, supporting its statutory responsibility under KRS 315.191 to regulate the safe practice of pharmacy.

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

(a) How the amendment will change this existing administrative regulation: The amendment does not make substantive changes to the regulation but rather clarifies a point of confusion around resident and non-resident pharmacists.

- (b) The necessity of the amendment to this administrative regulation: This amendment clarifies to ensure understanding related to common databases.
- (c) How the amendment conforms to the content of the authorizing statutes: This regulation amendment conforms with KRS 315.191 by establishing the controls and oversight needed to regulate how pharmacies store, access and share prescription information through a common database.
- (d) How the amendment will assist in the effective administration of the statutes: The amendment provides additional clarification for use of a common database.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? No.
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as this is already practiced within electronic prescription systems.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Allowing electronic prescription system notes or designations for formulary compliance will streamline workflow for pharmacists, reduce administrative burden, and minimize delays in patient care. It also provides prescribers with a more efficient and consistent method of granting formulary compliance approval, increases accuracy by reducing handwritten or verbal ambiguity, and facilitates clearer documentation and auditing for both pharmacies and insurers.
- (6) Provide an estimate of how much it will cost to implement this administrative regulation:
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: No costs will be incurred.
- (b) On a continuing basis: No costs will be incurred.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.
- (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be required because of this new regulation.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.
- (10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 315.020; KRS 315.191(1)(a), (f)
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 315.191.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0
For subsequent years: \$0

2. Revenues:
For the first year: \$0
For subsequent years: \$0
3. Cost Savings:
For the first year: \$0
For subsequent years: \$0
- (4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.
- (b) Estimate the following for each affected local entity identified in (4)(a):
1. Expenditures:
For the first year: \$0
For subsequent years: \$0
2. Revenues:
For the first year: \$0
For subsequent years: \$0
3. Cost Savings:
For the first year: \$0
For subsequent years: \$0
- (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: \$0
For subsequent years: \$0
2. Revenues:
For the first year: \$0
For subsequent years: \$0
3. Cost Savings:
For the first year: \$0
For subsequent years: \$0
- (6) Provide a narrative to explain the following for each entity identified in (3)(a), (4)(a), and (5)(a)
- (a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.
- (b) Methodology and resources used to reach this conclusion: None.
- (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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).
- (b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS
Board of Pharmacy
(Amendment)

201 KAR 2:330. Emergency pharmacy powers.

RELATES TO: KRS 39A.100, 315.500

STATUTORY AUTHORITY: KRS 315.191, 315.505, 217.215

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 315.500 establishes the conditions under which a pharmacy may operate temporarily in an area not designated on the pharmacy permit pursuant to an executive order issued by the Governor pursuant to KRS 39A.100. 315.191 authorizes the Board of Pharmacy to promulgate administrative regulations governing pharmacists and pharmacies. This administrative regulation sets out the conditions whereby a prescription may be refilled pursuant to an executive order issued by the Governor as authorized by KRS 315.500 when the prescriber is unavailable. This administrative regulation sets out the conditions whereby a pharmacy may operate temporarily in an area not designated on the pharmacy permit pursuant to an

executive order issued by the Governor as authorized by KRS 315.500.

Section 1. If a pharmacist receives a request for a prescription refill with no refill authorized and the pharmacist is unable to readily obtain refill authorization from the prescriber, the pharmacist may dispense an emergency refill of up to a thirty (30) day supply of the medication if:

(1) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located;

(2) The pharmacist obtains prescription information from:

(a) A prescription label;

(b) A prescription record within the pharmacy;

(c) A prescription record from another pharmacy;

(d) A common database;

(e) The patient; or

(f) Any other healthcare record;

(3) The prescription refill is not for a controlled substance;

(4) The prescription is for a maintenance medication;

(5) In the pharmacist's professional judgment, the interruption of therapy may produce undesirable consequences or may be detrimental to the patient's welfare and cause physical or mental discomfort; and

(6) The pharmacist notes on the prescription record the date, the quantity dispensed, and the pharmacist's name or initials.

Section 2.

(1) A pharmacy may temporarily relocate to and operate at a new location if:

(a) It is not safe or practicable to operate a pharmacy at the address listed on the permit; and

(b) The Governor has issued an executive order as authorized by KRS 315.500 for the county where the pharmacy is located.

(2) The pharmacy owner shall:

(a) Maintain confidentiality of patient records;

(b) Secure all drugs; and

(c) Notify the board of the temporary address as soon as practicable.

(3) The following regulatory requirements shall not apply for this temporary location:

(a) The requirement to maintain references as listed in 201 KAR 2:090, Section 1;

(b) The requirement to maintain equipment as listed in 201 KAR 2:090, Section 2; and

(c) The requirement that the pharmacy be enclosed by a floor to ceiling partition if it is located within a larger establishment which is open to the public for business when a pharmacist is not present.

CHRISTOPHER HARLOW, PharmD, Executive Director

APPROVED BY AGENCY: December 10, 2025

FILED WITH LRC: December 12, 2025 at 10:45 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 27, 2026, at 9:00 a.m. EST via a Zoom teleconference. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher Harlow

Subject Headings: Pharmacy; Drugs and Medicines; Public Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation authorizes pharmacists to provide emergency refills of non-controlled maintenance medications and allows pharmacies to operate at an alternate location when a declared emergency makes normal operations impossible. The regulation outlines the conditions, limitations, and documentation required to ensure patient access and public safety during emergencies.

(b) The necessity of this administrative regulation: The regulation is necessary to ensure patients can maintain access to essential medications and pharmacy services during declared emergencies when normal operations or prescriber access are disrupted. It provides clear authority and safeguards for pharmacists to act in these situations, supporting continuity of care and protecting public health.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation conforms with KRS 315.191 by establishing standards that enable the Board to regulate pharmacy practice during emergencies. It implements the Board's statutory duty to protect public health by defining how pharmacists may dispense emergency refills and how pharmacies may operate when normal conditions are disrupted.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation assists in the effective administration of the statutes by providing clear, enforceable procedures for how pharmacists and pharmacies may operate during declared emergencies. These standards give the Board a consistent framework for oversight and ensure that emergency medication access occurs safely and in accordance with statutory authority.

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

(a) How the amendment will change this existing administrative regulation: The amendment does not make substantive changes to the regulation but rather clarifies statutory authority for the regulation.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies the statutory authority for emergency pharmacy powers.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation amendment conforms with the authorizing statutes and clarifies the authority of KRS 217.215.

(d) How the amendment will assist in the effective administration of the statutes: The amendment provides additional clarification related to emergency pharmacy powers in KRS 217.215.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The board anticipates no one will be affected by the administrative regulation amendment as this is already practiced within electronic prescription systems.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Pharmacies and pharmacists will have to familiarize themselves with new amended language in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no expected costs for the identities to comply with the amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Allowing electronic prescription system notes or designations for formulary compliance will streamline workflow for pharmacists, reduce administrative burden, and minimize delays in patient care. It also provides prescribers with a more efficient and consistent method of granting formulary compliance approval, increases accuracy by reducing handwritten or verbal ambiguity, and facilitates clearer documentation and auditing for both pharmacies and insurers. (6) Provide an estimate of how much it will cost to implement

this administrative regulation:

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

(a) Initially: No costs will be incurred.

(b) On a continuing basis: No costs will be incurred.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Board revenues from pre-existing fees provide the funding to enforce the regulation.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied because the regulation is applicable to all pharmacists and pharmacies.

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 217.215, 315.191, 315.505

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, KRS 315.505 and 217.215.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Pharmacy 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Only the Kentucky Board of Pharmacy will be impacted by this administrative regulation.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The regulation does not cost anything for regulated parties to implement nor does it have a cost to the Board to oversee.

(b) Methodology and resources used to reach this conclusion: None.

(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(14): No, this administrative regulation does not have an overall negative or adverse major economic impact to regulated entities, or those entities identified in questions (2)-(4).

(b) The methodology and resources used to reach this conclusion: Analysis of the Board's expenditures as well as an assessment regarding cost of compliance for regulated entities.

BOARDS AND COMMISSIONS

Kentucky Board of Medical Licensure (Amendment)

201 KAR 9:360. Continuing education requirements for physician assistants.

RELATES TO: KRS 13B.125(3), 214.610, 214.620, 218A.205, 311.565(1)(b), 311.601, 311.842(1), 311.844, 311.850(1)(p), (s), 311.852, 620.020

STATUTORY AUTHORITY: KRS 218A.205(3)(i), 311.565(1)(a), (b), 311.601(1), (2), 311.842(1)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 311.601(1) authorizes the board to promulgate an administrative regulation that establishes requirements to ensure the continuing professional competency of licensees. KRS 311.842(1) authorizes the board to promulgate administrative regulations relating to the licensing and regulation of physician assistants. This administrative regulation establishes continuing medical education requirements for physician assistant licensees in Kentucky, including requirements for courses relating to the use of KASPER, pain management, and addiction disorders required for licensees who prescribe or dispense controlled substances in the Commonwealth of Kentucky, pediatric abusive head trauma and Alzheimer's and other forms of dementia.

Section 1. Continuing Medical Education.

(1) At the time a licensee seeks to renew his or her license, the licensee shall certify that he or she has met the continuing education requirements for the two (2) year continuing education cycle using the Continuing Education Certification Form provided by the board and submitting it by the renewal deadline.

(2) The board may randomly require licensees submitting certification of continuing education to demonstrate satisfactory completion of the continuing education hours stated in the certification by providing verification documentation. If requested, the licensee shall provide verification within ten (10) days of receiving the request from the board.

Section 2. Required Hours of Continuing Education.

(1) For each two (2) year renewal period and continuing education cycle, a licensee shall complete a minimum of 100 hours of continuing education approved by the following:

- (a) The American Medical Association;
- (b) The American Osteopathic Association;
- (c) The American Academy of Family Physicians;
- (d) The American Academy of Physician Assistants; or
- (e) Another entity approved by the board.

(2) If the licensee is authorized to prescribe or administer controlled substances, for each two (2) year continuing education cycle, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of seven and one-half (7.5) hours of board-approved continuing education relating to:

- (a) Controlled substance diversion;
- (b) Pain management;
- (c) Addiction disorders;
- (d) The use of KASPER; or
- (e) Any combination of two (2) or more of these subjects.

(3) If the licensee is authorized to prescribe or administer Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone, the licensee shall complete, as part of the required 100 continuing education hours, a minimum of twelve (12) hours of board-approved continuing education relating to addiction medicine for each two (2) year continuing education cycle.

(4) A licensee shall not be granted authorization for prescriptive authority of controlled substances or Buprenorphine-Mono-Product or Buprenorphine-Combined-with-Naloxone until he or she submits to the board proof of completion of the minimum hours of continuing education in subsections (2) and (3) of this section within the prior two (2) years.

(5)

(a) To qualify as board-approved continuing education under subsections (2) and (3) of this section, the educational program shall have been approved in advance for the specified number of continuing education hours by the board.

(b) The board may approve an educational program that:

1. Consists of a live presentation;
2. Is presented by a live or recorded webinar; or
3. Is presented through an online module.

(c) The board shall maintain a current listing of approved continuing education programs on its official Web site, www.kbml.ky.gov.

Section 3. Continuing education related to pediatric abusive head trauma.

(1) Each licensee shall complete at least one and a half (1.5) hours of continuing education regarding the recognition and prevention of pediatric abusive head trauma in a course approved by the board pursuant to KRS 620.020, within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

(2) Licensees may submit pediatric abusive head trauma course curriculum taught in their physician assistant graduate education to count toward the required one and one-half (1.5) hours for approval.

Section 4. Continuing education related to Alzheimer's and other forms of dementia[human immunodeficiency virus and acquired immunodeficiency syndrome].

(1) Each licensee shall complete at least one (1) hour of continuing education regarding Alzheimer's and other forms of dementia as set forth in subsection (2) of this section[the human immunodeficiency virus and acquired immunodeficiency syndrome] within the first two (2) years of initial licensure or prior to the expiration of first renewal cycle after the promulgation of this administrative regulation. These hours shall be counted toward the 100 continuing education hours required in Section 2 of this administrative regulation.

(2) The course topics shall include but not be limited to:

(a) The warning signs and symptoms of Alzheimer's disease and other forms of dementia;

(b) The importance of early detection, diagnosis and appropriate communication techniques for discussion of memory concerns with the patient and his or her caregiver;

(c) Cognitive assessment and care planning billing codes;

(d) The variety of tools used to assess a patient's cognition; and

(e) Current treatments that may be available to the patient.

(3) Licensees may submit Alzheimer's disease and other forms of dementia course curriculum taught in their physician assistant graduate education to count towards the required one (1) hour for approval.

Section 5. Sanctions.

(1) Failure to complete the required number of continuing education hours for the required period or to submit the required written verification within the time specified within this administrative regulation shall constitute a violation of KRS 311.850(1)(p) and (s), which shall constitute an immediate danger to the public health, safety, or welfare, for the purposes of KRS 311.852 and 13B.125.

(2) If the board determines that a licensee has failed to complete the required continuing education hours within the time specified or has failed to provide the written verification of completion within the time specified, the appropriate inquiry panel or its chair shall promptly issue an emergency order suspending the licensee from practice or restricting that licensee from prescribing or administering controlled substances within the Commonwealth of Kentucky until the licensee has completed the required continuing education hours for that period and has provided written verification of completion to the board.

(3) An emergency order issued pursuant to subsection (2) of this section shall remain valid and in effect until the board has received written verification that the licensee has successfully completed the required continuing education hours for the time period specified. Upon receipt of the written verification, the panel or its chair shall immediately issue an order terminating the emergency order issued pursuant to this section.

(4) If a licensee who is affected by an emergency order issued pursuant to this section requests an emergency hearing pursuant to KRS 13B.125(3), the hearing officer conducting the emergency hearing shall affirm the emergency order if presented with written notification on board letterhead stating that the board has not received the required written verification that the licensee completed the required continuing education hours for the continuing medical education cycle by the deadline date for the cycle.

Section 6. Extensions of Time.

(1) To request an extension of time, the licensee shall submit:

(a) A completed Request for Extension to Complete Required CE Hours; and

(b) The fee established in 201 KAR 9:041, Section 1(17).

(2) The board may grant an extension of time to a licensee who for sufficient cause has not yet received continuing education certification, following the submission of the items required by subsection (1) of this section. For the purposes of this subsection, sufficient cause shall include situations such as the following:

(a) An illness;

(b) Any event meeting the Family Medical Leave Act (FMLA) of 1993, 29 U.S.C. 2601 et seq., Pub.L. 103-3 criteria, and the federal regulations implementing the act, 29 C.F.R. Part 825;

(c) Financial exigencies; or

(d) Practice circumstances making it prohibitive to attend the courses.

(3)

(a) A licensee who obtains an extension of time shall be granted an extension of six (6) months to come into compliance.

(b) If a licensee has not completed the continuing education requirements within the six (6) month extension established by this subsection, his or her license shall:

1. Be immediately suspended; and

2. Remain suspended until the licensee has submitted verifiable evidence that he or she has completed the continuing education requirements.

Section 7. A waiver of the requirements established by this administrative regulation shall not be granted.

Section 8. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Continuing Education Certification Form", [112025\[072020\]](http://112025[072020]); and

(b) "Request for Extension to Complete Required CE Hours", 072020.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

WILLIAM C. THORNBURY, M.D., PRESIDENT

APPROVED BY AGENCY: October 23, 2025

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2026, at 9:30 a.m., at the Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222.

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Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Leanne K. Diakov, General Counsel, Kentucky Board of Medical Licensure, 310 Whittington Parkway, Suite 1B, Louisville, Kentucky 40222, phone (502) 429-7943, fax (502) 429-7118, email Leanne.Diakov@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Leanne K. Diakov

Subject Headings: Physicians and Practitioners; Licensing; Education
(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for obtaining continuing medical education hours for physician assistants, including course hours relating to the use of KASPER, pain management, and addiction disorders required for licensees who prescribe or dispense controlled substances in the Commonwealth of Kentucky and for prevention and recognition of pediatric abusive head trauma and Alzheimer's disease and other forms of dementia.

(b) The necessity of this administrative regulation: KRS 218A.205 and KRS 311.844 make it necessary to promulgate this regulation to ensure the continuing professional competency of physician assistants, particularly those who prescribe or administer controlled substances in the Commonwealth of Kentucky and for prevention and recognition of pediatric abusive head trauma and Alzheimer's disease and other forms of dementia.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the authorizing statutes specifically to establish requirements to ensure the continuing professional competency of licensees on topics deemed germane to the practice of physician assistants by the Legislature.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation acts specifically to establish the requirements for obtaining continuing education hours for physician assistants, including course hours relating to the use of KASPER, pain management, and addiction disorders required for licensees who prescribe or dispense controlled substances in the Commonwealth of Kentucky and for prevention and recognition of pediatric abusive head trauma and Alzheimer's disease and other forms of dementia.

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

(a) How the amendment will change this existing administrative regulation: The amendment will add continuing education hours on topics deemed germane to the practice of physician assistants by the Legislature, specifically being the prevention and recognition of pediatric abusive head trauma and Alzheimer's disease and other forms of dementia. It will also delete continuing education hours on topics no longer deemed germane by the Legislature, specifically being HIV.

(b) The necessity of the amendment to this administrative regulation: 2024 amendment of KRS 311.844 necessitates amendment of the regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment reflects deletion and addition of certain continuing education topics set forth in KRS 311.844.

(d) How the amendment will assist in the effective administration of the statutes: The amendment reflects consistency between KRS 311.844 and 201 KAR 9:360, deleting and adding certain continuing education topics germane to modern physician assistant practices.

(3) Does this administrative regulation or amendment implement

legislation from the previous five years? Yes. 2024 Ky. Acts Chs. 30 and 218.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect all physician assistants who practice in the Commonwealth of Kentucky.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Physician assistants who practice in the Commonwealth of Kentucky will have to obtain the number of continuing medical education hours specified.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The approximate cost for each physician assistant to obtain the required number of continuing medical education hours is unknown.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Physician assistants will maintain professional competency and, in particular, will be appropriately informed in regard to the prevention and recognition of pediatric abusive head trauma and Alzheimer's disease and other forms of dementia.

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

(a) Initially: None.

(b) On a continuing basis: None.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: None.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees nor does it directly or indirectly increase any fees.

(10) **TIERING:** Is tiering applied? Tiering was not applied in this administrative regulation because the administrative regulation applies equally to all individuals regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 218A.205(3)(i); 311.565(1)(a), (b); 311.601(1), (2); and 311.842(1)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 311.844 amended by 2024 Ky. Acts Chs. 30 and 218.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Medical Licensure

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: None

For subsequent years: None

3. Cost Savings:

For the first year: None

For subsequent years: None

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

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

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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: None.

(b) Methodology and resources used to reach this conclusion: Staff looked at what it costs the agency to implement 201 KAR 9:360 now and determined that amendment of the required continuing education topics will not impact the agency's costs.

(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(14): No.

(b) The methodology and resources used to reach this conclusion: Staff looked at what it costs the agency to implement 201 KAR 9:360 now and determined that amendment of the required continuing education topics will not impact the agency's costs. The agency relies in great part on the Legislature to not enact statutory amendments that would require its licensees to expend more than \$500,000 over any two (2) year period in order to comply with continuing education topics.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. Not applicable.

(2) State compliance standards. The regulation reflects state mandated continuing education topics in KRS 218A.205 and KRS 311.844.

(3) Minimum or uniform standards contained in the federal mandate. Not applicable.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? Not applicable because there are no known physician assistant continuing education topic federal mandates.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. The Kentucky General Assembly deemed it necessary.

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.

BOARDS AND COMMISSIONS

Board of Licensure for Occupational Therapy
(Amendment)

201 KAR 28:240. Occupational Therapy Licensure Compact.

RELATES TO: KRS 319A.310

STATUTORY AUTHORITY: KRS 319A.070(1), (3), 319A.310

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 319A.310, Section 15.B.1. requires the Board of Licensure for Occupational Therapy to review any rule adopted by the

Occupational Therapy Compact Commission pursuant to Section 10 of the Compact within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Occupational Therapy Compact Commission.

Section 1. The Board of Licensure for Occupational Therapy shall comply with all rules of the Occupational Therapy Compact, which includes the Occupational Therapy Compact Rules as of October 30, 2025[April 16, 2025].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Occupational Therapy Compact Rules", October 30, 2025[April 16, 2025], and as revised.

(a) Definitions, adopted March 20, 2024; and

(b) Data System Reporting Requirements, adopted March 20, 2024 and amended October 30, 2025[;]

(c) Implementation of Federal Bureau of Investigations Criminal Background [Check–](FBI CBC) Requirement, adopted April 16, 2025 and amended October 30, 2025[;]

(d) Member State Implementation, adopted April 16, 2025[;]

(e) Occupational Therapy Compact Fees:[()Administrative and State[]], adopted April 16, 2025; and

(f) Occupational Therapy National Exam Definition, adopted April 16, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensure for Occupational Therapy, 500 Mero Street, 2 SC 32, Frankfort, Kentucky 40602, Monday through Friday, 8 am[a.m.] to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensure for Occupational Therapy Web site at <https://bot.ky.gov/>.

(3) This material may also be obtained at:

(a) The Occupational Therapy Compact Commission, 201 Park Washington Court, Falls Church, Virginia 22046; or

(b) <https://otcompact.gov/ot-compact-commission/governance-documents/>.

SCOTT DEBURGER, Vice Chair

APPROVED BY AGENCY: October 9, 2025

FILED WITH LRC: December 8, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2026 at 10:00 a.m., at 500 Mero Street, PPC Conference Room 259SW, 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 canceled. 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 January 31, 2026. 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: Lilly Jean Coiner, Executive Advisor, Department of Professional Licensing, Office of Legal Services, 500 Mero Street, 2 NC WK#4 Frankfort, Kentucky 40601; phone (502) 262-5065 (office) fax (502) 564-4818, email Lilly.coiner@ky.gov. Link to public comment portal: https://ppc.ky.gov/reg_comment.aspx.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Lilly Jean Coiner

Subject Headings: Occupational Therapy, Interstate Compacts, Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 319A.310, the Occupational Therapy

Licensure Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 319A.310, Section 15.B.1. requires rules adopted by the Occupational Therapy Compact Commission to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 319A.310, Section 15.B.1. which requires rules adopted by the Occupational Therapy Licensure Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of KRS 319A.310 which requires this promulgation.

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

(a) How the amendment will change this existing administrative regulation: The amendment will add the amendments to two existing rules adopted October 30, 2025.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary because KRS 319A.310, Section 15.B.1. requires rules adopted by the Occupational Therapy Compact Commission to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statutes by being filed within sixty (60) days of the adoption of the new rules by the Occupational Therapy Licensure Compact.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure the Board and all affected licensees have access and full disclosure of the rules relating to the compact and the privilege to practice in Kentucky and other compact states.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 319A.310. Occupational Therapy Licensure Compact. Created 2022 Ky. Acts ch. 164, sec. 1, effective July 14, 2022.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4,227 licensees and new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no additional cost imposed by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): As a result of compliance, they will be in compliance with the statute. (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

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

(a) Initially: There is no initial cost.

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

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicants.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all 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 319A.070(1), (3) and KRS 319A.310. Additionally, interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3- the Compacts Clause) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is not expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensure for Occupational Therapy is the promulgating agency and the only other affected state unit, part or division.

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

1. Expenditures:

For the first year: The compact will likely become operational in 2025, however, the expenditures needed for the first year are currently indeterminable. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in other states.

For subsequent years: It will likely take more than one year for the data system and compact to become operational. There will likely be some state expenditures necessary for administering applications for compact privileges within and without the Commonwealth and which may require imposition of a fee to cover the cost of administration. However, expenditures, revenue and cost savings in subsequent years, if any, are currently indeterminable.

2. Revenues:

For the first year: If the compact becomes operational in Kentucky during the first year, The Board may require imposition of a fee to cover the cost of administration. However, at this time the potential revenues are undeterminable.

For subsequent years: It will likely take more than one year for the data system and compact to become operational. There will likely be some state expenditures necessary for administering applications for compact privileges within and without the Commonwealth and which may require imposition of a fee to cover the cost of administration. However, expenditures, revenue and cost savings in subsequent years, if any, are currently indeterminable.

3. Cost Savings:

For the first year: Indeterminable

For subsequent years: Indeterminable

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): None anticipated. (b) Estimate the following for each affected local entity identified in 4(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): There are no other affected regulated entities not otherwise listed. (b) Estimate the following for each regulated identified in 5(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: It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky. The Compact Commission is in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(b) Methodology and resources used to reach this conclusion: Methodology and resources are currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

(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(14): This administrative regulation will not have an overall negative or adverse major economic impact to the entities identified.

(b) The methodology and resources used to reach this conclusion: Methodology and resources are currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

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.

BOARDS AND COMMISSIONS
Board of Licensed Professional Counselors
(Amendment)

201 KAR 36:100. Counseling compact.

RELATES TO: KRS 335.560

STATUTORY AUTHORITY: KRS 335.515, 335.560

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.560, Section 16.B.1. requires the Board of Licensed Professional Counselors to review any rule adopted by the Counseling Compact pursuant to Section 11 of KRS 335.560 within sixty (60) days of adoption for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation pursuant to KRS Chapter 13A. This administrative regulation incorporates by reference the rules adopted by the Counseling Compact.

Section 1. The Board of Licensed Professional Counselors shall comply with all rules of the Counseling Compact, which includes the Counseling Compact Rules as of October 14, 2025[February 12, 2025].

Section 2. Incorporation by Reference.

(1) The following material is incorporated by reference: "The Counseling Compact Rules", October 14, 2025[February 12, 2025], and as revised.

(a) Chapter 2 – Definitions, adopted October 25, 2023;
(b) Chapter 3 – Examination Requirements, adopted October 25, 2023;

(c) Chapter 4 – Data System Reporting Requirements, adopted January 10, 2024, and amended October 14, 2025;

(d) Chapter 5 – Rulemaking on Legacy Eligibility for Privilege to Practice, adopted October 8, 2024;

(e) Chapter 6 – Rulemaking on Implementing Criminal Background Checks, adopted October 8, 2024; and

(f) Chapter 7 – Rulemaking on Fees, adopted February 12, 2025.

(2)

(a) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Licensed Professional Counselors, 500 Mero Street, [2-SC-32,] Frankfort, Kentucky 40602, Monday through Friday, 8 a.m. to 4:30 p.m.; or

(b) This material may also be obtained on the Board of Licensed Professional Counselors' Web site at <https://lpc.ky.gov/>.

(3) This material may also be obtained at:

(a) The Counseling Compact Commission, 108 Wind Haven Drive, Suite A, Nicholasville, Kentucky 40356; or

(b) <https://counselingcompact.org/compact-commission/rulemaking/>.

DENISE HUTCHINS, Chair

APPROVED BY AGENCY: December 8, 2025

FILED WITH LRC: December 8, 2025 at 3:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 2:00 p.m. Eastern Time, at the Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky in PPC Conference Room 127CW. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to https://ppc.ky.gov/reg_comment.aspx or the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Sara Boswell Janes

Subject Headings: Occupations and Professions, Compacts, Interstate, Boards and Commissions

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation implements KRS 335.560, the Counseling Compact.

(b) The necessity of this administrative regulation: This administrative regulation is necessary because KRS 335.560, SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the specific requirements of the authorizing statute, KRS 335.560, SECTION 16.B.1. which requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation conforms to the content of KRS 335.560 which requires this promulgation.

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

(a) How the amendment will change this existing administrative regulation: The amendment will add two (2) new compact rules adopted on October 14, 2025.

(b) The necessity of the amendment to this administrative regulation: This amendment to the administrative regulation is necessary because KRS 335.560, SECTION 16.B.1. requires rules adopted by the Counseling Compact to be promulgated as administrative regulations pursuant to KRS Chapter 13A. Two (2) new rules were adopted on October 14, 2025.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms with the authorizing statutes by being filed within sixty (60) days of the adoption of the new rules by the Counseling Compact Commission.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure the Board and all affected licensees have access and full disclosure of the rules relating to the compact and the privilege to practice in Kentucky and other compact states.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. See KRS 335.560. Counseling Compact. Created 2022 Ky. Acts ch. 127, sec. 1, effective July 14, 2022.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the 4962 active and 43 inactive licensees in some capacity, and will also affect new applicants for licensure.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: No action is necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There is no additional cost imposed by this administrative regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): They will be in compliance with the regulation.

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

(a) Initially: There is no additional cost.

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

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The board's operations are funded by fees paid by credential holders and applicant.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering was not applied as the changes apply to all 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 335.515, 335.560. Interstate compacts are specifically authorized under the federal constitution (Article 1, Section 10, Clause 3- the Compacts Clause) and take precedence over any conflicting state law pursuant to the Compacts Clause and the Contracts Clause, U.S. Constitution, Article 1, Section 10, Clause 1.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act:

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Licensed Professional Counselors is the promulgating agency and the only affected state unit, part or division.

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

1. Expenditures:

For the first year: The compact became operational on September 30, 2025, however, the expenditures needed in the first year are currently indeterminable. Kentucky will not be able to participate until the board is authorized to obtain FBI Criminal Background Checks through the Kentucky State Police, which requires statutory authority. There will likely be some state expenditures necessary for data system programming, administering applications for compact privileges within and without the Commonwealth, as well as administering complaint and enforcement actions for those with the privilege to practice in Kentucky, and possibly for Kentucky licensees with the privilege to practice in other states.

For subsequent years: The expenditures in subsequent years, if any, are currently indeterminable.

2. Revenues:

For the first year: When the compact becomes operational in Kentucky, during the first year, the Board may require imposition of a fee to cover the cost of administration. However, at this time potential revenues are indeterminable.

For subsequent years: The revenues in subsequent years, if any, are currently indeterminable.

3. Cost Savings:

For the first year: No cost savings are anticipated in the first year.

For subsequent years: No cost savings are anticipated in subsequent years.

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

(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 anticipated.

(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: The fiscal impact to this administrative regulation in the first year is currently indeterminable. It is possible there will be a fiscal impact of administering applications for compact privileges for in-state licensees who apply for the privilege to practice in another state, and for out of state licensees who apply for the privilege to practice in Kentucky, as well as the cost of proceedings for tracking disciplinary actions of in-state licensees who have the privilege to practice in another state, and for out of state licensees who have the privilege to practice in Kentucky. The Compact Commission remains in its infancy and the work to be conducted by the state board on behalf of the compact is yet to be determined.

(b) Methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Services.

(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(14): It is not anticipate that this

administrative regulation will have an overall negative or adverse major economic impact to the entities identified, however, it is currently indeterminable since there are no known duties outlined for the state in relation to the compact; however, given the number of licensees, current budget and anticipated number of applications for out of state licensees to obtain the privilege to practice in Kentucky, no major economic impact is anticipated.

(b) The methodology and resources used to reach this conclusion: Methodology and resources used are the fiscal department within the Public Protection Cabinet, Department of Professional Services.

TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)

301 KAR 2:176. Wildlife causing damage and landowner designee process, [Deer control tags, deer destruction permits, and landowner designees.]

RELATES TO: KRS 150.010, 150.175, 150.360, 150.390, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.105, 150.170(7), 150.186

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, to regulate bag limits and methods of take, and to make these requirements apply to a limited area. KRS 150.105 authorizes the commissioner with the approval of the commission to destroy or bring under control wildlife causing damage. KRS 150.170(7) authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. It also authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process. This administrative regulation establishes the requirements for the issuance of wildlife[deer] control tags and [deer] destruction tags[permits] and establishes the requirements for the landowner designee appointment process.

Section 1. Definitions.

(1) "Carcass tag" means a tag affixed to the carcass that allows the individual who legally takes the animal to move the carcass, utilize the edible parts of the same, or transfer possession to another individual. "Deer control tag" means a tag issued by the department that authorizes a hunter to take antlerless deer during an open deer season pursuant to 301 KAR 2:172-.

(2) "Control tag" means a tag issued by the department that authorizes an individual to take wildlife during an open hunting or trapping season for the species causing damage.

(3) "Destruction tag" means an authorization issued by the department that authorizes a landowner or designee to take wildlife outside of an open hunting or trapping season for the species causing damage.

(4) "Deer destruction permit" means written authorization from the department to take deer outside the hunting season framework established in 301 KAR 2:172-.

(5) "Deer food plot" means a crop or cultivated plants grown to attract and feed deer.

(6) "Department representative" means a department employee who is a wildlife biologist or game warden, qualified and authorized by the commissioner to assess deer damage.

(5) "Designee" means a person who has been designated by a landowner and approved by the commissioner to remove wildlife causing damage on the landowner's property.

(6) "Food plot" means a crop or cultivated plants grown to attract and feed wildlife.

(7) "Landowner" means the person who has title to a particular property.

Section 2. Qualifying for [Deer]Control Tags.

(1) A landowner [with fewer than 1,000 contiguous acres] shall qualify for [deer]control tags if:

(a) Hunting or trapping for the species[Deer hunting] occurred on the property during the previous [deer]season;

(b) Standard deterrent measures recommended by a department representative have proven ineffective or are impractical; [and]

(c) A department representative certifies wildlife[deer] damage to crops, gardens, property, or wildlife habitat; [or]

(2) [A landowner with 1,000 contiguous acres or more shall qualify for deer control tags if:]

(a) [Deer hunting occurred on the property during the previous deer season; and]

(d)(b) Hunting or trapping[Deer] seasons and bag limits [as established in 301 KAR 2:172] are determined by a department representative to be inadequate to control wildlife[deer] populations on the property.

(2)(3) A department representative shall make an on-site inspection of each property for which a request for [deer]control tags has been made, unless the property:

(a) Has been previously inspected by a[the] department representative and the landowner affirms that wildlife[deer] damage still exists; or

(b) Is immediately adjacent to property assessed by a department representative as having severe wildlife[deer] damage.

(4) [A landowner whose property is immediately adjacent to property assessed by a department representative as having severe deer damage shall be issued deer control tags upon request of the landowner.]

(3)(5) The department shall not issue [deer]control tags to a landowner whose only damage is to a [deer]food plot.

Section 3. Applying for [Deer]Control Tags.

(1) A landowner shall request [deer]control tags by contacting the department through:

(a) A game warden[conservation officer]; or

(b) Thewildlife[private lands] biologist for the county in which the property is located.

(2) If required by Section 2 of this administrative regulation, a department representative shall visit the property and assess the nature and extent of wildlife[deer] damage.

(3) [A request for an assessment shall be made on or before September 30 to be eligible for current year deer control tags.]

(4) [A request for an assessment made after September 30 shall be considered for the following year.]

Section 4. Number of Control Tags Issued.

(1) The Wildlife Division[department] shall determine the number of [deer]control tags to be issued for each property based on the recommendation of the department representative.

(2) The[Except as established in Section 2(2) or (4) of this administrative regulation, the] department shall not issue a [deer]control tag if:

(a) The county hunting or trapping[deer] season is adequate to achieve the desired reduction in wildlife[deer] numbers; or

(b) Crop, property, or environmental damage is not present.

Section 5. Transfer of [Deer]Control Tags.

(1) Control[Deer control] tags shall be issued in the landowner's name.

(2) A landowner:

(a) May transfer a [deer]control tag to another person; and

(b) Shall require hunters or trappers to sign a control tag after an animal has been taken[deer control tag when an antlerless deer is harvested].

Section 6. Use of [Deer]Control Tags.

(1) A [deer]control tag shall not be valid except on the property for which it was issued.

(2) A [deer]control tag shall expire after the license year for which it was issued.

(3) A person who uses a [deer]control tag:

- (a) Shall have in possession a valid:
- 1. Control[Deer control] tag; and
- 2. Hunting or trapping license, as applicable for the method of take, and permit for the species causing damage, if applicable[and current deer permit], unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120; and
- 3. Proof of hunter education if required by 301 KAR 2:185.

(b) May use control tags during any open hunting or trapping season for the species:[deer control tags during archery, crossbow, modern gun, both youth deer seasons, or muzzle-loader seasons to take antlerless deer; and]

(c) Shall comply with weapon and season requirements as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300, except that antlered deer or elk may not be taken; and[.]

[1.] [Antlered deer shall not be taken; and]

[2.] [The deer control tag shall remain attached to the carcass until final processing or disposal.]

(d) Shall submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone.

(4) Wildlife[Deer] taken with a [deer]control tag shall not count toward the zone or statewide bag limit as established in 301 KAR 2:132, 2:142, 2:144, 2:172, 2:251, or 2:300.

(5) Traps used to take wildlife with a control tag shall:

- (a) Be tagged and checked as established in KRS 150.400 and 150.410; and
- (b) Comply with trap requirements as established in 301 KAR 2:251.

Section 7. [Deer]Destruction Tags[Permits].

(1) The Wildlife Division[department] may issue a [deer]destruction tag[permit]:

(a) To a person authorized by the commissioner to remove wildlife[deer] that are or may become a public safety or environmental threat or that have entered a permitted captive cervid facility;

(b) To a landowner or the designee:

- 1. Who continues to experience damage after using [deer]control tags; or
- 2. Whose property cannot be hunted legally and wildlife[deer] are posing a public safety or environmental threat;[–er]

(c) To a captive cervid facility permit holder or applicant:

- 1. Whose fence meets the fencing and holding requirements in 301 KAR 2:083; and
- 2. Who has attempted to remove wild deer using nonlethal methods or statewide deer seasons as established in 301 KAR 2:172; or[.]

(d) If a department representative determines that out of season take is warranted to curtail damage after conducting the initial site visit as established in Section 3 of this administrative regulation.

(2) A [deer]destruction tag[permit] shall specify the:

(a) Number and sex of wildlife[deer] to be destroyed if the species causing damage is sexually dimorphic;

(b) Method of destruction;

(c) Name of the person who will destroy the wildlife[deer]; and

(d) Dates during which the destruction will take place.

(3) A [deer] destruction tag[permit] shall not be issued without the recommendation of a department representative and the approval of the commissioner.

(4) A person who uses a [deer]destruction tag[permit] shall:

(a) Have in possession a valid:

1. Destruction tag;

2. Hunting or trapping license for the species causing damage [and current deer permit], unless exempt from license or permit requirements pursuant to KRS 150.170 or 301 KAR 3:120;

3. Proof of hunter education if required by 301 KAR 2:185; and

4. Completed Wildlife Damage Designee Form for the property in which wildlife are being removed.

(b)[(a)] Attach to each carcass a carcass tag that contains the confirmation number, hunter's name, and telephone number[disposal permit provided by the department];

(c)[(b)] Not remove the carcass tag[disposal permit] until the carcass is processed or disposed of;[–and]

(d) Relinquish to the department, destroy, or leave afield all inedible parts;

(e) If an antlered deer was taken, relinquish the antlers to the department.]

(f) Shall submit the head of harvested deer or elk to the department as determined by a department representative for Chronic Wasting Disease testing if the animal was taken inside of a Chronic Wasting Disease Surveillance Zone; and

(g) Not take wildlife causing damage at night unless specified by a department representative and approved by the commissioner in writing on the Wildlife Damage Designee Form.

(5) A [deer]destruction tag[permit] shall not be used except as specified on the authorization[permit].

(6) A person who receives a [deer]destruction tag for species other than bear, bobcat, deer, elk, river otter or turkey[permit] shall:

(a) Complete a Wildlife Destruction Tag[permit] Reporting Form issued by the department; and

(b) Submit the completed form to the department at # 1 Sportsman's Lane, Frankfort, Kentucky 40601, ATTN: Wildlife Destruction Tag[Permit] Report, within fourteen (14) days after the expiration date designated on the destruction tag[permit].

Section 8. Designee Procedures[and] Requirements and Denial Process.

(1) A landowner may appoint a designee to kill wildlife causing damage on the landowner's land.

(2) The landowner and designee shall complete and submit to the department a Wildlife Damage Designee Form.

(3) The department shall have thirty (30) days upon receipt of the Wildlife Damage Designee Form to approve or deny a designee.

(4) The department shall deny a designee that:

(a) Has received a felony conviction; or

(b) Has been convicted of any state or federal wildlife violation during the previous three (3) years.

Section 9. Denial or Revocation of[Deer] Control Tags or Destruction Tag[Permits] and Appeal Procedures.

(1) The department shall revoke a [deer]control tag or destruction tag[permit] or deny a future tag [or permit] to a person who fails to comply with the requirements of this administrative regulation.

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

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

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

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

Section 10. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Wildlife Damage Designee Form", 2025[2015] edition; and

(b) "Out-of-Season Wildlife Destruction [Permit] Reporting Form", 2025[2016] edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. Eastern Time or online at:

VOLUME 52, NUMBER 7– JANUARY 1, 2026

- (a) Wildlife Damage Designee Form:
<https://fw.ky.gov/Wildlife/Documents/Wildlife-Damage-Designee-Form.pdf>
- (b) Out-of-Season Wildlife Destruction Reporting Form:
<https://fw.ky.gov/Wildlife/Documents/Out-Season-Wildlife-Destr-Rpt-Form.pdf>.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: December 11, 2025

FILED WITH LRC: December 12, 2025 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 26, 2026, 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 February 28, 2026. 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

Subject Headings: Fish and Wildlife, Hunting, Animals: Wildlife

- (1) Provide a brief summary of:
- (a) What this administrative regulation does: This administrative regulation establishes the process and requirements for getting damage assistance for landowners or lease holders experiencing wildlife damage.
- (b) The necessity of this administrative regulation: This regulation is necessary to ensure that constituents are receiving the damage assistance they need in a regulated manner that is reportable to the department.
- (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 150.105 authorizes the commissioner with the approval of the commission to destroy or bring under control wildlife causing damage. KRS 150.170(7) authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. It also authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: 150.170 authorizes landowners and their dependents to take wildlife causing damage.
- (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: Removes all references to deer specifically and replaces it with the general term wildlife. Provides better clarification on approval and denial parameters for tag issuance.
- (b) The necessity of the amendment to this administrative regulation: 150.170 allows landowners to kill wildlife causing damage and this regulation provides the legal framework to do so.
- (c) How the amendment 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 150.105 authorizes the commissioner with the approval of the commission to destroy or bring under control wildlife causing damage. KRS 150.170(7) authorizes landowners, their spouses or dependent children, or a designee to destroy wildlife causing damage. It also authorizes the department to promulgate administrative regulations that establish procedures for the designee appointment process.
- (d) How the amendment will assist in the effective administration of the statutes: This administrative regulation establishes the requirements for the issuance of wildlife control tags and destruction tags and establishes the requirements for the landowner designee appointment process.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? No
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All individuals who wish to obtain wildlife damage tags.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: N/A, no new action required.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There will be no cost to comply with the amendments to this regulation.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Compliance with these amendments will allow individuals to obtain the wildlife damage tags.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: There will be no cost to implement these regulatory amendments initially.
- (b) On a continuing basis: There will be no continuing costs to implement these amendments.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund.
- (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in fees or funding necessary to implement these changes.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.
- (10) TIERING: Is tiering applied? Tiering is not applied as all landowners with wildlife damage must adhere to this regulation.

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), 150.105, 150.170(7), 150.186
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This amendment is not expressly authorized by an act of the General Assembly.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The promulgating agency is the Kentucky Department of Fish and Wildlife Resources. No other state agencies are affected.
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
For the first year: These amendments will not result in any additional expenditures for the department.
For subsequent years: These amendments will not result in any additional expenditures for the department.
2. Revenues:
For the first year: These amendments will not result in any change in revenues for the department.
For subsequent years: These amendments will not result in any

change in revenues for the department.

3. Cost Savings:

For the first year: These amendments will not result in any cost savings for the department.

For subsequent years: These amendments will not result in any cost savings for the department.

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

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

1. Expenditures:

For the first year: N/A

For subsequent years: N/A

2. Revenues:

For the first year: N/A

For subsequent years: N/A

3. Cost Savings:

For the first year: N/A

For subsequent years: N/A

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): No other entities should be affected by these amendments.

(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: This amendment will not have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: This amendment does not modify any fees or require affected entities to expend funds to comply with the amendments beyond those incidental to normal operations.

(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(14): This amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: This amendment does not increase any fees or otherwise create a financial burden to state or local government agencies or to regulated entities.

**TOURISM, ARTS AND HERITAGE CABINET
Department of Fish and Wildlife Resources
(Amendment)**

301 KAR 6:030. Waterway safety requirements.

RELATES TO: KRS 235.240, 235.250, 235.290, 46 C.F.R. 25
STATUTORY AUTHORITY: KRS 235.280, 235.290[, 235.320]

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 235.280 authorizes[and 235.320 authorize] the department to promulgate administrative regulations governing the fair, reasonable, equitable and safe use of all waters of Kentucky. This administrative regulation

prohibits certain unsafe practices on the waterways of the Commonwealth.

Section 1. Accident Reporting.

(1) The operator of a vessel required by KRS 235.250(2) to file an accident report shall file the report within five (5) days, except that an accident involving death or serious injury shall be filed within forty-eight (48) hours.

(2) An accident report shall contain the following information:

- (a) The registration numbers or names of the vessels involved;
- (b) The location of the accident;
- (c) The weather and water conditions;
- (d) The name, address, age and boating experience of the operator of the reporting vessel;
- (e) The name and address of the operator of other vessels involved;
- (f) The names and addresses of persons killed or injured;
- (g) The nature and extent of injuries;
- (h) A description of the damage to property and an estimated cost of repairs;
- (i) A description of the accident, including opinions as to the cause;
- (j) The length, means of propulsion, horsepower, fuel and construction of the reporting vessel; and
- (k) The names and addresses of known witnesses.

Section 2. Water Skiing and Related Activities.

(1) A person shall not water ski or tow a person water skiing:

(a) Within 100 feet of a:

- 1. Commercial boat dock;
- 2. Moorage harbor; or
- 3. Swimming area.

(b) Within 2,000 feet of a dam or lock.

(c) In waters posted or marked as a no skiing or restricted area.

(2) A person towing a water skier shall have on board:

(a) In addition to the operator, a person twelve (12) years of age or older, who shall serve as an observer; or

(b) A rear-view mirror with a minimum 160-degree field of vision, mounted so that the operator can observe the activities of the person being towed.

(3) Between sunset and sunrise, a person shall not:

- (a) Water ski; or
- (b) Operate an airborne device.

(4) A person shall wear a Type I, II, or III personal flotation device while water skiing that is United States Coast Guard approved.

(5) Except during performances authorized by the department in conjunction with a race, regatta or similar activity:

(a) There shall not be more than two (2) airborne devices in the air at one (1) time in a general area.

(b) A person shall not operate an airborne device with a tow line exceeding 150 feet.

(c) A person towing an airborne device shall have on board, in addition to the operator, a person twelve (12) years of age or older, who shall serve as an observer.

Section 3. Operation in Congested Areas or Near Swimmers or Divers.

(1) A person shall not operate a vessel above idle speed:

(a) In a harbor or congested area; or

(b) Within 100 feet of a commercial dock or a generally recognized moorage area.

(2) An operator shall not pass a moored or anchored vessel in a manner or at a speed which could cause the moored or anchored vessel to swamp or capsize.

(3) A person shall not operate a vessel:

(a) In a designated swimming area.

(b) In a manner which would endanger a swimmer or other person in the water.

(c) In a circular course around a swimmer or fisherman.

(4) The operator of a vessel not involved in a diving operation shall remain more than 100 feet from an international diver's flag.

Section 4. Restrictions on Swimming or Diving.

- (1) A person shall not swim at a boat launching area.
- (2) A person diving with SCUBA or other mechanical diving device shall display an international diver's flag:
 - (a) At least twelve (12) inches by twelve (12) inches in size; and
 - (b) With the diagonal stripe at least three (3) inches wide.
- (3) Unless actually engaged in diving operations, a person shall not display an international diver's flag on a vessel or on the water.
- (4) Except in an emergency, a diver shall not rise to surface further than fifty (50) feet from an international diver's flag.
- (5) A diver or swimmer shall not:
 - (a) Interfere with a fisherman;
 - (b) Dive or swim in an established traffic lane; or
 - (c) Obstruct a vessel from proceeding to its destination if a reasonable alternative route is not available.

Section 5. General Boating Safety Requirements.

- (1) Taking into consideration the weather and existing operating conditions, a person shall not operate a vessel loaded beyond its safe carrying capacity with:
 - (a) Passengers; or
 - (b) Cargo.
- (2) If a vessel is operating faster than at idle speed, a person shall not ride:
 - (a) On an enclosed bow;
 - (b) Outside the protective railing of a pontoon boat or houseboat;
 - (c) On a seat which extends six (6) inches above the plane of the gunwales;
 - (d) On the sides, back, engine cover, seat back; or
 - (e) In an obviously dangerous position which could lead to falling overboard.
- (3) Except during an emergency or for purposes that the operator of a dam may authorize, a person shall not operate, moor, anchor or use a vessel within a posted restricted zone.

Section 6. Waterway Traffic.

- (1) The operator of a vessel:
 - (a) Passing another vessel shall keep to the right.
 - (b) Overtaking another vessel:
 - 1. May do so on either side; and
 - 2. Shall yield the right-of-way to the vessel being overtaken.
 - (c) Shall yield the right-of-way to a vessel crossing from the right.
 - (d) Approaching a dock or pier shall yield the right-of-way to a vessel departing the dock or pier.
 - (e) Departing a shoreline shall yield the right-of way to a vessel approaching the shoreline.
 - (f) Shall not change course without first determining that the course change can be made without risk of collision.
 - (g) If not sure of the course or direction an approaching vessel will take, shall immediately slow to idle speed until the other vessel has passed.
 - (h) With the right-of-way shall maintain course and speed.
 - (i) Which is required to yield the right-of-way shall, as necessary:
 - 1. Slacken speed;
 - 2. Stop;
 - 3. Reverse; or
 - 4. Alter course.
 - (j) In a narrow channel shall keep to the right of midchannel.
 - (2) An operator of a motorboat shall yield the right-of-way to a vessel being propelled by sail, oars, or other nonmotorized means.
 - (3) If there is a danger of collision, regardless of which vessel has the right-of-way, the operators of the vessels involved shall:
 - (a) Slow down;
 - (b) Stop;
 - (c) Alter course; or
 - (d) Reverse until the danger is averted.
 - (4) An operator shall sound intermittent warning signals in fog or similar situations of restricted visibility if his vessel is:
 - (a) Underway;
 - (b) Adrift; or
 - (c) Anchored or moored outside an established anchorage or mooring field.
 - (5) An operator shall:

- (a) Not interfere with or obstruct the takeoff, landing or taxiing of aircraft;
 - (b) Maintain complete control of his vessel; and
 - (c) Not exceed a speed which, given existing conditions, could:
 - 1. Cause a loss of control; or
 - 2. Present a hazard to life or safety.
- (6) A vessel operator shall not operate at faster than idle speed within 300 feet of a law enforcement or public safety vessel displaying flashing lights.

Approved by the Fish and Wildlife Commission

RICH STORM, Commissioner

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 12, 2025 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 26, 2026, at 10:00 a.m., at KDFWR Administration Building, 1 Sportsman's Lane, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. 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

Subject Headings: Fish and Wildlife, Boats and Boating, Watercraft and Watersports

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This regulation establishes various rules and requirements for individuals engaging in boating or boating related recreational activities upon the waters of the Commonwealth.
 - (b) The necessity of this administrative regulation: This regulation is necessary to ensure safe and equitable use of the waters of the Commonwealth.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 235.280 requires the Department to promulgate regulations to govern the fair, reasonable, equitable, and safe use of all waters of this state. This regulation addresses safety concerns related to the fair, reasonable, and equitable use of the waters of the Commonwealth.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets out the restrictions for various boating and boating related activities to ensure individuals utilizing the waters of the Commonwealth can safely perform the activities while minimizing the impacts to others also utilizing the same waters.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: The amendment removes references to a repealed statute, clarifies that floatation devices are to be US Coast Guard approved, and requires individuals operating motor vessels to minimize their wake when near law enforcement or public safety vessels when their lights are flashing.
 - (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to eliminate references to a repealed regulation, ensure the safety of the citizens utilizing devices approved by the U.S.C.G, and to protect law enforcement or public safety personnel who are actively engaged in their duties.
 - (c) How the amendment conforms to the content of the authorizing statutes: KRS 235.280 requires the Department to promulgate

regulations to address the safe use of the waters of the Commonwealth. This amendment addresses specific safety concerns for the use of the waters of the Commonwealth by conforming to language consistent in other Chapter 6 regulations.

(d) How the amendment will assist in the effective administration of the statutes: The amendment improves the safety of the waters of the Commonwealth for the public by ensuring quality standards are met for personal floatation devices and ensuring law enforcement and public safety personnel can safely perform their duties.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No, it does not.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Individuals making use of the waters of the Commonwealth and those that come into close proximity to law enforcement or public safety vessels with lights flashing while they are operating a motorboat.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The entities regulated have been required to procure compliant personal floatation devices before this amendment was written according to other 301 KAR Chapter 6 regulations. The entities will have to reduce the vessel speeds to idle speed when in close proximity to law enforcement or public safety vessels with their lights flashing.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The majority of all personal floatation devices are already US Coast Guard approved. If the entity needs to replace a non-compliant floatation device, the cost for new products starts around \$25.00.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The entities will benefit from floatation devices that meet US Coast Guard standards for their protection from drowning. The entities will also benefit from the speed restrictions near law enforcement or public safety vessels in instances when they are engaging with said vessel personnel by having reduced wakes in their vicinity.

(6) 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 implement this amendment initially.

(b) On a continuing basis: There will be no added continuing cost to implement this amendment.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied. All individuals engaged in the associated activities are required to follow the same requirements and 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: KRS 235.280, 235.290, 46 C.F.R. 25

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No, this amendment is not expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The 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: 0

For subsequent years: 0

2. Revenues:

For the first year: 0

For subsequent years: 0

3. Cost Savings:

For the first year: 0

For subsequent years: 0

(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 will be no anticipated fiscal impact.

(b) Methodology and resources used to reach this conclusion: The Department of Fish and Wildlife Resources already polices the waters of the Commonwealth. No additional resources will be necessary to enforce this amendment.

(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(14): No, there will not be a major economic impact.

(b) The methodology and resources used to reach this conclusion: The Department of Fish and Wildlife Resources is the only entity that will be impacted by the amendment. The Department already polices the waters of the Commonwealth and no additional resources will be necessary to enforce this amendment.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. 46 C.F.R. 25

(2) State compliance standards. The Kentucky Department of Fish and Wildlife Resources has incorporated the federal regulations into our state regulations.

(3) Minimum or uniform standards contained in the federal mandate. All floatation devices must meet the standards established by US Coast Guard in 46 C.F.R. 25 including one wearable personal floatation device for each person on board, with additional requirements for certain vessel lengths.

(4) Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this amendment will only conform with what is currently in place in C.F.R.

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. N/A

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.

JUSTICE AND PUBLIC SAFETY
Department of Corrections
(Amendment)

501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.

RELATES TO: KRS Chapters 196, 197, KRS 197.045
 STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. This administrative regulation establishes policies and procedures concerning inmate rules and discipline for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 15", November 19, 2025 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 15 includes:

15.1	Hair, Grooming and ID Card Standards (10/15/24)
15.2	Rule Violations and Penalties (11/19/25)([10/15/24])
15.3	Meritorious Good Time (10/15/24)
15.5	Restoration of Forfeited Good Time (11/19/25)([10/15/24])
15.6	Adjustment Procedures and Programs (10/15/24)
15.7	Inmate Accounts (10/15/24)
15.8	Possession or Use of Unauthorized Substance and Substance Abuse Testing (10/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:420. Corrections policies and procedures: inmate rules and discipline.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this emergency administrative regulation shall be held on February 24, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning the government and discipline of inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning the government and discipline of inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate government and discipline. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 15.3 regarding who may be considered for statutory and meritorious good time credits and how statutory and meritorious good time credits may be awarded and amends CPP 15.5 to prevent inmates who have returned from mandatory reentry supervision from having statutory good time credits restored.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate government and discipline. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement

legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year. For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

(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(14): Yes.
 (b) The methodology and resources used to reach this conclusion: The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:460. Corrections policies and procedures: inmate work programs.

RELATES TO: KRS Chapters 196, 197, 197.065, 197.070, 197.110, 197.120, 197.150

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.047, 197.110, 439.590, 439.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 19", November 19, 2025 [October 15, 2024], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 19 includes:

19.1	Governmental Services Program (10/15/24)
19.2	Sentence Credit for Work (11/19/25)(10/15/24)
19.3	Inmate Wage/Time Credit Program (5/15/24)
19.4	Work Release for State Inmates in Jails (10/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686.

Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. KAR 6:460. Corrections policies and procedures: inmate work programs.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2025, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel
 Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning inmate work programs for inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate work programs. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate work programs. It provides direction and information to department employees and offenders concerning the operations of the department.

- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
- (a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 19.2, specifically its provisions related who may be awarded work time credits. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from earning work time credits.
- (b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.
- (c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate work programs. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.
- (d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? : No.
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.
- (b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding.
- (8) 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 necessary to implement this administrative regulation amendment.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.
- (10) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative

regulation: KRS 196.035, 197.020, 197.110, and 197.047.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, character of the labor, and length of time during which the prisoners shall be employed daily. KRS 197.047(2) requires the department to promulgate an administrative regulation governing prisoners working on governmental services program-related projects. KRS 197.047(5) requires the department to promulgate an administrative regulation setting forth the amount of compensation a prisoner shall earn for any work-related project. KRS 197.110 requires the department to promulgate administrative regulations it deems necessary and proper for classification of prisoners, conditions of inmate work assignments, and inmate pay for work. This administrative regulation establishes policies and procedures concerning inmate work programs for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment. For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year. For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment. For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to juveniles in the care or custody of the Department of Juvenile Justice.

For subsequent years: There will be no expenditures to juveniles in the care or custody of the Department of Juvenile Justice.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60.

ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:470. Corrections policies and procedures: inmate education and training.

RELATES TO: KRS Chapters 196, 197, 197.045, 439.268

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 439.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.268 authorizes the department to promulgate administrative regulations for the awarding of probation program credits. This administrative regulation establishes policies and procedures concerning inmate education and training for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 20", November 19, 2025 [October 15, 2024], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 20 includes:

20.1	Educational Courses and Educational Sentence Credits 11/19/25(5/15/24)
20.2	Apprenticeship Courses (10/15/24)
20.3	Special Education (9/12/2024)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:470. Corrections policies and procedures: inmate education and training.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 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

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the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel
Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort,
Kentucky 40601. Phone: (502) 564-8216, Email:
Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning the education and training of inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.268 authorizes the department to promulgate administrative regulations for the awarding of probation program credits. This administrative regulation establishes policies and procedures concerning inmate education and training for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning the education and training of inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate education and training. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 20.1, specifically its provisions related to who may be enrolled in an education program. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from enrolling in an education program.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate education and training. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? : No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year. For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate.501 KAR 6:470E. Corrections policies and procedures: inmate education and training.

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

RELATES TO: KRS Chapters 196, 197, 197.120, 197.140, 197.170, 197.175, 421.500, 439.3110, 439.3405, 439.590, 439.600, 439.610, 440.010, 441.146, 441.148, 532.200-532.262

STATUTORY AUTHORITY: KRS 196.035, 197.020, 197.110, 441.148

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the

operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 25", November 19, 2025 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 25 includes:

25.2	Public Official Notification of Release of an Inmate (10/15/24)
25.3	Pre-release Program (10/15/24)
25.4	Inmate Furloughs (5/15/24)
25.6	Community Service Center Program and Jail Placement (10/15/24)
25.10	Administrative Release of Inmates (11/19/25) [(10/15/24)]
25.11	Victim Services (10/15/24)
25.12	Home Incarceration Program (10/15/24)
25.13	Women's Medical Release: Pregnancy (10/15/24)
25.14	Reentry Center Program (10/15/24)
25.15	Early Medical Parole Review (5/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:510. Corrections policies and procedures: release preparation and temporary release.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning release

preparation and temporary release of inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning release preparation and temporary release of inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate release preparation and temporary release. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 25.10 regarding who may be released on administrative release. It prohibits inmates who were on Mandatory Reentry Supervision and were revoked from being administratively released.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate release preparation and temporary release. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

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(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

- (a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.
- (b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding.

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? (Explain why or why not) No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.175.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their department and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 441.148(1) requires the department to promulgate administrative regulations to establish standards for the operation of reentry centers established pursuant to KRS 441.146. This administrative regulation establishes policies and procedures concerning release preparation and temporary release for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year. For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year. For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment. For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high). ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailer to Incarcerate: \$549,000.00, 90 Day Cost to

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Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.
 (b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate. 501 KAR 6:510E. Corrections policies and procedures: release preparation and temporary release.

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.

JUSTICE AND PUBLIC SAFETY CABINET
Department of Corrections
(Amendment)

501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

RELATES TO: KRS Chapters 196, 197, 197.400 - 197.440, Chapter 439

STATUTORY AUTHORITY: KRS 196.035, 196.111, 197.020, 197.110, 439.3101, 439.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 196.111 requires the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety (90) days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

Section 1. Incorporation by Reference.

(1) "Department of Corrections Policies and Procedures, Chapter 30", November 19, 2025 [~~October 15, 2024~~], are incorporated by reference. Department of Corrections Policies and Procedures Chapter 30 includes:

30.1	Program Approval Process, Evaluation, and Measurement (5/15/24)
30.2	Program Credit 11/19/25(5/15/24)
30.3	Risk and Needs Assessment and Reentry Programming Training and Quality Assurance (10/15/24)
30.4	Probation Program Credit (5/15/24)
30.5	Sex Offender Treatment Program (10/15/24)
30.6	Division of Addiction Services Substance Abuse Program (5/15/24)
30.7	DOC Approved Substance Abuse Program Parole Compliance Credits and Probation Program Credits (5/15/24)
30.8	Pretrial Substance Abuse Program (PSAP) 9/13/24
30.9	Supporting Others in Active Recovery (SOAR) Program (5/15/24)

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Justice and Public Safety Cabinet, Office of Legal Services, 125 Holmes Street, 2nd Floor, Frankfort, Kentucky 40601, phone (502) 564-3279, fax (502) 564-6686, Monday through Friday, 8 a.m. to 4:30 p.m. This material may be obtained from the Department of Corrections Web site in the policies and procedures area at <https://corrections.ky.gov/About/cpp/Pages/default.aspx> or the regulation filing area at <https://corrections.ky.gov/about/pages/lrcfilings.aspx>. 501 KAR 6:530. Corrections policies and procedures: programs and sentence credits.

COOKIE CREWS, Commissioner

APPROVED BY AGENCY: November 19, 2025

FILED WITH LRC: November 19, 2025 at 4:30 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 25, 2026, at 9:00 a.m. at the Justice and Public Safety Cabinet, 125 Holmes 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 was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Nathan Goens, Assistant General Counsel Justice and Public Safety Cabinet, 125 Holmes Street, Frankfort, Kentucky 40601. Phone: (502) 564-8216, Email: Justice.RegsContact@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Nathan Goens

Subject Headings: Justice and Public Safety, Prisons, Crimes and Punishments

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes policies and procedures concerning programs and sentence credits for inmates in the custody of the Department of Corrections.

(b) The necessity of this administrative regulation: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 196.111 requires the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS

197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety (90) days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning programs and sentence credits for inmates in the custody of the department. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (b).

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The administrative regulation and material incorporated by reference establish the policies and procedures that govern the operations of the Department of Corrections and its institutions concerning inmate programs and sentence credits. It provides direction and information to department employees and offenders concerning the operations of the department.

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

(a) How the amendment will change this existing administrative regulation: The administrative regulation amendment amends CPP 30.2, specifically its provisions related to who may be enrolled in programs. For an inmate who was on Mandatory Reentry Supervision and was returned as a result of a revocation, for a period nine (9) months, the amendment prohibits such inmate from enrolling in a program.

(b) The necessity of the amendment to this administrative regulation: The administrative regulation amendment is needed to ensure the safety and security of the public.

(c) How the amendment conforms to the content of the authorizing statutes: The administrative regulation governs the operations of the department concerning inmate programs and sentence credits. This administrative regulation complies with the requirements to promulgate administrative regulations as stated in (1)(b) above.

(d) How the amendment will assist in the effective administration of the statutes: The amendment is consistent with statutory requirements and is needed to protect the public safety and security.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This amendment will affect the Department of Corrections; approximately 3,900 employees; approximately 815 inmates per year who are revoked from mandatory reentry supervision; jailers; and jail employees.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Department staff will have to change their actions to comply with operational procedures. Jailers and jail employees will have to comply for state inmates housed in a jail.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): It will cost the Department of Corrections approximately \$2,700,000 to \$4,100,000 per year; it will cost jailers approximately \$549,000.00 to \$823,500.00 per year; it will not cost Department of Correction employees, inmates, or jail employees anything.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The operational procedures will assist in the effective and orderly management of the department, its correctional institutions, jails housing state inmates, and offenders on mandatory reentry supervision. The procedures will also ensure the safety and security of the public.

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

(a) Initially: Approximately \$2,700,000 to \$4,100,000 per year.

(b) On a continuing basis: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Appropriated funding

(8) 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 necessary to implement this administrative regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation amendment does not establish any fees.

(10) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation amendment because the administrative regulation amendment applies equally to all those individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 196.035, 197.020, 197.110, and 197.045.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 196.035 authorizes the secretary to promulgate administrative regulations deemed necessary or suitable for the proper administration of the functions of the cabinet or any division in the cabinet. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for an evidence-based practices review process. KRS 197.020(1)(a) and (b) require the Department of Corrections to promulgate administrative regulations for the government and discipline of the penitentiary, government and official conduct of all officials connected with the penitentiary, government of the prisoners in their deportment and conduct, and preservation of the health of the prisoners. KRS 197.110 authorizes the department to promulgate administrative regulations for purposes as the department deems necessary and proper for carrying out the intent of KRS Chapter 197. KRS 439.3101 requires the department to promulgate administrative regulations that require the supervision and treatment of supervised individuals in accordance with evidence-based practices. KRS 439.640 requires the department to promulgate administrative regulations to implement the provisions of the vocational training program for inmates in the last ninety (90) days of confinement. This administrative regulation establishes policies and procedures concerning programs and sentence credits for the Department of Corrections.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Department of Corrections, its correctional institutions, and offenders on probation and parole 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: Approximately \$2,700,000 to \$4,100,000 per year.

For subsequent years: Approximately \$2,700,000 to \$4,100,000 per year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

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For subsequent years: No cost savings are expected due to the amendment.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local jails will be affected by this amendment.

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

1. Expenditures:

For the first year: Approximately \$550,000 to \$825,000 per fiscal year.

For subsequent years: Approximately \$550,000 to \$825,000 per fiscal year as adjusted for inflation.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Inmates in the custody of the Department of Corrections will be affected by this administrative regulation amendment.

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

1. Expenditures:

For the first year: There will be no expenditures to inmates in the custody of the Department of Corrections.

For subsequent years: There will be no expenditures to inmates in the custody of the Department of Corrections.

2. Revenues:

For the first year: No revenues are expected due to the amendment.

For subsequent years: No revenues are expected due to the amendment.

3. Cost Savings:

For the first year: No cost savings are expected due to the amendment.

For subsequent years: No cost savings are expected due to the amendment.

(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: Approximately \$3,300,000 to \$4,900,000 per year as adjusted for inflation.

(b) Methodology and resources used to reach this conclusion: In 2024, 35 Class B felons, 169 Class C felons, and 610 Class D felons were revoked from Mandatory Reentry Supervision. These inmates were initially released on mandatory reentry supervision 270 days prior to the minimum expiration dates of their sentences. Prior to their return to incarceration, the Class B felons were on supervision for an average of 86 days, the Class C felons were on supervision for an average 75 days, and the Class D felons were on supervision for an average of 94 days. Accordingly, when they were returned to custody, the inmates had on average approximately 6 months left to serve. But for this emergency regulation, these inmates would have been eligible to earn additional sentencing credits and would have been eligible for administrative release. Because the rate at which each inmate earns sentencing credits varies based on their behavior, program enrollments, education enrollments, and work programs, there is no way to calculate exactly how many days of sentencing credits an inmate would have earned if they were eligible. This analysis estimates that an inmate would have earned between sixty days of sentencing credit (low) and 90 days of sentencing credit (high).

ESTIMATED IMPACT TO DOC PER YEAR: Felony Class B - Total Number of Returned Inmates in 2024: 35, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$244,461.00, 90 Day Cost to DOC to Incarcerate: \$366,691.50. Felony Class C - Total Number of Returned Inmates in 2024: 169, Cost to DOC per Day to Incarcerate: \$116.41, 60 day Cost to DOC to Incarcerate: \$1,180,397.40, 90 Day Cost to DOC to Incarcerate: \$1,770,596.10. Felony Class D* - Total Number of Returned Inmates in 2024: 610, Cost to DOC per Day to Incarcerate: \$35.34, 60 day Cost to DOC to Incarcerate: \$1,293,444.00, 90 Day Cost to DOC to Incarcerate: \$1,940,166.00. (*This analysis assumes that most Class D inmates are housed in county and regional jails.) Total - 60 day Cost

to DOC to Incarcerate: \$2,718,302.40, 90 Day Cost to DOC to Incarcerate: \$4,077,453.60. ESTIMATED FISCAL IMPACT TO JAILERS PER YEAR: Felony Class D - Total Number of Returned Inmates in 2024: 610, Cost** to Jailers per Day to Incarcerate: \$15.00, 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00. (**This is the approximate cost beyond the \$35.34 paid by DOC to jailers per day.) Total - 60 Day Cost to Jailers to Incarcerate: \$549,000.00, 90 Day Cost to Jailers to Incarcerate: \$823,500.00.

(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(14): Yes.

(b) The methodology and resources used to reach this conclusion: Department of Corrections population numbers were used to determine the number of inmates that were returned in 2024. The Department of Corrections cost to incarcerate individuals in its facilities is calculated yearly and is currently set at \$116.41. Payments from the Department of Corrections to jailers for the incarceration of state prisoners is calculated according to statute and is currently set at \$35.34 per day. The Department of Corrections creates an annual estimate of the total cost to jails to incarcerate state inmates. In 2025, the cost per day ranged between \$46.51 and \$56.51. In doing this analysis, \$50.34 per day was used as the midpoint between the two for estimation purposes, resulting in a \$15 per day difference between what the Department of Corrections pays to the jailers and the jailers' cost to incarcerate. 501 KAR 6:530E. Corrections policies and procedures: programs and sentence credits.

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.

EDUCATION AND LABOR CABINET Kentucky Board of Education Department of Education (Amendment)

702 KAR 3:130. Internal accounting.

RELATES TO: KRS Chapter 45A, [61.410,] 66.480, 156.029, 156.076, 156.160, 156.200, 156.265, 158.290, Chapter 160, [161.540, 161.560,] Chapter 238[342.640], 424.260

STATUTORY AUTHORITY: KRS 156.070, 156.160, 156.200

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools. KRS 156.200 requires the Kentucky Board of Education to regulate accounting procedures and reports of local school districts. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. This administrative regulation establishes uniform procedures for the accounting of school activity funds.

Section 1. Definition. "School activity[Activity] funds" means all school funds including funds derived from fundraising activities sponsored under the auspices of the school and does not mean funds raised or received by organizations that do not come under the direct supervision of school authorities.

Section 2. District Responsibilities.

(1) A local[district] board of education shall have the responsibility for administration and control of all school activity funds and comply with "Accounting Procedures for Kentucky School Activity Funds", which is also known as the "Redbook".

(2)

(a) The August 2019~~[March]~~~~[2013]~~ edition of the Redbook shall be used through July 31, 2026, or until the effective date of this administrative regulation whichever is later~~[2019]~~.

(b) The August 2026~~[2019]~~ edition of the Redbook shall be used beginning on August 1, 2026, or upon the effective date of this administrative regulation whichever is later~~[2019]~~.

Section 3. Audits.

(1) School activity~~[Activity]~~ fund internal accounts shall be audited annually by a certified public accountant, and a report shall be made to the local~~[district]~~ board of education.

(2) Audit reports shall be reviewed and accepted by the local board of education, and appropriate action taken.

~~[(3)] [Recommendations and exceptions listed in the audit shall be reviewed by staff of the Department of Education.]~~

~~[(4)] [A copy of the school audit report shall be on file in both the office of the principal and the office of the superintendent of the local school district. It shall be open for public inspection in both locations.]~~

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

~~(a) "Accounting Procedures for Kentucky School Activity Funds", August 2019; and~~[, is incorporated by reference.]

~~(b) "Accounting Procedures for Kentucky School Activity Funds", August 2026.~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, Division of District Support, 300 Sower Boulevard, 4th Floor, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m. This material may also be viewed at: <https://www.education.ky.gov/districts/legal/Pages/Kentucky-Revised-Statutes.aspx>.

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).

DR. ROBBIE FLETCHER, Commissioner
SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: December 8, 2025

FILED WITH LRC: December 10, 2025 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 10 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

Subject Headings: Education, Education: Elementary, Education: Secondary, Accounting

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes uniform procedures for the accounting of school activity funds.

(b) The necessity of this administrative regulation: KRS 156.200 requires the Kentucky Board of Education to regulate accounting procedures and reports of local school districts. This administrative

regulation establishes uniform procedures for the accounting of school activity funds and ensures all school districts handle school activity funds properly and in accordance with accounting standards.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools. KRS 156.200 requires the Kentucky Board of Education to regulate accounting procedures and reports of local school districts. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. This administrative regulation establishes uniform procedures for the accounting of school activity funds.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools. KRS 156.200 requires the Kentucky Board of Education to regulate accounting procedures and reports of local school districts. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. This administrative regulation sets forth uniform accounting procedures to ensure all school districts handle school activity funds properly and in accordance with accounting standards.

(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 amendment incorporates by reference the "Accounting Procedures for Kentucky School Activity Funds" also known as the "Redbook" August 2026 edition which will become effective August 1, 2026, or upon the effective date of this administrative regulation whichever is later. The amendment also updates requirements in regard to the audit of school activity funds.

(b) The necessity of the amendment to this administrative regulation: Kentucky Department of Education staff, school district finance officers, and school district auditors have identified necessary changes to the Redbook which have been incorporated into the August 2026 edition.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools. KRS 156.200 requires the Kentucky Board of Education to regulate accounting procedures and reports of local school districts. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. This administrative regulation establishes uniform procedures for the accounting of school activity funds.

(d) How the amendment will assist in the effective administration of the statutes: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools. KRS 156.200 requires the Kentucky Board of Education to regulate accounting procedures and reports of local school districts. KRS 156.160 requires the Kentucky Board of Education to promulgate administrative regulations establishing standards which school districts shall meet in student, program, service, and operational performance. The amendment updates the uniform procedures for the accounting of school activity funds.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: School districts

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Training on accounting procedures is currently provided to local school districts by the Kentucky Department of Education. The department will update the existing training to include any new requirements or changes accordingly.

(b) In complying with this administrative regulation or amendment, how

much will it cost each of the entities identified in question (4): This amendment is not expected to have a fiscal impact on school districts. Training on accounting procedures is currently provided to local school districts by the Kentucky Department of Education. The department will update the existing training to include any new requirements or changes accordingly.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendment provides for a uniform set of accounting procedures for local school districts to report the receipt and expenditure of school activity funds. This ensures that all funds are accurately accounted for according to acceptable accounting standards. This regulation promotes good policies and procedures and protects school funds and school personnel.

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

(a) Initially: Any costs should be minimal and related to staff time in attending trainings. The Kentucky Department of Education provides training to local school district personnel on accounting procedures for school activity funds.

(b) On a continuing basis: Any costs should be minimal and related to staff time in attending trainings. The Kentucky Department of Education provides training to local school district personnel on accounting procedures for school activity funds.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General Funds

(8) 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 are no fees associated with the regulation amendment.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with the regulation.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies to all public school districts.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, KRS 156.200, and KRS 156.160.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.070, KRS 156.200, and KRS 156.160.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Board of Education and Kentucky Department of Education

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

1. Expenditures:

For the first year: Any expenditures are expected to be minimal.

For subsequent years: Any expenditures are expected to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): School districts

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

1. Expenditures:

For the first year: Any expenditures are expected to be minimal.

For subsequent years: Any expenditures are expected to be minimal.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated.

For subsequent years: No cost savings are anticipated.

(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: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(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: For the Kentucky Department of Education and school districts, any expenditures are expected to be minimal. The regulation is not expected to generate revenue and no cost savings are anticipated.

(b) Methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program operations.

(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(14): The administrative regulation is not expected to have a major economic impact on the Kentucky Department of Education or local school districts.

(b) The methodology and resources used to reach this conclusion: For the Kentucky Department of Education and local school districts, the estimates herein are based on prior program operations.

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.

EDUCATION AND LABOR CABINET

Kentucky Board of Education
Department of Education
(Amendment)

704 KAR 3:370. Kentucky Framework for Personnel Evaluation.

RELATES TO: KRS 156.557, 156.800(7), 161.740

STATUTORY AUTHORITY: KRS 156.070, 156.557(2), (5)(c), (7)

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 156.557(2) and (5)(c), and (7) require the Kentucky Board of Education to promulgate administrative regulations to establish a statewide framework for the purposes of supporting and improving the performance of all certified school personnel, to develop written guidelines for local school districts to follow in implementing a system of evaluation for certified school personnel, and to establish an appeals procedure for certified school personnel. This administrative regulation establishes a statewide framework to support and improve the performance of all certified school personnel as well as an appeals procedure for certified school personnel.

Section 1. Definitions.

(1) "Assistant principal" means a certified school personnel who devotes the majority of employed time in the role of assistant principal, for which administrative certification is required by the Education Professional Standards Board pursuant to 16 KAR Chapter 3.

(2) "Certified administrator" means a certified school personnel, other than principal or assistant principal, who devotes the majority of employed time in a position for which administrative certification is required by the Education Professional Standards Board pursuant to 16 KAR Chapter 3.

(3) "Certified evaluation plan" means the procedures and forms for evaluation of certified school personnel below the level of

superintendent developed by an evaluation committee and meeting all requirements of the Kentucky Framework for Personnel Evaluation.

(4) "Certified school personnel" means a certified school employee, below the level of superintendent, who devotes the majority of employed time in a position in a district for which certification is required by the Education Professional Standards Board pursuant to Title 16 KAR and includes certified administrators, assistant principals, principals, other professionals, and teachers.

(5) "Conference" means a meeting between the evaluator and the evaluatee for the purposes of providing feedback, analyzing the results of an observation or observations, reviewing other evidence to determine the evaluatee's accomplishments and areas for growth, and leading to the establishment or revision of a professional growth plan.

(6) "Evaluatee" means the certified school personnel who is being evaluated.

(7) "Evaluation committee" means a group, consisting of an equal number of teachers and administrators, who develop personnel evaluation procedures and forms for a local school district pursuant to KRS 156.557(5)(c)(1).

(8) "Evaluator" means the primary evaluator pursuant to KRS 156.557(5)(c)2.

(9) "Evaluator certification" means successful completion of certified evaluation training to ensure that certified school personnel who serve as observers of evaluatees demonstrate proficiency in rating teachers and other professionals for the purposes of evaluation and feedback.

(10) "Formative evaluation" is defined by KRS 156.557(1)(a).

(11) "Job category" means a group or class of certified school personnel positions with closely related functions.

(12) "Kentucky Framework for Personnel Evaluation" means the statewide framework a school district uses to develop a local certified school personnel evaluation system.

(13) "Observation" means a data collection process conducted by a certified evaluator, in person or through video, for the purpose of evaluation, including notes, professional judgments, and examination of the data collected during one (1) or more classroom or worksite visits of any duration.

(14) "Other professionals" means certified school personnel, except for teachers, administrators, assistant principals, or principals for which certification is required by the Education Professional Standards Board pursuant to KAR Title 16.

(15) "Peer observation" means observation and documentation by certified school personnel below the level of principal or assistant principal and trained to perform such observations.

(16) "Performance criteria" means the areas, skills, or outcomes on which certified school personnel are evaluated as described in KRS 156.557(4).

(17) "Performance measure" means one (1) of four (4) measures defined in the Kentucky Framework for Personnel Evaluation. Measures include planning, environment, instruction, and professionalism.

(18) "Performance rating" means the rating for each performance measure for a teacher, other professional, principal, or assistant principal as determined by the local district certified evaluation plan aligned to the Kentucky Framework for Personnel Evaluation. Ratings shall be exemplary, accomplished, developing, and ineffective.

(19) "Personnel Evaluation System" or "system" means an evaluation system to support and improve the performance of certified school personnel that meets the requirements of KRS 156.557 and that uses clear and timely formative feedback to guide professional growth.

(20) "Principal" means a certified school personnel who devotes the majority of employed time in the role of principal, for which administrative certification is required by the Education Professional Standards Board pursuant to KAR Title 16.

(21) "Sources of evidence" or "source of evidence" means the district-approved evidence aligned to the performance measure and used by evaluators to inform performance measure ratings listed in Section 8 of this administrative regulation.

(22) "Summative evaluation" is defined by KRS 156.557(1)(b).

(23) "Summative rating" means the overall rating for certified school personnel below the level of superintendent as determined

by the district certified evaluation plan aligned to the Kentucky Framework for Personnel Evaluation.

(24) "Teacher" means a certified school personnel who has been assigned the responsibility for student learning in a classroom, grade level, subject, or course and holds a teaching certificate pursuant to KAR Title 16.

Section 2. District Evaluation Procedures and Forms.

(1) An evaluation committee shall develop the certified evaluation plan for the evaluation of certified school personnel below the level of superintendent. The evaluation committee shall submit the certified evaluation plan to the local board of education for review and approval.

(2) The local board of education shall review and approve the certified evaluation plan that meets the requirements of KRS 156.557(5)(c) and this administrative regulation.

(a) The district certified evaluation plan may require the use of additional trained administrative personnel to observe and provide information to the evaluator.

(b) Peer observations may be used as a source of evidence to inform a summative rating only if requested by the teacher or other professional being evaluated.

(c) The district certified evaluation plan shall establish uniform requirements for the length, frequency, and nature of observations conducted by an evaluator for the purpose of evaluation. The district certified evaluation plan shall require a conference between the evaluator and the evaluatee within five (5) working days following each observation.

(d) The district certified evaluation plan shall require the summative evaluation to include all applicable system data and be held at the end of the evaluation cycle pursuant to KRS 156.557.

(e) The district certified evaluation plan shall require a summative evaluation to occur annually for each certified school personnel below the level of superintendent who has not attained continuing service status pursuant to KRS 161.740 or continuing status pursuant to KRS 156.800(7) and shall incorporate the formative data collected during the Kentucky Teacher Internship Program, pursuant to 16 KAR 7:010, in the summative evaluation of a teacher intern.

(f) The district certified evaluation plan shall require a summative evaluation [at least] once every five (5)[three (3)] years for a teacher, other professional, principal, or assistant principal who has attained continuing service status pursuant to KRS 161.740 or continuing status pursuant to KRS 156.800(7).

(g) The evaluation criteria and process used to evaluate certified school personnel shall be explained to and discussed with the evaluatee no later than the end of the evaluatee's first thirty (30) calendar days of reporting for employment each school year.

(h) The district certified evaluation plan shall require a summative evaluation of certified school personnel to be documented in writing and to be included in the evaluatee's official personnel record.

(i) All evidence used to produce certified school personnel's overall performance rating shall be included in the documentation of the summative evaluation.

(j) The district certified evaluation plan shall provide an opportunity for the evaluatee to submit a written statement in response to the summative rating and require the response to be included in the official personnel record.

Section 3. District Personnel Evaluation Policies.

(1) Each local school district shall establish a written policy for implementing the certified evaluation plan for all certified school personnel below the level of superintendent in the district, consistent with the requirements of KRS 156.557 and this administrative regulation.

(2) The local board of education shall develop, adopt, and submit to the department for approval a policy and procedure for evaluation of the district superintendent.

Section 4. Department Approval of District Personnel Evaluation Plan.

The department shall review each local school district's certified evaluation plan and approve a certified evaluation plan that

is consistent with the requirements of KRS 156.557 and this administrative regulation.

Section 5. Revisions to Previously Approved District Evaluation Plan.

(1) The local board of education shall review, as needed, the district's certified evaluation plan to ensure compliance with KRS 156.557 and this administrative regulation.

(2) If a source of evidence is added or removed from the certified evaluation plan or if a decision rule or calculation is changed in the summative rating formula, the revised certified evaluation plan shall be reviewed and approved by the local board of education. If the local board of education determines the changes do not meet the requirements of KRS 156.557, the certified evaluation plan shall be returned to the certified evaluation committee for revision.

Section 6. Training and Testing of Evaluators.

(1) The district shall include evaluator certification and observation training in the district's certified evaluation plan submitted to the department for approval pursuant to Section 3 of this administrative regulation.

(2) The district shall ensure an evaluator meets the requirements in the district's evaluation plan prior to conducting a formative or summative evaluation.

(3) An evaluator shall be trained, tested, and approved according to this administrative regulation and the district's certified evaluation plan.

(4) Evaluator training shall include:

(a) Initial certified evaluation training and testing provided by the Kentucky Department of Education or a provider approved by the department;

(b) Training on KRS 156.557 and the requirements of this administrative regulation;

(c) Training in effective observation and conferencing techniques, in providing clear and timely feedback, in establishing and assisting with a professional growth plan, and in summative decision techniques; and

(d) A minimum of six (6) hours annually of personnel evaluation system training approved by the Effective Instructional Leadership Act established in 704 KAR 3:325.

Section 7. Training of Peer Observers.

(1) The district shall require peer observations be performed by individuals who are trained in peer observation techniques and responsibilities prior to the first peer observation.

(2) Peer observation training shall include training in effective observation and conferencing techniques and the roles and responsibilities of peer observers, evaluatees, and certified school personnel.

Section 8. Performance Measure.

(1) The district's certified evaluation plan shall utilize the Kentucky Framework for Personnel Evaluation pursuant to KRS 156.557 and the requirements of this administrative regulation and shall include the following performance measures:

- (a) Planning;
- (b) Environment;
- (c) Instruction; and
- (d) Professionalism.

(2) The district's certified evaluation plan shall define criteria for each performance measure from the Kentucky Framework for Teaching, the Kentucky Framework for Teaching with Specialist Frameworks for Other Professionals, and the Professional Standards for Educational Leaders that characterize effective practice and apply to the evaluatee.

(3)

(a) The evaluator shall use sources of evidence, in combination with professional judgment, to inform the teacher's or other professional's rating on each of the four (4) performance measures listed in subsection (1) of this section.

(b) The evaluator shall use the following ratings:

1. "Exemplary" shall be the rating for performance that consistently exceeds expectations for effective performance;

2. "Accomplished" shall be the rating for performance that consistently meets expectations for effective performance;

3. "Developing" shall be the rating for performance that inconsistently meets expectations for effective performance; and

4. "Ineffective" shall be the rating for performance that consistently fails to meet expectations for effective performance. Because individual education program (IEP) goals are student-specific, IEP goals may inform, but shall not be used as a single source of evidence for any performance measure.

Section 9. Summative Rating of Teachers, Other Professionals, Principals, and Assistant Principals. (1) The overall performance category for teachers or other professionals, principals, and assistant principals shall be a district-determined rating by combining the four (4) performance measures provided in Section 8 of this administrative regulation.

Section 10. Evaluation of Certified School Personnel Assigned to the District Level for Purposes of Evaluation.

(1) The district's certified evaluation plan for certified school personnel assigned to the district level for purposes of evaluation shall:

(a) Utilize the performance criteria established in KRS 156.557(4), comply with KRS 156.557 and the requirements of this administrative regulation; and

(b) List the performance criteria applicable to the evaluatee that characterizes professional effectiveness.

(2) The district certified evaluation plan for certified personnel assigned to the district level for purposes of evaluation shall be specific to the evaluatee's job category.

Section 11. District Evaluation Appeals Panel. The district shall provide the following in its system plan for an appeal to the district evaluation appeals panel:

(1) A right to a hearing as to every appeal;

(2) An opportunity, five (5) days in advance of the hearing, for the evaluator and evaluatee to adequately review all documents that are to be presented to the district evaluation appeals panel; and

(3) A right to have the evaluatee's chosen representative present at the hearing.

Section 12. State Evaluation Appeals Panel.

(1) A certified school personnel who believes that the local district is not properly implementing the district certified evaluation plan as approved by the department shall have the opportunity to appeal to the Kentucky Board of Education.

(2) The appeal procedures shall be as established in this subsection.

(a) The Kentucky Board of Education shall appoint a committee of three (3) state board members to serve on the state evaluation appeals panel (SEAP). The SEAP's jurisdiction shall be limited to procedural matters already addressed by the local appeals panel related to the district's alleged failure to implement an evaluation plan as approved by the department. The SEAP shall not have jurisdiction of a complaint involving the professional judgment conclusion of an evaluation, and the SEAP's review shall be limited to the record of proceedings and documents therein, or lack thereof, at the local district level.

(b) No later than thirty (30) calendar days after the final action or decision at the local district level, a certified school personnel may submit a written request to the chief state school officer for a review before the SEAP. If a certified school personnel does not appeal within the time frame listed in this paragraph, the request shall not be considered. A specific description of the complaint and grounds for appeal shall be submitted with the request.

(c) A brief, written statement or other document that a party wishes to submit for consideration by the SEAP shall be filed with the panel and served on the opposing party at least twenty (20) days prior to the scheduled review.

(d) A decision of the SEAP shall be rendered within fifteen (15) working days after the review.

(e) A determination of district noncompliance with the district evaluation plan or absence of a district local evaluation plan shall render the evaluation void.

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Section 13. Incorporation by Reference.

- (1) The following material is incorporated by reference:
(a) "Kentucky Framework for Teaching", February 2014;
(b) "Kentucky Framework for Teaching with Specialist Frameworks for Other Professionals", June 2015; and
(c) "Professional Standards for Educational Leaders", 2015.
(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Education, 300 Sower Blvd, 5th Floor, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

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).

DR. ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: December 10, 2025

FILED WITH LRC: December 10, 2025 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd Allen

Subject Headings: Education, Education: Elementary, Education: Secondary.

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation establishes a statewide framework for the purposes of supporting and improving the performance of all certified school personnel, develops written guidelines for local school districts to follow in implementing a system of evaluation for certified school personnel, and establishes an appeals procedure for certified school personnel.
(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish a statewide framework for the purposes of supporting and improving the performance of all certified school personnel, to develop written guidelines for local school districts to follow in implementing a system of evaluation for certified school personnel, and to establish an appeals procedure for certified school personnel.
(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 156.070(1) requires the Kentucky Board of Education to manage and control the common schools and all programs operated in the schools. KRS 156.557(2) and (5)(c), authorizes the Kentucky Board of Education to promulgate administrative regulations to establish a statewide framework for the purposes of supporting and improving the performance of all certified school personnel and to develop written guidelines for local school districts to follow in implementing a system of evaluation for certified school personnel.
(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets a statewide framework and promotes the continuous professional growth and development of skills needed to be a highly effective teacher or administrator.
(2) If this is an amendment to an existing administrative regulation,

provide a brief summary of:

- (a) How the amendment will change this existing administrative regulation: The amendment updates Section 2 of the administrative regulation to require district certified evaluation plans to require a summative evaluation every five (5) years instead of every three (3) years for tenured educators.
(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to align with the amendment to KRS 156.557(5)(c)6. contained in House Bill 48 of the 2025 Legislative Session which requires summative evaluations of tenured educators every five (5) years instead of every three (3) years.
(c) How the amendment conforms to the content of the authorizing statutes: The amendment is being made to conform with the amendment to KRS 156.557 made by House Bill 48 of the 2025 Legislative Session.
(d) How the amendment will assist in the effective administration of the statutes: The amendment will ensure that the regulatory requirement for summative evaluations aligns with the statutory requirement in KRS 156.557(5)(c)6.
(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, this amendment implements the amendment to KRS 156.557 made by House Bill 48 of the 2025 Legislative Session.
(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this amendment are: all local school districts, schools, and tenured educators.
(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Districts will have to update their certified evaluation plans to align with the new timeline for summative evaluations of tenured educators.
(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): No fees are associated with complying with this amendment; however, district staff time will be needed to update the certified evaluation plan for evaluations for tenured educators.
(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Districts will only have to require summative evaluations for tenured educators once every five (5) years and tenured educator will only have to have summative evaluations once every five (5) years.
(6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
(a) Initially: No cost
(b) On a continuing basis: No cost
(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: General funds.
(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this administrative regulation.
(9) 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. It does not directly or indirectly increase any fees.
(10) **TIERING:** Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all schools and districts.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070, KRS 156.557
(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 156.557(2) and (5)(c), and (7) require the Kentucky Board of Education to promulgate administrative regulations to establish a

statewide framework for the purposes of supporting and improving the performance of all certified school personnel, to develop written guidelines for local school districts to follow in implementing a system of evaluation for certified school personnel, and to establish an appeals procedure for certified school personnel.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Board of Education and the Kentucky Department of Education.

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

1. Expenditures:

For the first year: There are no expenditures expected.

For subsequent years: There are no expenditures expected.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated

For subsequent years: No cost savings are anticipated.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts.

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

1. Expenditures:

For the first year: There are no expenditures expected.

For subsequent years: There are no expenditures expected.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: There will be some savings associated with district staff time and resources by only requiring summative evaluations of tenured educators every five (5) years.

For subsequent years: There will be some savings associated with district staff time and resources by only requiring summative evaluations of tenured educators every five (5) years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Tenured educators.

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

1. Expenditures:

For the first year: There are no expenditures expected.

For subsequent years: There are no expenditures expected.

2. Revenues:

For the first year: This regulation is not expected to generate revenue.

For subsequent years: This regulation is not expected to generate revenue.

3. Cost Savings:

For the first year: No cost savings are anticipated

For subsequent years: No cost savings are anticipated.

(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 as a result of the proposed amendments to this regulation. The amendment requires districts to make an adjustment to the certified evaluation plans; however, districts already have established certification evaluation plans and staff assigned to them. No additional expenditures or resources will be needed from the Kentucky Board of Education or the Kentucky Department of Education to carry out this amendment.

(b) Methodology and resources used to reach this conclusion: The methodology and resources used to determine this is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendment. Since no additional expenditures or resources are needed to carry out the amendment, and there are no fees established or increased by this regulation, there will not be a negative or adverse major economic impact.

(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(14): There is not an expected major economic impact from this regulation as it does not create

additional costs for the Kentucky Board of Education, the Kentucky Department of Education, or the regulated entities.

(b) The methodology and resources used to reach this conclusion: The methodology and resources used to determine this is looking to current systems and processes to see if additional expenditures or resources are needed to carry out the amendment. Since no additional expenditures or resources are needed to carry out the amendment, and there are no fees established or increased by this regulation, there will not be a negative or adverse major economic impact.

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.

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

707 KAR 1:002. Definitions.

RELATES TO: KRS 157.200, 157.220, 157.224, [157.226, 157.230, 157.250, 157.260, [157.270,] 157.280, 157.285, 157.290, 157.360, 158.030, 158.033, 158.100, 158.150, 160.290, 34 C.F.R. 300.1-300.818, 20 U.S.C. 1400-1419

STATUTORY AUTHORITY: KRS 156.035, 156.070(1), 156.160, 157.220, 157.224, 157.260, 167.015

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts. KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of these programs. KRS 156.035 authorizes the Kentucky Board of Education to implement any act of Congress appropriating funds to the state and to provide for the proper apportionment and disbursement of these funds in accordance with state and federal laws. 20 U.S.C. 1407 and 1412 and 34 C.F.R. 300.100 require that policies and procedures be adopted to assure the apportionment and disbursement of federal funds for exceptional children programs in accordance with applicable laws. This administrative regulation establishes definitions for this chapter of administrative regulations regarding special education.

Section 1. Definitions.

(1) "Admissions and release committee" or "ARC" means a group of individuals described in 707 KAR 1:320, Section 3, that is responsible for developing, reviewing, or revising an individual education program (IEP) for a child with a disability.

(2) "Adverse effect" means that the progress of the child is impeded by the disability to the extent that the educational performance is significantly and consistently below the level of similar age peers.

(3) "Assistive technology device" means any item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve the functional capabilities of a child with a disability. The term does not mean a medical device that is surgically implanted, or the replacement of such a device.

(4) "Assistive technology service" means any service that directly assists a child with a disability in the selection, acquisition, or use of an assistive technology device. This term shall include:

(a) The evaluation of the needs of a child with a disability, including a functional evaluation of the child in the child's customary environment;

(b) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by children with disabilities;

(c) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(d) Coordinating and using other therapies, interventions, or services with assistive technology devices, like those associated with existing education and rehabilitation plans and programs;

(e) Training or technical assistance for a child with a disability or, if appropriate, that child's family; and

(f) Training or technical assistance for professionals (including individuals providing education or rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of the child.

(5) "Autism" means a developmental disability significantly affecting verbal and nonverbal communication and social interaction, generally evident before age three (3) that adversely affects a child's educational performance. Other characteristics often associated with autism are engagement in repetitive activities and stereotyped movements, resistance to environmental change or change in daily routines, and unusual responses to sensory experiences. The term shall not apply if a child's educational performance is adversely affected primarily because the child has an emotional-behavior disability.

(6) "Business day" means Monday through Friday except for federal and state holidays, unless a holiday is specifically included in the designation of business day as in 707 KAR 1:370, Section 1.

(7) "Caseload[–for special classes]" means the number of children with disabilities assigned to a teacher of exceptional children for the purpose of ~~overseeing the management of~~[providing] individualized specially designed instruction and related services[–in a special class setting].

(8) "Change of placement because of disciplinary removals" means a change of placement occurs if:

(a) The removal is for more than ten (10) consecutive school days; or

(b) The child has been subjected to a series of removals that constitute a pattern (which is determined on a case-by-case basis) because:

1. The series of removals total more than ten (10) school days in a school year;

2. The child's behavior is substantially similar to the child's behavior in previous incidents that resulted in the series of removals; and

3. Of additional factors, including the length of each removal, the total amount of time the child has been removed, and the proximity of the removals to one (1) another.

(9) "Child with a disability" means a child evaluated in accordance with 707 KAR 1:300, as meeting the criteria listed in the definitions in this section for autism, deaf-blindness, developmental delay, emotional-behavior disability, hearing impairment, mental disability, multiple disabilities, orthopedic impairment, other health impairment, specific learning disability, speech or language impairment, traumatic brain injury, or visual impairment which has an adverse effect on the child's educational performance and who, as a result, needs special education and related services.

[10] "[Class size for resource classes]" means the number of children with disabilities assigned to a teacher of exceptional children per period, block, or the specified length of time set by the individual school.]

(10)[(11)] "Collaboration" means, for purposes of determining class size in 707 KAR 1:350, Section 2, a teacher of exceptional children works with children with disabilities in the regular classroom to provide specially [specifically]–designed instruction and related services.

(11)[(12)] "Complaint" means a written allegation that a local education agency (LEA) has violated a requirement of the Individuals with Disabilities Education Act (IDEA) or an implementing administrative regulation, and the facts on which the statement is based.

(12)[(13)] "Compliance" means the obligations of state or federal requirements are met.

(13)[(14)] "Compliance monitoring report" means a written description of the findings of an investigation, like on-site monitoring, citing each requirement found in noncompliance.

(14)[(15)] "Consent" means:

(a) A parent has been fully informed of all information relevant to the activity for which consent is sought, in his or her native language, or other mode of communication;

(b) A parent understands and agrees in writing to the carrying out of the activity for which his or her consent is sought, and the consent describes the activity and lists the records, if any, that will be released and to whom;

(c) A parent understands that the granting of consent is voluntary on the part of the parent and may be revoked at any time; and

(d) If a parent revokes consent, that revocation does not negate an action that has occurred after the consent was given and before the consent was revoked.

(15)[(16)] "Controlled substance" means a drug or other substance identified under 21 U.S.C. Section 812(c).

(16)[(17)] "Core academic subjects" means English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography.

(17)[(18)] "Corrective action plan or "CAP" means a written improvement plan describing activities and timelines, with persons responsible for implementation, developed to correct identified areas of noncompliance, including directives from the Kentucky Department of Education, specifying actions to be taken to fulfill a legal obligation.

(18)[(19)] "Course of study" means a multiyear description of coursework from the student's current school year to the anticipated exit year designed to achieve the student's desired postschool goals.

(19)[(20)] "Day" means calendar day unless otherwise indicated as business day or school day.

(20)[(21)] "Deaf-blindness" means concomitant hearing and visual impairments that have an adverse effect on the child's education performance, the combination of which causes severe communication and other developmental and educational needs that cannot be accommodated in special education programs solely for children with deafness or children with blindness, unless supplementary assistance is provided to address educational needs resulting from the two (2) disabilities.

(21)[(22)] "Developmental delay" or "DD" means that a child within the ages of three (3) through eight (8) has not acquired skills, or achieved commensurate with recognized performance expectations for his or her age in one (1) or more of the following developmental areas: cognition, communication, motor development, social-emotional development, or self-help-adaptive behavior. Developmental delay includes a child who demonstrates a measurable, verifiable discrepancy between expected performance for the child's chronological age and current level of performance. The discrepancy shall be documented by:

(a) Scores of two (2) standard deviations or more below the mean in one (1) of the areas listed above as obtained using norm-referenced instruments and procedures;

(b) Scores of one and one-half (1 1/2) standard deviations below the mean in two (2) or more of the areas listed above using norm-referenced instruments and procedures; or

(c) The professional judgment of the ARC that there is a significant atypical quality or pattern of development. Professional judgment shall be used only where normal scores are inconclusive and the ARC documents in a written report the reasons for concluding that a child has a developmental delay.

(22)[(23)] "Education records" means records as defined in the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g.

(23)[(24)]

(a) "Emotional-behavioral disability" or "EBD" means that a child, when provided with interventions to meet instructional and social-emotional needs, continues to exhibit one (1) or more of the following, when compared to the child's peer and cultural reference groups, across settings, over a long period of time and to a marked degree:

1. Severe deficits in social competence or appropriate behavior which cause an inability to build or maintain satisfactory interpersonal relationships with adults or peers;

2. Severe deficits in academic performance which are not commensurate with the student's ability level and are not solely a result of intellectual, sensory, or other health factors but are related to the child's social-emotional problem;

3. A general pervasive mood of unhappiness or depression; or

4. A tendency to develop physical symptoms or fears associated with personal or school problems.

(b) This term does not apply to children who display isolated (not necessarily one (1)) inappropriate behaviors that are the result of willful, intentional, or wanton actions unless it is determined through the evaluations process that the child does have an emotional-behavioral disability.

(24)(25)] "Enforcement" means the Kentucky Department of Education takes steps to ensure federal and state special education requirements are implemented.

(25)(26)] "Extended school year services" means specially designed instruction and related services that are provided to a child with a disability beyond the normal school year in accordance with the child's IEP at no cost to the parents.

(26)(27)] "Free appropriate public education" or "FAPE" means special education and related services that:

(a) Are provided at public expense, under public supervision and direction, and without charge;

(b) Meet the standards of the Kentucky Department of Education included in 707 KAR Chapter 1 and the Program of Studies, 704 KAR 3:303, as appropriate;

(c) Include preschool, elementary school, or secondary school education in the state; and

(d) Are provided in conformity with an individual education program (IEP) that meets the requirements of 707 KAR 1:320.

(27)(28)] "Functional" means activities and skills that are not considered academic or related to a child's academic achievement as measured on statewide assessments pursuant to 703 KAR Chapter 5.

(28)(29)] "Hearing impairment", sometimes referred to as "deaf" or "hard of hearing", means a hearing loss that:

(a) May be mild to profound, unilateral or bilateral, permanent or fluctuating;

(b) Results in difficulty identifying linguistic information through hearing; and

(c) Has an adverse effect on the child's educational performance.

(29)(30)] "High school diploma" means the student has completed the required course of study with the minimum number of credit hours as required by 704 KAR 3:305 and any applicable local district requirements. "High school diploma" does not mean a certificate of completion or a GED.

(30)(31)] "Home school" means, for purposes of 707 KAR Chapter 1 only, a private school primarily conducted in one's residence.

(31)(32)] "IDEA" means the Individuals with Disabilities Education Act, 20 U.S.C. Section 1400 through 1450, as amended.

(32)(33)] "Independent educational evaluation" means an evaluation conducted by a qualified examiner who is not employed by the LEA responsible for the education of the child in question.

(33)(34)] "Individual education program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with 707 KAR 1:320.

(34)(35)] "Interpreting services" means, with respect to children who are deaf or hard of hearing, oral transliteration services, cued language transliteration services, sign language transliteration and interpreting services, and transcription services such as communication access real-time translation (CART) C-Print and Type Well and special interpreting services for children who are deaf-blind.

(35)(36)] "Local educational agency" or "LEA" means a public local board of education or other legally constituted public authority that has either administrative control or direction of public elementary or secondary schools in a school district or other political subdivision of the Commonwealth. LEA also means any other public institution or agency, including the Kentucky School for the Blind (KSB) and the Kentucky School for the Deaf (KSD), that is charged

by state statute with the responsibility of providing educational services to children with disabilities.

(36)(37)] "Mental disability" means that a child has one (1) of the following:

(a) A mild mental disability (MMD) in which:

1. Cognitive functioning is at least two (2) but no more than three (3) standard deviations below the mean;

2. Adaptive behavior deficit is at least two (2) standard deviations below the mean;

3. A severe deficit exists in overall academic performance including acquisition, retention, and application of knowledge; and

4. Manifestation is typically during the developmental period; or

(b) A functional mental disability (FMD) in which:

1. Cognitive functioning is at least three (3) or more standard deviations below the mean;

2. Adaptive behavior deficits are at least three (3) or more standard deviations below the mean;

3. A severe deficit exists in overall academic performance including acquisition, retention, and application of knowledge; and

4. Manifestation is typically during the developmental period.

(37)(38)] "Monitoring" means gathering and reviewing information to determine if a project or program meets state and IDEA requirements including the implementation of corrective action plans.

(38)(39)] "Multiple disabilities" or "MD" means concomitant impairments that have an adverse effect on the child's educational performance, the combination of which causes severe educational needs that cannot be accommodated in special education programs solely for one (1) of the impairments. Examples of MD include mental disability-blindness, and mental disability-orthopedic impairment. Multiple disabilities does not mean deaf-blindness nor does it mean a speech or language impairment in combination with another category of disability.

(39)(40)] "Native language" means, if used in reference to an individual of limited English proficiency, the following:

(a) The language normally used by that individual, or, in the case of a child, the language normally used by the parents of the child;

(b) In all direct contact with a child (including evaluation of the child), the language normally used by the child in the home or learning environment; or

(c) For an individual with deafness or blindness, or for an individual with no written language, the mode of communication that is normally used by the individual, such as sign language, Braille, or oral communication.

(40)(41)] "Orthopedic impairment" or "OI" means a severe orthopedic impairment that adversely affects a child's educational performance. The term includes:

(a) An Impairment caused by a congenital anomaly such as clubfoot, or absence of some member;

(b) An Impairment caused by disease such as poliomyelitis, or bone tuberculosis; and

(c) An impairment from other causes such as cerebral palsy, amputations, and fractures or burns that causes contractures.

(41)(42)] "Other health impairment" or "OHI" means having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment, that:

(a) Is due to a chronic or acute health problem, such as acquired immune deficiency syndrome, asthma, attention deficit disorder, attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, Tourette syndrome, or tuberculosis; and

(b) Adversely affects a child's educational performance.

(42) "Paraprofessional" has the same meaning as in 704 KAR 3:550.

(43) "Parent" means:

(a) A biological or adoptive parent of a child;

(b) A guardian generally authorized to act as the child's parent, or authorized to make educational decisions for the child, but not the state if the child is a ward of the state;

(c) A person acting in the place of a biological or adoptive parent such as a grandparent, stepparent, or other relative with whom the

child lives, or a person who is legally responsible for the child's welfare;

(d) A foster parent if the biological or adoptive parents' authority to make educational decisions on the child's behalf has been extinguished and the foster parent has an ongoing, long-term parental relationship with the child, is willing to make the educational decisions required of parents under 707 KAR Chapter 1, and has no interest that would conflict with the interests of the child;

(e) A foster parent if the biological or adoptive parents grant authority in writing for the foster parent to make educational decisions on the child's behalf, and the foster parent is willing to make educational decisions required of parents under 707 KAR Chapter 1, and has no interest that would conflict with the interests of the child; or

(f) A surrogate parent who has been appointed in accordance with 707 KAR 1:340, Section 6.

(44) "Participating agency" means a state or local agency other than the LEA that is financially and legally responsible for providing transition services to a child with a disability.

(45) "Personally identifiable information" means information that includes the name of the child, the child's parents, or other family member, the address of the child, a personal identifier, including the child's Social Security number or student number, or a list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty.

(46) "Postsecondary goals" means those goals that a student hopes to achieve after leaving high school.

(47) "Parentally-placed private school children with disabilities" means children with disabilities enrolled by their parents in private elementary or secondary school as defined by IDEA regulations, 34 C.F.R. Part 300.13 and 300.36, and not children with disabilities enrolled in private schools upon referral by a LEA.

(48) "Public expense" means that the LEA either pays for the full cost of the services to meet the requirements of 707 KAR Chapter 1 or ensures that the services are otherwise provided at no cost to the parent. Nothing in these administrative regulations shall relieve an insurer or similar third party from an otherwise valid obligation to provide or to pay for services provided to a child with a disability.

(49) "Qualified personnel" means personnel who meet the statutory or regulatory qualifications for each respective profession currently applicable in this state.

(50) "Reasonable efforts to obtain voluntary compliance" means active and ongoing efforts by the Kentucky Department of Education through technical assistance and negotiation to arrive at an acceptable corrective action plan and follow through on an agreed-upon corrective action plan.

(51)

(a) "Related services" means transportation and such developmental, corrective, or supportive services as are required to assist a child with a disability to benefit from special education. It includes speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation including therapeutic recreation, early identification and assessment of disabilities in children, counseling services including rehabilitation counseling, orientation and mobility services, and medical services for diagnostic or evaluation purposes.

(b) "Related services" also means school health services and school nurse services, social work services in school, and parent counseling and training.

(c) "Related services" do not include a medical device that is surgically implanted, the optimization of that device's functioning (such as mapping) maintenance of that device, or the replacement of that device.

(d) The definition of "related services" does not:

1. Limit the responsibility of the LEA to appropriately monitor and maintain medical devices that are needed to maintain the health and safety of the child, including breathing, nutrition, or operation of other bodily functions, while the child is transported to and from school or is at school;

2. Prevent the routine checking of an external component of a surgically implanted device to make sure it is functioning properly; or

3. Limit the right of a child with a surgically implanted device to receive related services that are determined by the ARC to be necessary for the child to receive FAPE.

(52) "Sanctions" means actions such as technical assistance, consultation, or training, that are taken by the Kentucky Department of Education in response to a LEA's failure to comply with the required standards in state and federal laws and administrative regulations.

(53) "School day" means any day, including a partial day, that children attend school for instructional purposes. School day means the same thing for all children in school, including children with or without disabilities.

(54) "Serious bodily injury" means bodily injury as defined in 18 U.S.C. Section 1365(h)(3).

(55) "Services plan" means a written statement that describes the special education or related services that the LEA will provide to a parentally-placed child with a disability enrolled in a private school who has been designated to receive services, including the location of the services and any transportation necessary that is developed in accordance with 707 KAR 1:370.

(56) "Special education" means specially designed instruction, at no cost to the parents, to meet the unique needs of the child with a disability including instruction in the classroom, in the home, in hospitals and institutions, and in other settings. Special education means speech-language pathology services, (if the service is considered special education rather than a related service), travel training, and vocational education.

(57) "Special class" means a specially equipped and staffed class in which a child with a disability, individually or in small groups, spends part of his or her day receiving specially designed instruction or related services as determined by the ARC.

(58) "Special education mentor" means individuals with exceptional expertise, experience, and certification in special education administration or teaching granted the authority described in KRS 157.197.

(59)[(58)] "Specially[-]designed instruction" means adapting as appropriate the content, methodology, or delivery of instruction to address the unique needs of the child with a disability and to ensure access of the child to the general curriculum included in the Kentucky Academic Standards, 704 KAR Chapter 8[Program-of Studies, 704 KAR 3:303].

(60)[(59)] "Specific learning disability" or "LD" means a disorder that adversely affects the ability to acquire, comprehend, or apply reading, mathematical, writing, reasoning, listening, or speaking skills to the extent that specially designed instruction is required to benefit from education. The specific learning disability (LD) may include dyslexia, dyscalculia, dysgraphia, developmental aphasia, and perceptual/motor disabilities. The term does not include deficits that are the result of other primary determinant or disabling factors such as vision, hearing, motor impairment, mental disability, emotional-behavioral disability, environmental or economic disadvantage, cultural factors, limited English proficiency, or lack of relevant research-based instruction in the deficit area.

(61)[(60)] "Speech or language impairment" means a communication disorder, including stuttering, impaired articulation, a language impairment, a voice impairment, delayed acquisition of language, or an absence of language, that adversely affects a child's educational performance.

(62)[(61)] "Supplementary aids and services" means aids, services, and other supports that are provided in regular education classes or other education-related settings to enable a child with disabilities to be educated with nondisabled children to the maximum extent appropriate in accordance with 707 KAR 1:350.

(63)[(62)] "Transition services" means a coordinated set of activities for a child with a disability that:

(a) Is designed to be within a results-oriented process that is focused on improving the academic and functional achievement of the child with a disability to facilitate the child's movement from school to post-school activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation;

(b) Is based on the individual student's needs, considering the child's strengths, preferences, and interests; and

(c) Includes:

1. Instruction;
2. Related services;
3. Community experiences;
4. The development of employment and other post-school adult living objectives; and
5. If appropriate, acquisition of daily living skills and functional vocational evaluation.

(64)(63)] "Traumatic brain injury" or "TBI" means an acquired injury to the brain caused by an external physical force, resulting in total or partial functional disability or psychosocial impairment, or both, that adversely affects a child's educational performance. Traumatic brain injury does not mean brain injuries that are congenital or degenerative, or brain injuries induced by birth trauma. Traumatic brain injury means open or closed head injuries resulting in impairments in one (1) or more areas, including:

- (a) Cognition;
- (b) Language;
- (c) Memory;
- (d) Attention;
- (e) Reasoning;
- (f) Abstract thinking;
- (g) Judgment;
- (h) Problem-solving;
- (i) Sensory, perceptual, and motor abilities;
- (j) Psychosocial behavior;
- (k) Physical functions;
- (l) Information processing; and
- (m) Speech.

(65)(64)] "Travel training" means instruction to children with significant cognitive disabilities and any other children with disabilities, as appropriate, to enable them to develop an awareness of the environment in which they live and to learn the skills necessary to move effectively and safely from place to place within that environment, such as school, home, work and community.

(66)(65)] "Visual impairment" or "VI" means a vision loss, even with correction, that has an adverse effect on the child's educational performance.

(67)(66)] "Ward of the state" means a child who has been committed to the Cabinet for Families and Children or the Department of Juvenile Justice through a legal process, whether the commitment is voluntary or nonvoluntary and the biological or adoptive parental rights have been terminated.

(68)(67)] "Weapon" means "dangerous weapon" as defined in 18 U.S.C. 930(g)(2).

(69)(68)] "Withholding" means no further payment of specified funds are made to an approved recipient.

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).

DR. ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: December 8, 2025

FILED WITH LRC: December 10, 2025 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 10am, in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

Subject Headings: Education: Elementary, Education: Secondary

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes definitions for Kentucky Administrative Regulations, chapter 707 regarding special education.

(b) The necessity of this administrative regulation: KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of special education programs in local school districts. Without this regulation, there would be no common definitions regarding special education programs in local school districts.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of special education programs in local school districts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes definitions for Kentucky Administrative Regulations, chapter 707 regarding special education programs in local school districts.

(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: Amendments remove the definition of "class size for resources classes" and add definitions for "paraprofessional" and "special class". Clarification is added to the definition of "caseload for special classes" by removing "for special classes". Technical corrections are applied to the definitions of "collaboration", "private school children with disabilities", and "specially designed instruction".

(b) The necessity of the amendment to this administrative regulation: The amendments provide clarification to the definitions and will assist local school districts in implementing special education programs.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of special education programs in local school districts.

(d) How the amendment will assist in the effective administration of the statutes: The amendments provide clarification to the definitions and will assist local school districts in implementing special education programs.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? : No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The amendments do not change requirements and require no action. Local districts may decide to review and consider local special education policies and procedures.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Costs to local school districts are in the form of staff time required to implement special education programs. It is not anticipated that these amendments will increase costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Clarification provided through the amendments may assist local school districts in effectively implementing special education programs.

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

(a) Initially: Costs to the Kentucky Department of Education are in the

form of staff time spent providing technical assistance and monitoring local school districts in implementing special education programs. At this time, it is not anticipated that these amendments will increase costs.

(b) On a continuing basis: Costs to the Kentucky Department of Education are in the form of staff time spent providing technical assistance and monitoring local school districts in implementing special education programs. At this time, it is not anticipated that these amendments will increase costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: At the Kentucky Department of Education, the cost to implement and enforce this administrative regulation is federally funded under the Individuals with Disabilities Education Act (IDEA). Local school districts use a combination of IDEA and state and local funds to implement special education programs.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not establish fees. It is not anticipated that additional funding will be necessary to implement the amendments.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation is applied uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.035, 156.070(1), 156.160, 157.220, 157.224, 157.260, 167.015, 34 C.F.R. 300.1-300.818, 20 U.S.C. 1400-1419

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by Amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Through the Kentucky Board of Education, the Kentucky Department of Education is the promulgating agency.

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

1. Expenditures:

For the first year: Costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time needed to implement and monitor special education programs.

For subsequent years: Costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time needed to implement and monitor special education programs.

2. Revenues:

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

For subsequent years: This regulation does not generate revenue.

3. Cost Savings:

For the first year: Amendments to this regulation are not expected to result in cost savings for the Kentucky Department of Education.

For subsequent years: Amendments to this regulation are not expected to result in cost savings for the Kentucky Department of Education.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

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

1. Expenditures:

For the first year: Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

For subsequent years: Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

2. Revenues:

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

For subsequent years: This regulation does not generate revenue.

3. Cost Savings:

For the first year: Amendments to this regulation are not expected to result in cost savings for local school districts.

For subsequent years: Amendments to this regulation are not expected to result in cost savings for local school districts.

(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: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(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: Costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time needed to implement and monitor special education programs. Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

(b) Methodology and resources used to reach this conclusion: Amendments clarify definitions and do not impose new requirements that would result in fiscal impacts.

(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(14): This administrative regulation will not have a "major economic impact", as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: Amendments clarify definitions and do not impose new requirements that would result in fiscal impacts.

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.

EDUCATION AND LABOR CABINET
Kentucky Board of Education
Department of Education
(Amendment)

707 KAR 1:350. Placement decisions.

RELATES TO: KRS 157.200, 157.220, 157.224, [157.226, 157.230, 157.250, 157.260, 157.270,] 157.280, 157.285, 157.290, 157.360, 158.030, 158.033, 158.100, 158.150, 160.290, 34 C.F.R. 300.114[300.1-300.184], 20 U.S.C. 1412(a)(5), 1400-1419]

STATUTORY AUTHORITY: KRS 156.070(1), 156.160, 157.220, 157.224, 157.260, 157.360, 167.015

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 157.200 to 157.290 establish the statutory framework for special education programs in local school districts. KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of these programs. KRS 157.360 authorizes the commissioner of education to enforce special education maximum class sizes set by administrative regulations adopted by the Kentucky Board of Education. KRS 156.035 authorizes the Kentucky Board of Education to implement any act of Congress appropriating funds to the state and to provide for the proper apportionment and disbursement of these funds in accordance with state and federal laws. 20 U.S.C. 1407 and 1412 and 34 C.F.R. 300.100 require that policies and procedures be adopted to assure the apportionment and disbursement of federal

funds for exceptional children programs in accordance with applicable laws. This administrative regulation establishes requirements for making placement decisions about children with disabilities.

Section 1. Placement Decisions.

(1) An LEA shall ensure that to the maximum extent appropriate, children with disabilities, including children placed by the LEA in public or private institutions or other care facilities, are educated with children who are nondisabled. The LEA shall ensure that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only if education in the regular education environment with the use of supplementary aids and services cannot be satisfactorily achieved due to the nature or severity of the disability.

(2) An LEA shall ensure that a continuum of alternative placements is available to meet the needs of children with disabilities for special education and related services.

(3) The continuum shall include the alternative placements of:

- (a) Instruction in regular classes;
- (b) Special classes;
- (c) Special schools;
- (d) Home instruction; and
- (e) Instruction in hospitals and institutions.

(4) The LEA shall make provision for supplementary services to be provided in conjunction with regular class placement.

(5) In determining the educational placement of a child with a disability, the LEA shall ensure that the placement decision is made by the ARC in conformity with the least restrictive environment provisions.

(6) A child's placement shall be:

- (a) Determined at least annually;
- (b) Based on the child's IEP; and
- (c) As close as possible to the child's home.

(7) Unless the IEP of a child with a disability requires some other arrangement, the child shall be educated in the school that he would attend if nondisabled.

(8) In selecting the least restrictive environment, consideration shall be given to any potential harmful effects on the child or on the quality of services that he needs.

(9) A child with a disability shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum.

(10) In providing or arranging for the provision of nonacademic and extracurricular services and activities, an LEA shall ensure that a child with a disability participates with nondisabled children in those services and activities to the maximum extent appropriate to the needs of the child.

Section 2. Class Size.

(1) [An LEA shall provide special education for each child with a disability in accordance with the following maximum caseloads for special classes:]

- [(a)] [Emotional-behavior disability is eight (8);]
- [(b)] [Functional mental disability is ten (10);]
- [(c)] [Hearing impairment is six (6);]
- [(d)] [Mild mental disability is fifteen (15);]
- [(e)] [Multiple disabilities is ten (10);]
- [(f)] [Orthopedic impairment is sixteen (16);]
- [(g)] [Other health impairment is sixteen (16);]
- [(h)] [Specific learning disability for primary is ten (10) and for secondary is fifteen (15); and]
- [(i)] [Visual impairment is ten (10).]

[(2)] An LEA shall provide special education for each child with a disability in accordance with the following maximum size[caseloads] for special[resource] classes:

(a) Emotional-behavior disability is nine (9) or ten (10) if a paraprofessional is present[eight (8);]

(b) Functional mental disability is eleven (11) or twelve (12) if a paraprofessional is present[eight (8);]

(c) Hearing impairment is nine (9) or ten (10) if a paraprofessional is present[eight (8);]

(d) Mild mental disability is sixteen (16) or seventeen (17) if a paraprofessional is present[ten (10)];

(e) Multiple disabilities is eleven (11) or twelve (12) if a paraprofessional is present[eight (8)];

(f) Orthopedic impairment is seventeen (17) or eighteen (18) if a paraprofessional is present[ten (10)];

(g) Other health impairment is seventeen (17) or eighteen (18) if a paraprofessional is present[ten (10)];

(h) Specific learning disability for primary is eleven (11) or twelve (12) if a paraprofessional is present and for secondary is sixteen (16) or seventeen (17) if a paraprofessional is present[ten (10)]; and

(i) Visual impairment is eleven (11) or twelve (12) if a paraprofessional is present.

(2) Special classes containing more than one (1) disability category shall use the category of the majority of students in the class to determine the maximum size in accordance with subsection one (1) of this section[eight (8)].

(3) Children with disabilities that meet the definition of autism; deaf-blindness; developmental delay for ages six (6), seven (7), and eight (8); and traumatic brain injury shall be served in regular classes or[-] special classes, [or resource classes] as determined by the ARC.

(4) [If a teacher of exceptional children provides services through the collaborative model, the maximum caseload shall not exceed twenty (20) children with disabilities for secondary, and fifteen (15) children with disabilities for primary.]

(5) [Pursuant to KRS 157.360, if caseload for special classes or class size for resource classes exceeds the maximum specified in this section for thirty (30) days, an LEA shall submit a waiver request to the Kentucky Department of Education.]

Section 3. Caseload for Teachers of Special Classes.[Case Lead for Resource Teachers.]

(1) Caseloads for [resource] teachers of special classes shall refer to the maximum number of student records a teacher may be assigned. An LEA shall make those assignments based on the following:

(a)[(1)] Emotional-behavioral disability is seventeen (17)[fifteen (15)];

(b)[(2)] Functional mental disability is twelve (12)[ten (10)];

(c)[(3)] Hearing impairment is ten (10)[eight (8)];

(d)[(4)] Mild mental disability for primary is seventeen (17)[fifteen (15)] and for secondary is twenty-two (22)[twenty (20)];

(e)[(5)] Multiple disabilities is twelve (12)[ten (10)];

(f)[(6)] Orthopedic impairment is twenty-two (22)[twenty (20)];

(g)[(7)] Other health impairment is twenty-two (22)[twenty (20)];

(h)[(8)] Specific learning disability for primary is seventeen (17)[fifteen (15)] and for secondary is twenty-two (22)[twenty (20)];

(i)[(9)] Visual impairment is twelve (12)[ten (10)]; and

(j)[(10)] Speech language pathologist caseload limits as contained in KRS 334A.190.

(2) Teachers of special classes who are assigned student records of more than one (1) disability category shall use the category of the majority of students on the caseload to determine the maximum caseload in accordance with subsection one (1) of this section.

(3) If a teacher of exceptional children provides services solely through collaboration, the maximum caseload shall not exceed fifteen (15) children with disabilities for primary and twenty (20) children with disabilities for secondary.

(4) If a teacher of exceptional children provides services through a combination of collaboration and special classes, the maximum caseload shall not exceed those established in subsection one (1) of this section.

Section 4. Waivers. Pursuant to KRS 157.360, a superintendent or local school council may request a waiver relating to maximum class size for special classes.

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).

DR. ROBBIE FLETCHER, Commissioner

SHARON PORTER ROBINSON, Chair

APPROVED BY AGENCY: December 9, 2025

FILED WITH LRC: December 10, 2025 at 12:00 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 10 a.m., in the State Board Room, Fifth Floor, 300 Sower Boulevard, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person:

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

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Todd G. Allen

Subject Headings: Education, Education: Elementary, Education: Secondary

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for making placement decisions about children with disabilities.

(b) The necessity of this administrative regulation: KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of special education programs in local school districts.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of special education programs in local school districts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes requirements for making placement decisions about children with disabilities.

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

(a) How the amendment will change this existing administrative regulation: The amendments add language to align with the existing mechanism through which local school district superintendents or site-based decision making councils may request waivers relating to special education maximum class sizes pursuant to KRS 157.360. Amendments establish requirements for class size for special classes (currently caseloads for resources classes) and caseload for teachers of special classes (currently caseload for resource teachers). Parameters are established when special classes or teachers of special classes are providing or managing services for more than one disability category.

(b) The necessity of the amendment to this administrative regulation: The amendments provide clarification to special class sizes and caseload for teachers of special classes and will assist local school districts in implementing special education programs. Proposed language also aligns with the existing mechanism through which local school district superintendents and site-based decision-making councils may request waivers relating to special education maximum class sizes pursuant to KRS 157.360.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 157.220 requires the Kentucky Board of Education to adopt rules and administrative regulations for proper administration of special education programs in local school districts.

(d) How the amendment will assist in the effective administration of the statutes: The amendments provide clarification to special class sizes and caseload for teachers of special classes and will assist local school districts in implementing special education programs.

Proposed language also aligns with the existing mechanism through which local school district superintendents and site-based decision-making councils may request waivers relating to special education maximum class sizes pursuant to KRS 157.360.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? : Yes, amended 2025 Ky. Acts ch. 94, sec. 3, effective March 27, 2025.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Local school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The amendments do not change requirements and require no action. Local districts may decide to review and consider local special education policies and procedures.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The amendments provide clarification to special class sizes and caseload for teachers of special classes and will assist local school districts in implementing special education programs. Proposed language also aligns with the existing mechanism through which local school district superintendents and site-based decision-making councils may request waivers relating to special education maximum class sizes pursuant to KRS 157.360.

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

(a) Initially: Additional costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time spent providing technical assistance and monitoring local school districts in implementing special education programs.

(b) On a continuing basis: Additional costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time spent providing technical assistance and monitoring local school districts in implementing special education programs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: At the Kentucky Department of Education, the cost to implement and enforce this administrative regulation is federally funded under the Individuals with Disabilities Education Act (IDEA). Local school districts use a combination of IDEA and state and local funds to implement special education programs.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not establish fees. It is not anticipated that additional funding will be necessary to implement the amendments.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied. The regulation applies uniformly.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 156.070(1), 156.160, 157.220, 157.224, 157.260, 157.360, 167.015, 34 C.F.R. 300.114, 20 U.S.C. 1412(a)(5)

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by amended 1996 Ky. Acts ch. 362, sec. 6, effective July 15, 1996.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Through the Kentucky Board of Education,

the Kentucky Department of Education is the promulgating agency.
(b) Estimate the following for each affected state unit, part, or division identified in (3)(a):

1. Expenditures:

For the first year: Costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time needed to implement and monitor special education programs.

For subsequent years: Costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time needed to implement and monitor special education programs.

2. Revenues:

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

For subsequent years: This regulation does not generate revenue.

3. Cost Savings:

For the first year: Amendments to this regulation are not expected to result in cost savings for the Kentucky Department of Education.

For subsequent years: Amendments to this regulation are not expected to result in cost savings for the Kentucky Department of Education.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): Local school districts, the Kentucky School for the Blind, and the Kentucky School for the Deaf.

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

1. Expenditures:

For the first year: Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

For subsequent years: Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

2. Revenues:

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

For subsequent years: This regulation does not generate revenue.

3. Cost Savings:

For the first year: Amendments to this regulation are not expected to result in cost savings for local school districts.

For subsequent years: Amendments to this regulation are not expected to result in cost savings for local school districts.

(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: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(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: Costs to the Kentucky Department of Education are not expected but if incurred, would be in the form of staff time needed to implement and monitor special education programs. Additional costs to local school districts are not expected but if incurred, would be in the form of staff time required to implement special education programs.

(b) Methodology and resources used to reach this conclusion: Amendments do not impose new requirements that would result in fiscal impacts.

(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(14): This administrative regulation will not have a "major economic impact", as defined by KRS 13A.010(13).

(b) The methodology and resources used to reach this conclusion: Amendments do not impose new requirements that would result in fiscal impacts.

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.

Education and Labor Cabinet
Department of Workforce Development
Office of Unemployment Insurance
(Amendment)

787 KAR 1:370. Professional Employer Organization Contribution and Reporting Requirements[Organizations].

RELATES TO: KRS 336.232

STATUTORY AUTHORITY: KRS 336.248, 341.115

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations for the proper administration of KRS Chapter 341. KRS 336.248 requires professional employer organizations to make certain reports and contributions to the unemployment insurance fund. This administrative regulation provides the procedures to file client unemployment insurance wage and premium reports, the procedures to complete the "Professional Employer Organization Application for Unemployment Insurance Employer Reserve Account" form, the procedures to add or delete clients, the treatment of experience history transfers, and the application[effect] of successorship provisions under KRS Chapter 341, and the procedures to change the professional employer organization's contribution election.

Section 1. Definitions

(1) "Benefit experience history" means the benefit charges and other experience rating data maintained for a client employer under KRS Chapter 341 that are used to determine the employer's contribution rate.

(2)(4) "Client" is defined by KRS 336.232(1).

(2) "[C] "Covered employee" is defined by KRS 336.232(4).]

(3) "Election" means the selection made by a PEO pursuant to KRS 336.248(1) regarding the reporting and payment of unemployment insurance contributions.

(4) "Professional employer agreement" means an agreement as defined in KRS 336.236.

(5)(3) "[P] "Professional employer organization" or "PEO" is defined by KRS 336.232(8).

Section 2. Professional Employer Organization reporting requirements and election of contribution

(1) A professional employer organization ("PEO") shall submit its initial election to report and pay unemployment insurance contributions pursuant to KRS 336.248(1) on the application provided in subsection (4). The Office shall apply the PEO's election to all clients covered under the PEO agreement as of the effective date of the election.

(2) The PEO shall keep separate records for each client and submit separate state unemployment insurance wage and premium reports to the Office of Unemployment Insurance (OUI) using the Unemployment Insurance Self-Service Web Portal located at <https://kewes.ky.gov/>. The PEO shall submit all required unemployment contribution payments associated with those reports in a timely manner. Wage and premium reports shall be filed with payments to report the covered employees of each client by using the client's state employer account number[as provided for in subsection (2)] and using the:

(a) Assigned tax rate of the PEO, per KRS 336.248 (1)(a); or

(b) Assigned tax rate of the client, per KRS 336.248(1)(b).

(3) If a PEO elects the client account method under KRS 336.248(1)(b):

(a) The PEO shall file unemployment insurance reports and pay contributions on a client-by-client basis; and

(b) The client's benefit experience history, as defined in Section 1(3) of this regulation, shall be transferred by the Office to the

account assigned to that client as co-employer, as required by KRS 336.248(1)(b)(3)(b).

(4)(2)]

(a) A[For each] PEO having one (1) or more covered employees with a client in this state[, the PEO] shall file an electronic application titled, UI-1P, "Professional Employer Organization Application for Unemployment Insurance Employer Reserve Account", incorporated in 787 KAR 1:010, using the Unemployment Insurance Self-Service Web Portal located at <https://kewes.ky.gov>.

(b) To apply for an account number, the application shall include:

1. The federal identification number of the professional employer organization, along with the name, address, and phone number of the professional employer organization;

2. The name, physical address, and phone number of each client in a format as prescribed by the Office of Unemployment Insurance;

3. The name of the client's owner, partners, corporate officers, limited liability company members, and managers, if board managed, or general partners;

4. The federal identification number of the client;

5. A brief description of the client's major business activity; and

6. Any other information required by the Office of Unemployment Insurance.

(c) The PEO shall notify the Office of Unemployment Insurance (OUI) in writing of any additions or deletions of clients during the quarter in which a change occurs. Written notifications shall be submitted to the OUI via the methods listed at <https://kewes.ky.gov>.

(d) In cases where the PEO has not been subject to the provisions set forth in KRS 336.248, the PEO[professional employer organization] shall not be assigned the new employer[premium] rate for a[based upon the reserve ratio of the PEO's industrial classification:] client that has benefit experience history as defined in Section 1 of this regulation. The contribution rate for each client shall be based on that client's experience in accordance with KRS Chapter 341.

Section 3. Effect of successorship.

(1) The transfer of benefit experience history required under KRS 336.248(1)(b)(3)(b) shall occur without regard to[A PEO shall not be considered a successor employer to any client and shall not acquire the experience history of any client with whom there is not any] common ownership, management or control. The client, upon terminating its relationship with the PEO, shall retain its own reserve account and shall not acquire any portion of the[not be considered a successor employer to the PEO and shall not acquire any portion of the experience history of the aggregate] reserve account of the PEO unless otherwise required under KRS Chapter 341[with whom there is not any common ownership, management, or control]. For purposes of this regulation, the existence of a professional employer agreement, without other evidence of common control, shall not constitute common ownership, management, or control].

(2) The provisions of KRS 341.540 regarding successor employers shall not apply to a PEO or a client employer based solely on the existence of a professional employer agreement.

Section 4. Change of contribution election. KRS 336.248(5) permits a PEO to change its contribution election under KRS 336.248 (1)(a) or KRS 336.248(1)(b) only once. The change of contribution election shall be submitted in writing via the methods listed at <https://kewes.ky.gov>. Any changes to the initial election are effective in the calendar year following the date the Office approves the change in accordance with KRS 336.248(5).

JAMIE LINK, Secretary

APPROVED BY AGENCY: December 15, 2025

FILED WITH LRC: December 15, 2025 at 11:57 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 21, 2026, at 9:00am, at Mayo-Underwood Hearing Room 133CE, 500 Mero Street, 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 February 28, 2026. 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: Haley Presley, Deputy Executive Director, Office of Unemployment Insurance, 500 Mero Street, Third Floor, Frankfort, KY 40601, 502-782-3132, haleys.presley@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Haley Presley

Subject Headings: Unemployment, Workforce Development, Insurance

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes contribution-rate assignment rules and reporting requirements for Professional Employer Organizations (PEOs) and their client employers for purposes of unemployment insurance (UI) taxation.

(b) The necessity of this administrative regulation: KRS 336.248 and KRS 341.115 require the Education and Labor Cabinet to promulgate regulations governing contribution reporting, PEO elections, and UI rate assignment.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation provides instructions for calculating UI contribution rates for PEOs and client employers.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: PEOs and client employers will have clear and consistent instructions for reporting wages and contributions, ensuring accurate and uniform application of UI tax 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 clarifies that benefit-experience history must transfer when a PEO elects client-level reporting, adds definitions and instructions necessary for accurate rate assignment.

(b) The necessity of the amendment to this administrative regulation: Amendment is necessary to prevent inconsistent rate assignment and ensure that the statute is applied as written.

(c) How the amendment conforms to the content of the authorizing statutes: This regulation conforms to the authorizing statute by setting forth the requirements for PEOs and the calculation of contribution rates.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies rate-assignment rules and aligns regulatory text with statutory mandates, thereby ensuring predictable, uniform, and legally compliant administration of UI contribution rates for PEOs and client employers.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 40 licensed PEOs are operating in Kentucky with their associated client employers.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: PEOs electing client-level reporting must follow clarified reporting procedures and ensure accurate transmission of wage and employment data. No new substantive obligations are imposed beyond statutory requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): There are no new costs to any person or entity anticipated. This amendment

reduces administrative uncertainty and does not impose new reporting burdens.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): PEOs and employers will benefit from clearer rules, improved predictability of contribution-rate calculations, and consistent application of statutory provisions.

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

(a) Initially: OUI will incur costs associated with changing the software which operates the program.

(b) On a continuing basis: No additional costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Existing funding within OUI, including federal administrative grants.

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

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not required in this administrative regulation because it applies equally to all affected entities.

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 336.248; KRS 336.232; KRS 341.115; KRS 341.540; KRS Chapter 341.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This act is authorized by KRS 13B.170, KRS 336.248, 341.115.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Unemployment Insurance is the promulgating agency, and no other agencies are affected. (b) Estimate the following for each affected state unit part, or division identified in (3)(a):

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

1. Expenditures:
For the first year: OUI anticipates system-modification costs related to programming changes in the new UI tax system scheduled for implementation next year. The exact cost will depend on vendor pricing and the scope of required changes.
For subsequent years: No recurring costs are anticipated after system modifications are complete.

2. Revenues:
For the first year: None
For subsequent years: None

3. Cost Savings:
For the first year: None
For subsequent years: None

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities are affected.
(b) Estimate the following for each affected local entity identified in (4)(a):

1. Expenditures:
For the first year: None
For subsequent years: None

2. Revenues:
For the first year: None
For subsequent years: None

3. Cost Savings:
For the first year: None.
For subsequent years: None

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Professional Employer Organizations (PEOs) and their client employers.
(b) Estimate the following for each regulated entity identified in (5)(a):

1. Expenditures:
For the first year: None.
For subsequent years: None.

2. Revenues:
For the first year: None.
For subsequent years: None.

3. Cost Savings:
For the first year: None.
For subsequent years: None.

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

(a) Fiscal impact of this administrative regulation: None.

(b) Methodology and resources used to reach this conclusion: Not applicable.

(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(14): This proposed amendment will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: Depending on the software modification cost, the change may have a major economic impact in the first year on the agency. However, the agency will not need an increase in funds for it.

**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, 321.443, Chapter 335B, Chapter 342

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 promulgate administrative regulations to regulate conditions under which horse racing shall be conducted in Kentucky. KRS 230.310(1) authorizes administrative regulations and 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 allowed[permitted] by the association, corporation, stewards, or judges.

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) Allied Animal Health Professional Animal Chiropractor;
- (b) Allied Animal Health Professional Equine Dental Provider;
- (c) Assistant trainer;
- (d) Association employee;
- (e) Assistant trainer;
- (f) Claiming;
- (g) Corporation employee[member];
- (h) Corporation member[employee];
- (i) Dental technician;

(h) [(g)] Driver;
 1. Qualifying-fair (QF) license;
 2. Provisional (P) license; and
 3. Full (A) license;
 (i) [(h)] Driver/trainer;
 (j) [(f)] Equine therapist;
 (k) [(f)] Exercise rider;
 (l) [(k)] Farm manager[or agent];
 (m) [(f)] Farrier;
 (n) [(m)] Farrier apprentice;
 (o) [(f)] Jockey;
 (p) [(e)] Jockey agent;
 (q) [(f)] Jockey apprentice;
 (r) [(e)] Matinee driver;
 (s) [(f)] Mutuel employee;
 (t) [(s)] Owner;
 (t) [(f)] Owner (Temporary);
 (u) Owner/assistant trainer;
 (v) Owner/driver[trainer];
 (w) Owner (Temporary)/trainer/driver];
 (x) Owner/trainer[driver];
 (y) Owner/trainer/driver;
 (z) Racing official;
 (aa) [(z)] Special event employee;
 (bb) [(aa)] Stable agent;
 (cc) [(bb)] Stable employee;
 (dd) [(ee)] Steeplechase jockey;
 (ee) [(dd)] Trainer;
 (ff) [(ee)] Vendor;
 (gg) [(ff)] Vendor employee;
 (hh) [(gg)] Veterinarian;
 (ii) [(hh)] Veterinary assistant; and
 (jj) [(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 president[executive director], the 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[and]

2. A written request for a waiver of the requirements of this paragraph and Section 6 of this administrative regulation for a person holding another individual license issued by the Corporation.

(b) A written request for a waiver shall include at least:

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.[The fee required by Section 6 of this administrative regulation.]

(d) [(h)] A temporary license may be obtained by an authorized representative of an owner in accordance with Section 18 of this administrative regulation.

[(e)] [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, if approved, 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, and/or the 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 that[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 of the following categories:

(a) A qualifying-fair (QF) license, which shall be valid for fairs, matinees, qualifying races, and if approved by the presiding judge, nonwagering races at extended pari-mutuel meetings;

(b) A provisional (P) license, which shall be valid at fairs, matinees, qualifying races, and extended pari-mutuel meetings; or

(c) A full (A) license, which shall be valid at all race meetings.

(3) License advancement. An applicant shall initially obtain a qualifying-fair license. Advancement to a provisional license and a full license shall be determined by Rule 17, Sections 1 through 10, of the United States Trotting Association, 2009/2010.

(4) General qualifications. An applicant for a driver's license shall:

(a)

1. Be at least sixteen (16) years of age for a (QF) license;

2. Be at least eighteen (18) years of age for a (P) or (A) license; and

3. Not be denied a driver's license solely on the basis of age if the applicant has previously held any type of license; and

(b) Submit satisfactory evidence of an eye examination indicating:

1. 20/40 corrected vision in both eyes; or

2. If one (1) eye is blind, at least 20/30 corrected vision in the other eye.

Section 5. Additional Licensing Requirements for Specific Licenses.

(1) Veterinary personnel.

(a) An application from a person desiring to treat, prescribe for, or attend to any horse on association grounds as a practicing veterinarian shall be accompanied by evidence that the person is currently licensed as a veterinarian by the [Commonwealth of] Kentucky Board of Veterinary Examiners.

(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 Board of Veterinary Examiners; 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 321.441(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 who does not fall into a licensure category[not] defined by KRS Chapter 321 shall include with their license application[be accompanied by] a Veterinarian Approval Form, KHRGC 3-020-4, detailing their specialization and experience, and 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) Farm manager or stable agent. An application from a person desiring a license as a farm manager or stable agent shall be accompanied by evidence of that person's position with a farm or stable.

(5) Special event licenses.

(a) A special event license shall be:

(i) Issued to employees who are employed by an association only for the duration of a special event; and

(ii) 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) Allied Animal Health Professional:

1. Animal Chiropractor:

a. For thoroughbreds: \$100;

b. For standardbreds: \$100;

c. For quarter horses: \$50; or

d. For other breeds: \$50; or

2. Equine Dental Provider:

a. For thoroughbreds: \$100;

b. For standardbreds: \$100;

c. For quarter horses: \$50; or

d. For other breeds: \$50; [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 standardbreds: \$125;

3. For quarter horses: \$50; or

4. For other breeds[horses]: \$35;

(c) Association employee:

1. For thoroughbreds: \$25;

2. For standardbreds: \$25;

3. For quarter horses: \$25; or

4. For other breeds: \$10;

(d) [e] 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 quarter horses: \$50; or

4. For other breeds[horses]: \$25;

(h) Exercise rider: \$10;

(i) Farm manager[-or agent]:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; [-or]

3. For quarter horses: \$50; or

4. For other breeds[horses]: \$25;

(j) Farrier:

1. For thoroughbreds: \$100;

2. For standardbreds: \$100; [-or]

3. For quarter horses: \$50; or

4. For other breeds[horses]: \$35;

(k) Farrier apprentice:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; [-or]

3. For quarter horses: \$50; or

4. For other breeds[horses]: \$25;

(l) Jockey:

1. For thoroughbreds: \$150; [-or]

2. For quarter horses: \$50; or

3. For other breeds[horses]: \$35;

(m) Jockey agent:

1. For thoroughbreds: \$150; [-or]

2. For quarter horses: \$50; or

3. For other breeds[horses]: \$35;

(n) Jockey apprentice:

1. For thoroughbreds: \$100; [-or]

2. For quarter horses: \$50; or

3. For other breeds[horses]: \$35;

(o) Matinee driver: \$125;

(p) Mutuel employee:

1. For thoroughbreds: \$50;

2. For standardbreds: \$50; [-or]

3. For quarter horses: \$25; or

4. For other breeds[horses]: \$20;

(q) Owner:

1. For thoroughbreds: \$150;

2. For standardbreds: \$125; [-or]

3. For quarter horses: \$50; or

4. For other breeds[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 standardbreds: \$125;

3. For quarter horses: \$50; or
 4. For other breeds[horses]: \$35;
 (s) Owner/.driver: \$125;
 (t) Owner (temporary):
 1. For thoroughbreds: \$150;
 2. For standardbreds: \$125; or
 3. For other breeds: \$35;
 (u)(t) Owner/trainer:
 1. For thoroughbreds: \$150;
 2. For standardbreds: \$125;[-er]
 3. For quarter horses: \$50; or
 4. For other breeds[horses]: \$35;
 (v)(t) Owner/trainer/.driver: \$125;
 [(v)] [Owner/.driver: \$125;]
 (w) Racing official:
 1. For thoroughbreds: \$100;
 2. For standardbreds: \$100;[-er]
 3. For quarter horses: \$50; or
 4. For other breeds[horses]: \$35;
 (x) Special event employee: \$10;
 (y) Stable agent: \$50;
 (z) Stable employee: \$10;
 [4.] [For thoroughbreds: \$10;]
 [2.] [For standardbreds: \$5; er]
 [3.] [For other horses: \$5;]
 (aa) Steeplechase jockey: \$150;
 (bb) Trainer:
 1. For thoroughbreds: \$150;
 2. For standardbreds: \$125;[-er]
 3. For quarter horses: \$50; or
 4. For other breeds[horses]: \$35;
 (cc) Vendor:
 1. For thoroughbreds: \$50;
 2. For standardbreds: \$50;[-er]
 3. For quarter horses: \$50; or
 4. For other breeds[horses]: \$25;
 (dd) Vendor employee: \$25;
 (ee) Veterinarian:
 1. For thoroughbreds: \$150;
 2. For standardbreds: \$125;[-er]
 3. For quarter horses: \$50; or
 4. For other breeds[horses]: \$35;
 (ff) Veterinary assistant:
 1. For thoroughbreds: \$50;
 2. For standardbreds: \$50;[-er]
 3. For quarter horses: \$25; or
 4. For other breeds[horses]: \$25;
 (gg) Veterinary technologist or technician:
 1. For thoroughbreds: \$50;
 2. For standardbreds: \$50;[-er]
 3. For quarter horses: \$25; or
 4. For other breeds[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 submit[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 the license[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 fined or have his or her license suspended, denied, or revoked as established in[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(1)(c) and (2)(c).

(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.

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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 president~~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 president~~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 president~~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.

(a) The applicant may be required by the committee to appear personally.

(b) 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.

(c) If the license applicant is given the opportunity to withdraw his or her application and does not wish to do so~~voluntarily withdraw his or her application~~, then the committee shall deny the application.

(4) A~~The~~ denial of a license~~the~~ application may be appealed in accordance with KRS Chapter 13B.

(5) In the alternative, the corporation, the license review committee, or the president~~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, president~~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, might~~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, if~~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 issued by the corporation at less than sixteen (16) years of age, except as permitted in Section 3~~(4)~~(b) 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 failed to demonstrate financial responsibility as required~~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 horse~~thoroughbred~~ racing or registration of a horse~~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 crop~~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 while~~in~~ colors during actual racing hours;

7. Warming up a horse~~prior to racing~~ without colors prior to racing; 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 were~~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;

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(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. Appeals shall be 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) Except as established in subsection (3) of this section, 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 seventy-two (72) hours of the occurrence of [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 \$1,000 [500] or more in other jurisdictions;

(e) Racing-related disciplinary charges pending in any jurisdiction [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 shall be [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 or their designee 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.

(e) [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.

(f) [g] Completion of all owner licensing procedures prior to the expiration of the temporary license shall extend the owner's license to the end of the calendar year.

(g) [h] If a temporary license expires prior to the completion of all owner licensing procedures, the applicant shall pay the [an additional] licensing fee again.

(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) 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 shall be[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 president~~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 comply with~~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 might~~may~~ occur.

(3) A licensee shall comply with~~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 comply with~~abide by~~ instructions from corporation representatives or association security, or both.

(7) All licensees shall immediately report to the corporation any known or suspected irregularities, or 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 shall~~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~~10/2025~~;
- (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 and

Gaming Corporation~~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

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 24, 2026, at 9:30 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 February 28, 2026. 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, Chief Legal Officer, 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

Subject Headings: Equine and Horses; Racing and Gaming; Licensing

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes procedures by which individuals participating in horse racing are licensed by the Kentucky Horse Racing and Gaming Corporation ("KHRGC"), including who may be licensed, when they may be licensed, and licensing fees.

(b) The necessity of this administrative regulation: This regulation is necessary to ensure the integrity of horse racing in Kentucky by ensuring that KHRGC has a framework for issuing licenses and individuals who must be licensed to participate in horse racing have a framework for obtaining licenses.

(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 administration of the statutes by providing a regulatory framework for licensing horse 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 includes the following changes: 1. Conforms the licensing categories of the regulation to the revised KRS 321, as codified by Senate Bill 69; 2. Creates or increases some categories of licensing fees, primarily those that did not previously exist, but need to exist or be more prevalent in the future due to the changing horse racing industry in the Commonwealth; 3. Allows a written request for a waiver of licensing requirements for certain racing participants who qualify for licensure by the KHRGC in more than one category; 4. Changes the earliest date to submit a license application from November 1 to October 1; 5. removes the 3-day cap for special events licenses; and 6. Cleans up minor errors and alphabetization of lists.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to: 1. Conform this regulation to the revised KRS 321; 2. Modernize the licensing fee schedule due to

changes in the racing landscape in Kentucky; 3. Provide a waiver option to applicable racing participants to provide a more streamlined and efficient process for those racing participants and the KHRGC; 4. Change the date to submit a licensing application to allow the KHRGC's staff to gather more applications when certain licensed associations have racing; and 5. 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 KHRGC 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 for persons participating in 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) Does this administrative regulation or amendment implement legislation from the previous five years? No.

(4) 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.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Some portions of this amendment to the administrative regulation may change the licensing requirements for a small number of licensees. Other portions of the amendment grant increased flexibility to the regulated entities and the KHRGC.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Certain KHRGC licensees may pay increased fees. An estimate cannot be provided, however the impact is anticipated to be minimal compared to overall licensing fees and revenue in Kentucky.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): KHRGC will benefit from a modernized fee schedule that more closely aligns with the horse racing landscape in Kentucky. Licensees will benefit from increased clarity in the regulation as a result of clean-up and corrections to the regulation. Certain 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.

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

(a) Initially: There is no anticipated initial 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.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There is no additional funding needed to implement and enforce the amendments in this administrative regulation.

(8) 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.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendments to this administrative regulation establish or increase certain licensing fees, primarily for licensing categories that did not previously exist, but need to exist or be more prevalent in the future due to the changing

horse racing industry in the Commonwealth.

(10) 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: A small amount of additional revenue may be generated. An estimate cannot be provided.

For subsequent years: A small amount of additional revenue may be generated. An estimate cannot be provided.

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: Certain racing participant licensees in Kentucky may pay increased fees. An estimate cannot be provided.

For subsequent years: Certain racing participant licensees in Kentucky may pay increased fees. An estimate cannot be provided.

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: Certain 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: Certain 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 minimal fiscal impact as a result of the amendments to this administrative

regulation.

(b) Methodology and resources used to reach this conclusion: The amendments create or increase some licensing fees, primarily for licensing categories that did not previously exist, but may need to exist or be more prevalent in the future due to the changing horse racing industry in the Commonwealth. These changes may increase fees for a small number of licensees and minorly increase revenue for KHRGC. The impact is anticipated to be minimal compared to overall horse racing licensing fees and revenue in Kentucky. The amendments also allow for a license waiver in some instances, which might decrease fees for a small number of licensees and corresponding revenue for KHRGC. The impact of this change is anticipated to be minimal compared to overall horse racing licensing fees and revenues in Kentucky.

(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(14): These amendments are not expected to have a major economic impact as defined by KRS 13A.010(14).

(b) The methodology and resources used to reach this conclusion: The amendments create or increase some licensing fees, primarily for licensing categories that did not previously exist, but need to exist or be more prevalent in the future due to the changing horse racing industry in the Commonwealth. These changes may increase fees for a small number of licensees and minorly increase revenue for KHRGC. The impact is anticipated to be minimal compared to overall horse racing licensing fees and revenue in Kentucky. The amendments also allow for a license waiver in some instances, which might decrease fees for a small number of licensees and corresponding revenue for KHRGC. The impact of this change is anticipated to be minimal compared to overall horse racing licensing fees and revenues in Kentucky.

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*.

OFFICE OF ATTORNEY GENERAL
Kentucky Office of Regulatory Relief
(New Administrative Regulation)

40 KAR 12:430. Buying Clubs and Vacation Clubs.

RELATES TO: KRS 367.395, 367.401, 367.403

STATUTORY AUTHORITY: KRS 15.180, 367.150(4)

CERTIFICATION STATEMENT: This is to certify that this administrative regulation amendment complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.180 authorizes the Attorney General to promulgate administrative regulations that will facilitate performing the duties and exercising the authority vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of Law to recommend administrative regulations in the consumers' interest. KRS 367.403 requires buying club sellers and vacation club sellers to file bonds with the Attorney General. KRS 367.407 permits nonprofit organizations to file applications with the Attorney General to seek exemption from the requirements of KRS 367.397 to KRS 367.403. This administrative regulation establishes an online bond submission process for buying club sellers and vacation club sellers, establishes an online application process for nonprofit organizations seeking exemption status, and establishes a surety bond form for use by buying club sellers and vacation club sellers.

Section 1. Buying and Vacation Club Seller Surety Bond Submission.

(1) Before selling club memberships to Commonwealth of Kentucky residents, a buying club seller or a vacation club seller that has a membership fee exceeding thirty-five (35) dollars shall submit a surety bond using the "Buying/Vacation Club Seller Surety Bond submission portal" available at <https://www.ag.ky.gov/Resources/Pages/forms.aspx>.

(2) When completing the online bond submission portal, a buying club seller or a vacation club seller shall submit:

(a) The seller's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky; and,

(b) A completed Buying and Vacation Club Seller Surety Bond, Form BV-1, or other completed surety bond complying with KRS 367.403.

Section 2. Buying and Vacation Club Seller Exemption Application.

(1) A nonprofit organization may submit an online application to be exempted from the requirements of KRS 367.397 to 367.403 by using the "Buying and Vacation Club Seller Application portal" available at <https://www.ag.ky.gov/Resources/Pages/forms.aspx>.

(2) When submitting the online application, an applicant shall submit the applicant's certificate of existence, authorization certificate from the Kentucky Secretary of State's office, or other evidence of the applicant's authority to transact business in Kentucky.

(3) Applicants shall submit additional information or documents for their application within thirty (30) days of any request by the Attorney General. The Attorney General may deny any application if an Applicant fails to timely complete the application by not providing requested missing information or required documents.

Section 3. Record Requests. A buying club seller, vacation club seller or exempted non-profit organization shall make requested records, documents, and information readily available to the Attorney General for inspection and copying upon request.

Section 4. Incorporation by Reference.

(1) The following material is incorporated by reference:

(a) "Buying and Vacation Club Seller Surety Bond", Form BV-1, Dec. 2025;

(b) "Buying/Vacation Club Seller Surety Bond submission portal", Dec. 2025; and

(c) "Buying and Vacation Club Seller Exemption Application portal", Dec. 2025;

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General Capital Complex East, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, Monday through Friday, 8:00 a.m. to 4:30 p.m. This material is also available on the Attorney General's website, <https://ag.ky.gov/Pages/default.aspx>.

STEPHEN B. HUMPHRESS, Executive Director

RUSSELL COLEMAN, Attorney General

APPROVED BY AGENCY: December 11, 2025

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this proposed administrative regulation shall be held on February 24, 2026, at 10:00 a.m. Eastern Time at the Office of Administrative Hearings, Conference Room B, 105 Sea Hero Road, Suite 2, Conference Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this Office 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 February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen B. Humphress, Executive Director, Kentucky Office of Regulatory Relief, Kentucky Office of Attorney General, 1024 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone: 502-696-5408, fax: (502) 573-8317, email: steve.humphress@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen B. Humphress

Subject Headings: Attorney General; Occupations and Professions; and Bonds

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes an online surety bond submission process for buying club sellers and vacation club sellers, establishes an online application process for nonprofit organizations seeking exemption status, and establishes a surety bond form complying with KRS 367.403 for use by buying club sellers and vacation club sellers.

(b) The necessity of this administrative regulation: This regulation is necessary because it allows the Office of Attorney General ("Attorney General") to perform its statutory mandates. This regulation is needed so that buying club sellers, vacation club sellers, and nonprofit organizations can comply with statutory requirements. This regulation is needed for compliance with KRS 13A.100(2).

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.180 directs the Attorney General to promulgate administrative regulations that will facilitate the performance of duties vested in the Attorney General and the Department of Law. KRS 367.150(4) requires the Department of

Law to study the operation of all laws, rules, administrative regulations, orders, and state policies affecting consumers and to recommend administrative regulations in the consumers' interest. KRS 367.403 requires buying club sellers and vacation club sellers to submit bonds to the Attorney General. KRS 367.407 requires a non-profit organization to file an application with the Attorney General to seek an exemption from application of KRS 367.395 to 367.407.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes an online surety bond submission process for buying club sellers and vacation club sellers to submit required surety bonds to the Attorney General. This administrative regulation establishes a surety bond complying with KRS 367.403 that buying club sellers and vacation club sellers may use to file required surety bonds. This administrative regulation establishes an online exemption application for non-profit organizations to seek exemption from application of KRS 367.395 to 367.407.

(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: Not Applicable
 - (b) The necessity of the amendment to this administrative regulation: Not Applicable
 - (c) How the amendment conforms to the content of the authorizing statutes: Not Applicable
 - (d) How the amendment will assist in the effective administration of the statutes: Not Applicable
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? No

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The regulation may affect six (6) buying club sellers and two (4) vacation club sellers that have filed bonds. The regulation will affect an unknown number of buying club sellers and vacation club sellers who may submit bonds in the future. The regulation will affect an unknown number of nonprofit organizations who may submit exemption applications. The regulation will affect the Attorney General.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: New buying club sellers and vacation club sellers will be required to use the online surety bond submission processes. Non-profit organizations that seek exemption from application of KRS 367.395 to KRS 367.407 will be required to use the online application process. The Attorney General will review the completed online surety bond submissions and exemption application submissions for compliance with law.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): New buying club sellers and vacation club sellers will bear no additional costs as they will be able to submit surety bonds online at no cost. Non-profit organizations that seek exemption from application of KRS 367.395 to 367.407 will bear no additional costs as they will be able to apply online at no cost. The Attorney General will incur no additional costs to process the online surety bond submissions and exemption application submissions.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The regulation will provide the method by which buying club sellers, vacation club sellers, and nonprofit organizations can comply with statutory requirements. It is intended that the online processes will make it easier for buying club sellers, vacation club sellers, and nonprofit organizations to comply with statutory requirements. In addition, it is intended that the regulation amendments will result in saved administrative resources and time and provide quicker processing time by Attorney General staff through online processes.

(6) Provide an estimate of how much it will cost the administrative

body to implement this administrative regulation:

(a) Initially: There are no costs to implement this administrative regulation.

(b) On a continuing basis: There are no continuing costs to implement this administrative regulation.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: There are no additional costs associated with implementing this administrative regulation.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There is no anticipated increase in fees or funding necessary to implement this administrative regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? No. This administrative regulation applies equally to all buying club sellers and vacation club sellers.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 15.180, 367.150(4), 367.403, and 367.407

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: 1960 Ky. Acts ch. 68, Art. II, sec. 1, effective March 17, 1960; 1972 Ky. Acts ch. 4, sec. 4.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Office of Attorney General, Kentucky Office of Regulatory Relief ("Attorney General") is the promulgating agency. The regulation does not affect any other state agencies.

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

1. Expenditures:

For the first year: There are no expenditures to administer this administrative regulation for the first year.

For subsequent years: There will be no expenditures to administer the administrative regulation in subsequent years.

2. Revenues:

For the first year: The administrative regulation will generate no revenues to the Attorney General in the first year.

For subsequent years: The administrative regulation will generate no revenues to the Attorney General in subsequent years.

3. Cost Savings:

For the first year: In the first year, the Attorney General will have cost savings from efficient and quicker processing of surety bond submissions and exemption applications which are difficult to estimate at this time but estimated to be de minimis.

For subsequent years: In subsequent years, the Attorney General will have cost savings from efficient and quicker processing of surety bond submissions and exemption applications which are difficult to estimate at this time but estimated to be de minimis.

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): The administrative regulation will not affect any local entities.

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

1. Expenditures:

For the first year: This administrative regulation will not cause expenditures by local entities for the first year.

For subsequent years: This administrative regulation will not cause expenditures by local entities in subsequent years.

2. Revenues:

For the first year: Local entities will receive no revenues from this administrative regulation for the first year.

For subsequent years: Local entities will receive no revenues from this administrative regulation in subsequent years.

3. Cost Savings:

For the first year: Local entities will receive no cost savings from this administrative regulation for the first year.

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For subsequent years: Local entities will receive no cost savings from this administrative regulation for subsequent years.

(5)(a) Identify any affected regulated entities not listed in (3)(a) or (4)(a): Buying and vacation club sellers will be affected by this administrative regulation. Nonprofit organizations seeking exemption status will be affected by this administrative regulation.

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

1. Expenditures:

For the first year: This administrative regulation will not cause buying club sellers, vacation club sellers and non-profit organizations to have any additional expenditures for the first year. For subsequent years: This administrative regulation will not cause buying club sellers, vacation club sellers and non-profit organizations to have any additional expenditures for subsequent years.

2. Revenues:

For the first year: Buying and vacation club sellers and non-profit organizations will not receive any revenues directly from this administrative regulation for the first year.

For subsequent years: Buying and vacation club sellers and non-profit organizations will not receive any revenues directly from this administrative regulation for subsequent years.

3. Cost Savings:

For the first year: For the first year, buying and vacation club sellers will receive cost savings from simple online surety bond submissions. Non-profit organizations will receive cost savings from quicker processing of online exemption application submissions. These cost savings are difficult to estimate at this time but estimated to be de minimis.

For subsequent years: For subsequent years, buying and vacation club sellers will receive cost savings from simple online surety bond submissions. Non-profit organizations will receive cost savings from simple online exemption application submissions and quicker processing. These cost savings are difficult to estimate at this time but estimated to be de minimis.

(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 administrative regulation will have no fiscal impact. The new regulation merely creates an online bond submission process for buying club sellers and vacation club sellers, creates an online exemption application process for nonprofit organizations, and establishes a surety bond form for use by buying and vacation club sellers. The regulation does not affect any other governmental agencies or local governments. The regulation does not establish any fees. For these reasons, the regulation is not expected to have any significant fiscal impact.

(b) Methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and the resulting facts from this regulation. The Attorney General used staff resources in determining the fiscal impact.

(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(14): There is not an expected "major economic impact" from this regulation for the Attorney General, any local entities, or affected regulated entities.

(b) The methodology and resources used to reach this conclusion: The Attorney General used a quantitative methodology analysis based on history of administrative agencies which license or register businesses in a specific subject area and resulting facts from this regulation. The Attorney General used staff resources in reaching the conclusion that no overall negative or adverse major economic impact results from this administrative regulation.

CABINET FOR GENERAL GOVERNMENT Auditor of Public Accounts (New Administrative Regulation)

45 KAR 1:090. Employee Access to Federal Tax Information (FTI).

RELATES TO: KRS 18A.095, 43.010, 43.032, 43.035, 43.040, 335B.010, 335B.020, 26 U.S.C. 6103, 26 C.F.R. 301.6103(p)(7)-1

STATUTORY AUTHORITY: KRS 43.032

CERTIFICATION STATEMENT: This is to certify that this administrative regulation complies with the requirements of 2025 RS HB 6, Section 8.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 43.032 requires each employee of the Auditor of Public Accounts, including contract staff, with access to or use of federal tax information (FTI) to submit to a criminal background investigation by means of fingerprint check by the Department of Kentucky State Police and the Federal Bureau of Investigation. KRS 43.032 requires the Auditor to promulgate administrative regulations to implement this requirement. This administrative regulation establishes requirements for fingerprint-based state and national criminal background checks for prospective and current employees, including contract staff whose job duties include access to or use of FTI.

Section 1. Definitions.

(1) "Auditor" is defined by KRS 43.010.

(2) "Disqualifying offense" means a conviction, plea of guilty, Alford plea, or plea of nolo contendere to any felony, misdemeanor during the preceding seven (7) years, or offense the nature of which indicates that the employee constitutes an unreasonable and immediate risk to the security of federal tax information, as determined by the Auditor.

(3) "Federal tax information" or "FTI" means federal tax returns and return information that may:

(a) Contain personally identifiable information; and

(b) Include information created by the recipient that is:

1. Derived from federal return or return information; and

2. Received directly from the Internal Revenue Service (IRS) or obtained through an authorized secondary source, which may include:

a. Social Security Administration (SSA);

b. Federal Office of Child Support Enforcement (OCSE);

c. Bureau of the Fiscal Service (BFS);

d. Centers for Medicare and Medicaid Services (CMS); or

e. Another entity acting on behalf of the IRS.

(4) "Rap back service" means a notification program in which the Auditor or responsible agency, upon approval to participate in the program, will be informed if an individual who has undergone a fingerprint-based criminal background check in accordance with the requirements of this administrative regulation, and whose fingerprints are retained by the Department of Kentucky State Police or the Federal Bureau of Investigation, is subsequently arrested.

(5) "Responsible agency" means an office or division of the Auditor, or an entity under contract with the Auditor, that employs or offers a job to an individual in a position for which the job duties include access to or use of FTI.

Section 2. Requirement for Criminal Background Checks.

(1) As a condition of initial application for employment or continued employment either directly or by contract in a position for which the job duties include access to or use of FTI, the Auditor or responsible agency shall require a prospective or current employee, including contract staff, to submit to a fingerprint-based state and national criminal background check:

(a) After the individual is offered a job but before he or she begins working; and

(b) At least one (1) time during each five (5) year period for a current employee or contract staff.

(2) The responsible agency that requests a fingerprint-based state and national criminal background check on behalf of a prospective or current employee shall incur all fees included in the

actual cost of each background check requested, including the rap back service.

(3) The Auditor or responsible agency shall not employ directly or by contract an individual in a position for which the job duties include access to or use of FTI if the individual:

(a) Refuses to consent to a fingerprint-based state and national criminal background check; or

(b) Is found to have a disqualifying offense.

(4) The Auditor or responsible agency shall notify each prospective or current employee determined to have a disqualifying offense.

Section 3. Disqualification of Other Criminal Offenses or Factors. The Auditor or responsible agency shall not be obligated to employ or offer employment to an individual with a criminal offense not specifically listed in Section 1(2) of this administrative regulation or other factor that bears upon the fitness of the individual to work in a position for which the job duties include access to or use of FTI.

Section 4. Challenges to Criminal History Record Information. An individual subject to a criminal background check required by KRS 43.032 and this administrative regulation shall have the right to request and inspect his or her criminal history record and to request correction of any inaccurate information.

Section 5. Rehabilitation Review.

(1) A prospective or current employee of the Auditor found to have a disqualifying offense upon completion of the criminal background check shall be eligible for consideration of rehabilitation under an independent review process.

(2) A prospective or current employee of the Auditor may submit a written request for a rehabilitation review to the Division of Human Resource Administration no later than fourteen (14) calendar days from the date of notice of a disqualifying offense issued pursuant to Section 2(4) of this administrative regulation.

(3) A current employee of the Auditor who requests a rehabilitation review may be retained on staff if the employee is assigned duties that do not include access to or use of FTI.

(4) The request for a rehabilitation review shall include the following information: A written explanation of each disqualifying offense, including:

(a) A description of the events related to the disqualifying offense;

(b) The number of years since the occurrence of the disqualifying offense;

(c) The age of the offender at the time of the disqualifying offense;

(d) Evidence that the individual has pursued or achieved rehabilitation with regard to the disqualifying offense; and

(e) Any other circumstances surrounding the offense;

1. Official documentation showing that all fines, including court-imposed fines or restitution, have been paid or documentation showing adherence to a payment schedule, if applicable;

2. The date probation or parole was satisfactorily completed, if applicable; and

3. Employment and character references, including any other evidence demonstrating the ability of the individual to perform the employment responsibilities and duties competently.

(5) A rehabilitation review shall be conducted by a committee of three (3) employees of the Division of Human Resource Administration or the Office of Legal and Records Services.

(6) The committee shall consider the information required under subsection (4) of this section, and shall also consider mitigating circumstances including:

(a) The amount of time that has elapsed since the disqualifying offense

(b) The lack of a relationship between the disqualifying offense and the:

1. Position for which the prospective employee has applied; or

2. The employee's current position; and

(c) Evidence that the prospective or current employee of the Auditor has pursued or achieved rehabilitation with regard to the disqualifying offense.

(7) No later than thirty (30) calendar days from receipt of the written request for the rehabilitation review, the Division of Human Resource Administration shall send the committee's determination on the rehabilitation waiver to the prospective or current employee.

(8) The prospective or current employee may appeal the results of a rehabilitation review to the Personnel Board in accordance with KRS 18A.095.

Section 6. Pardons and Expungement. An applicant or current employee who has received a pardon for a disqualifying offense or has had the record expunged may be employed in a position with job duties that include access to or use of FTI.

ALLISON BALL, Auditor of Public Accounts

APPROVED BY AGENCY: December 4, 2025

FILED WITH LRC: December 4, 2025 at 10:15 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2026, at 10:00 a.m. Eastern Time at the office of the Auditor of Public Accounts, 209 St. Clair Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. 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: Jeremy J. Sylvester, Principal Deputy General Counsel, Auditor of Public Accounts, 209 St. Clair Street, Frankfort, Kentucky 40601; phone 502-564-5841; fax 502-564-2912; e-mail: Jeremy.Sylvester@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jeremy J. Sylvester

Subject Headings: Audits and Auditors, Background Checks, Taxation

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes requirements for fingerprint-based state and national criminal background checks for prospective and current employees of the Auditor, including contract staff whose job duties includes access to or use of Federal Tax Information (FTI).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to comply with the fingerprint-based background check requirement established by IRS Publication 1075 (Rev. 11-2021) and KRS 43.032.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by promulgating uniform requirements for fingerprint-based state and national criminal background checks for prospective and current employees of the Auditor, including contract staff whose job duties includes access to or use of FTI.

(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 federal and state law by, in accordance with the mandates of federal and state law, establishing uniform requirements and procedures for fingerprint-based state and national criminal background checks for prospective and current employees of the Auditor, including contract staff whose job duties include access to or use of FTI.

(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: Not applicable.

(b) The necessity of the amendment to this administrative regulation: Not applicable.

- (c) How the amendment conforms to the content of the authorizing statutes: Not applicable.
- (d) How the amendment will assist in the effective administration of the statutes: Not applicable.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes. This administrative regulation implements legislation enacted in 2025, 2025 Ky. Acts ch. 117, sec. 27.
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects prospective and current employees of the Auditor, including contract staff, whose job duties include access to or use of FTI and are therefore subject to fingerprint-based state and national background checks in accordance with IRS Publication 1075 (Rev. 11-2021) and KRS 43.032.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The persons identified in question (4) will not be materially impacted by the promulgation of this administrative regulation because they are already required to have background checks under IRS Publication 1075 (Rev. 11-2021) and will not bear the cost of these background checks. The regulation defines crimes which may disqualify a prospective or current employee of the Auditor from having access to or using FTI. The regulation also provides a mechanism for the current or prospective employees to challenge the disqualification.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The Auditor will bear the cost for conducting the fingerprint-based state and national background checks required under IRS Publication 1075 (Rev. 11-2021) and KRS 43.032.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The Auditor can ensure that it complies with current state and federal requirements governing the security of FTI by determining the suitability of current and prospective employees.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: Under statute, the fee charged by the Kentucky State Police or the Federal Bureau of Investigation to the Auditor for each background check and enrollment in the back rap system shall be an amount no greater than the actual cost of processing the request and conducting the background check. The Auditor estimates approximately 90 staff members will be subject to fingerprint-based state and national criminal background checks, resulting in approximately \$5600 in costs to the Auditor.
- (b) On a continuing basis: The Auditor's expenditures on a continuing basis are indeterminable but anticipated to be less than costs incurred during the first year of implementation.
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The source of funding to be used for implementation and enforcement of this administrative regulation is State Funds.
- (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The Auditor can absorb the additional cost associated with implementing this administrative regulation.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish or increase any fees.
- (10) TIERING: Is tiering applied? Tiering is not applicable to this administrative regulation because it applies equally to all individuals or entities regulated by it.

FISCAL IMPACT STATEMENT

- (1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 43.032, IRS Publication 1075 (Rev. 11-2021).
- (2) State whether this administrative regulation is expressly authorized

by an act of the General Assembly, and if so, identify the act: This administrative regulation is expressly authorized by 2025 Ky. Act. ch. 117, sec. 27, which is now codified as KRS 43.032.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The administrative regulation affects the Auditor's Office of Planning and Management, Division of Human Resource Administration, which will administer the requirements for prospective and current employees of the Auditor, including contract staff, whose job duties include access to or use of FTI and are therefore subject to fingerprint-based state and national background checks under IRS Publication 1075 (11-2021) and KRS 43.032. The Department of the Kentucky State Police (KSP) must facilitate the background checks required by this administrative regulation but will be reimbursed by the Auditor for its costs. KSP charges approximately \$25 for a state criminal background check, including rap back, and approximately 90 employees of the Auditor are expected to submit to fingerprint checks during the first year. Therefore, this administrative regulation will generate approximately \$ 2250 of additional funds for KSP initially.

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

1. Expenditures:

For the first year: \$5600

For subsequent years: Subsequent years will have lower expenditures until the five-year mark is reached for employees and contract staff still employed since their last background check. With only about a 0.45 % attrition and turnover rate currently experienced, the cost will be negligible in between renewal years. New employees and contract staff cost is \$65.25 for the initial background check. Assuming 4 new employees per year, the cost for background checks for new employees will be around \$260 per year.

2. Revenues:

For the first year: None.

For subsequent years: None.

3. Cost Savings:

For the first year: None.

For subsequent years: None.

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

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

1. Expenditures:

For the first year: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

(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: Not applicable.

For subsequent years: Not applicable.

2. Revenues:

For the first year: Not applicable.

For subsequent years: Not applicable.

3. Cost Savings:

For the first year: Not applicable.

For subsequent years: Not applicable.

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

(a) Fiscal impact of this administrative regulation: The Auditor will absorb the cost associated with the required fingerprint-based background checks.

(b) Methodology and resources used to reach this conclusion: Approximately 90 current employees may have access to or use FTI as part of their job duties. All these employees will receive another background check during the first year of this administrative regulation. At \$65.25 per employee rate, the cost to the Auditor is approximately \$5600 for this initial round of background checks. Assuming around a

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0.45% turnover rate based on historical averages, 4 prospective employees per year would have an initial background check at the \$65.25 rate. This results in an approximate cost of \$260 per year.

(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(14): This administrative regulation will not have an overall negative or adverse major economic impact.

(b) The methodology and resources used to reach this conclusion: Not applicable.

FEDERAL MANDATE ANALYSIS COMPARISON

(1) Federal statute or regulation constituting the federal mandate. IRS Publication 1075 (Rev. 11-2021); 26 C.F.R. § 301.6103(p)(7)-1; 26 U.S.C. § 6103.

(2) State compliance standards. KRS 43.032.

(3) Minimum or uniform standards contained in the federal mandate. IRS Publication 1075 (Rev. 11-2021) requires an FBI fingerprint check for any individual granted access to FTI. 26 C.F.R. § 301.6102(p)(7)-1 allows the Internal Revenue Service (IRS) to terminate or suspend disclosure of returns and return information to any authorized recipient if the IRS determines that: (1) the authorized recipient has allowed an unauthorized inspection or disclosure of returns or return information and the authorized recipient has not taken adequate corrective action to prevent the recurrence of an unauthorized inspection or disclosure; or (2) the authorized recipient does not satisfactorily maintain the safeguards for protecting returns and return information, and has made no adequate plan to improve its system to maintain the safeguards satisfactorily. 26 U.S.C. § 6103 pertains to the confidentiality and disclosure of returns and return information.

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

(5) Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. Not applicable.

TOURISM, ARTS AND HERITAGE CABINET Department of Fish and Wildlife Resources (New Administrative Regulation)

301 KAR 4:112. Holding and preservation of seized wildlife.

RELATES TO: KRS 150.010, 150.025, 150.105, 150.120, 150.170, 150.280, 258.085

STATUTORY AUTHORITY: KRS 150.025, 150.105, 150.120

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) authorizes the Department of Fish and Wildlife Resources to promulgate administrative regulations reasonably necessary to implement or carry out the purposes of KRS Chapter 150. KRS 150.092(3) authorizes Game Wardens to arrest or issue a citation to any person who is in violation of KRS Chapter 150 or administrative regulations adopted thereunder. KRS 150.105 authorizes the department to dispatch or bring under control any wildlife causing damage to persons, property, or other animals spreading disease and that should be eliminated to prevent further damage. KRS 150.120 authorizes the game wardens to seize and take possession of any and all wildlife which have been taken, used, transported, or possessed contrary to any law or regulation adopted under KRS Chapter 150. This administrative regulation establishes

the parameters for impounding wildlife either alive or euthanized and preserved as evidence in a criminal proceeding until adjudication.

Section 1. Definition. "Impoundment agent" means an individual or entity authorized by contractual agreement with the department to hold impounded wildlife as evidence during a judicial process.

Section 2.

(1) Wildlife that is alive upon seizure by a game warden as evidence in a criminal case shall be impounded and held alive and preserved as evidence until adjudication of the case, unless the commissioner authorizes a game warden or other department personnel to destroy or bring under control any wild animal, fish, or wild bird in accordance with KRS 150.105.

(2) If an animal dies before adjudication of the case, it shall be preserved to prevent decay.

(3) A wild or exotic animal that bites a human being or exhibits symptoms of rabies shall be destroyed and tested in accordance with KRS 258.085(1)(c).

Section 3. Impoundment Agent Requirements.

(1) Holding expectations and exemption for an impoundment agent assisting KDFWR in evidentiary impoundment and oversight of wildlife in a criminal case:

(a) An impoundment agent shall be at least eighteen (18) years of age.

(b) An impoundment agent shall be under a current contract with the Department authorizing them to do so.

(c) An impoundment agent shall be subject to and comply with any federal holding requirements as applicable for species of wildlife being held.

(d) Notwithstanding any other state regulatory restrictions, except for this regulation, an impoundment agent shall be exempt from state species possession restrictions when acting as an agent of the state to hold impounded wildlife as evidence during judicial process.

(2) Impoundment agent holding impounded evidence shall:

(a) Ensure impounded evidence is housed in an enclosure that complies with the established minimum standards within the contract;

(b) House impounded evidence in a separate enclosure that prevents direct or indirect contact with free-ranging wildlife, domestic animals, or any other captive or rehabilitating wildlife being housed on the premises of the impoundment agent;

(c) Maintain all impounded evidence in sanitary and safe conditions and in a manner that prevents maltreatment or neglect as referenced in 301 KAR 2:081 Section 8(5)(a)-(l); and

(d) Ensure impounded evidence is housed in an enclosure sufficient to prevent escape and direct contact with the public.

Section 4. Identification and Handling of Impounded Evidence.

(1) Impoundment agent shall ensure that all impounded wildlife be maintained on a chain of custody form.

(2) The impoundment agent shall not:

(a) Propagate impounded evidence;

(b) Remove impounded evidence from the holding facility except for veterinary care;

(c) Exhibit impounded evidence for public display.

Section 5. Stewardship of Wildlife.

(1) All impounded evidence held under the contract shall remain under the stewardship of the Department of Fish and Wildlife Resources, except that federally protected wildlife remains under the stewardship of both the Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.

(2) Impounded evidence shall be immediately surrendered to a game warden upon their request.

Approved by the Fish and Wildlife Commission
RICH STORM, Commissioner

APPROVED BY AGENCY: December 11, 2025

FILED WITH LRC: December 12, 2025 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 26,

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2026, 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 February 28, 2026. 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

Subject Headings: Fish and Wildlife, Conservation, Law Enforcement

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation a program for individuals who contract with the Department to become impoundment agents to be permitted to hold and maintain seized wildlife that are evidence in criminal actions until the case is adjudicated.

(b) The necessity of this administrative regulation: The Department does not have facilities or staff to care for all manner of wildlife that might be seized as evidence in criminal actions for the violations of KRS Chapter 150.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.105 provides authority for the department to destroy or bring wildlife under control that are causing damage to persons, property, other animals, fish, or birds or that are spreading diseases. KRS 150.120 provides authority to seize and take possession of any and all wildlife used, transported, or possessed contrary to any law or regulation adopted under KRS Chapter 150. This regulation provides a mechanism for individuals on behalf of the Department to legally hold and maintain live wildlife that has been seized pursuant to KRS 150.105 or KRS 150.120.

(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 as any living wildlife seized or brought under control pursuant to KRS 150.105 or KRS 150.120 as part of a criminal action, must be maintained as evidence until final adjudication or a court orders the wildlife's release or destruction. This regulation provides a mechanism for the Department to maintain chain of custody for the evidence while providing for the wildlife's needs.

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

(a) How the amendment will change this existing administrative regulation:

(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) Does this administrative regulation or amendment implement legislation from the previous five years? No, it does not.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Any individual who chooses to contract with the Department to become an impoundment agent.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: The individuals who choose to become impoundment agents will have to enter into a contract with the

Department for the impoundment services to be provided, hold the wildlife in a manor and at a facility that meets the needs of the wildlife, and preserve the chain of custody for the criminal proceedings.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The individuals that choose to become impoundment agents will be provided compensation for their services as part of the contractual arrangement and therefore should have no cost to comply.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): The individuals will benefit from the monetary compensation received for their services and the intangible benefits that arise from providing for the needs of wild animals.

(6) 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 to implement this regulation. Costs will accrue only when wildlife is seized then held by an impoundment agent.

(b) On a continuing basis: The costs to the Department on a continuing basis will be variable based upon the number and type of wildlife seized by the Department and held by impoundment agents. Any expenditures paid to impoundment agents would be offset by savings to the Department. Without impoundment agents holding the wildlife, the Department would be obligated to use staff time and procure holding facilities, food, and veterinary care for the wildlife. As such, the Department anticipates a net decrease in expenditures for the holding of seized wildlife.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Fish and Game Fund

(8) 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 an increase in fees or funding will not be necessary to implement this regulation.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees or directly or indirectly increase any fees.

(10) TIERING: Is tiering applied? Tiering is not applied. All individuals who choose to become impoundment agents will be subject to the same regulatory rules and 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: KRS 150.025, 150.105, and KRS 150.120

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: No, this administrative regulation is not expressly authorized by an act of the General Assembly.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The 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: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0 to \$15,000

For subsequent years: \$0 to \$15,000

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

(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): Individuals who choose to contract with the Department to become impoundment agents.

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

1. Expenditures:

For the first year: \$0 net

For subsequent years: \$0 net

2. Revenues:

For the first year: \$0 net

For subsequent years: \$0 net

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

(a) Fiscal impact of this administrative regulation: The overall fiscal impact of this regulation should be a net positive for the Department and should approximately even out for impoundment agents for a net zero or slight positive fiscal impact.

(b) Methodology and resources used to reach this conclusion: The number and type of seized wildlife each year varies based upon criminal actions arising from illegal possession of wildlife by the public. The Department is required to maintain seized wildlife until final disposition of associate criminal actions or until otherwise ordered by the courts. The Department does not have appropriate facilities and available staff to meet all potential needs. To maintain seized wildlife, staff duties are expanded to include providing for the wildlife, resulting in additional wages earned. In one instance in 2024-2025, six raccoons and three otters were seized with an estimated expenditures to hold and care for those animals at approximately \$27,000 for feed, veterinary care, and staff time. By creating impoundment agents as an option for holding seized wildlife, the Department can determine on a case by case basis whether internal holding of the wildlife or use of impoundment agents will be more economical. Impoundment agents will possess appropriate holding facilities and have in place volunteers or staff to meet the seized wildlife's needs, resulting in significantly lower costs. It is anticipated any revenues for impoundment agents will be minimal and payments will be to offset any expenditures they have.

(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(14): The regulation will not have a major economic impact. There will be no net compliance cost as all impoundment agents will be compensated for their services. The current costs expended for the care of seized wildlife is far below the \$500,000 threshold over any two-year period. The regulation is intended to provide an avenue for cost savings for the Department. As such any expenditures to impoundment agents will be offset by savings from internal expenses.

(b) The methodology and resources used to reach this conclusion: The costs associated with the impoundment of seized wildlife must already be borne by the Department. This regulation simply creates a method to utilize members of the public who possess the required knowledge and facilities to hold the wildlife on behalf of the Department and thus the expenditures already borne by the Department will shift from internal costs to the third-party impoundment agents. It is anticipated there will be an overall cost savings for the Department when utilizing the impoundment agents as the Department will have the ability to determine which option is more cost effective prior to utilizing impoundment agents to hold specific seized wildlife.

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.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Division of Motor Carriers

(New Administrative Regulation)

601 KAR 1:114. Peer-to-peer services.

RELATES TO: KRS 186.050, 189.290, 189A.010, 281.010, 281.600, 281.630, 281.6301, 281.631, 281.640, 281.655, 281.656, 281.990, 304.3-070, 304.10-070, 304.20-020, 304.39-020(2), 304.39-040, 304.39-320

STATUTORY AUTHORITY: KRS 281.600, 281.630, 281.655

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 281.600 authorizes the Department of Vehicle Regulation to promulgate administrative regulations to regulate and establish requirements for the safe operation of motor carriers. KRS 281.630 authorizes the department to establish requirements for a transportation network company to apply for authority to operate in Kentucky. KRS 281.655 requires the department to establish standards for pre-trip acceptance policies and prearranged ride liability policies for transportation network companies. This administrative regulation establishes the standards and application requirements for a transportation network company to operate in Kentucky.

Section 1. Definitions.

- (1) "Basic reparation benefits" is defined by KRS 304.39-020(2).
- (2) "Certificate" is defined by KRS 281.010(9).
- (3) "Motor carrier" is defined by KRS 281.010(34).
- (4) "Motor carrier vehicle" is defined by KRS 281.010(35).
- (5) "Operating authority" is defined by KRS 281.010(41).
- (6) "Passenger" is defined by KRS 281.010(39).
- (7) "Peer-to-peer car sharing" is defined by KRS 281.010(40).
- (8) "Peer-to-peer car sharing certificate" is defined by KRS 281.010(41).
- (9) "Peer-to-peer car sharing company" is defined by KRS 281.010(42).
- (10) "Peer-to-peer car sharing program" is defined by KRS 281.010(43).
- (11) "Personal information" is defined by KRS 61.931(6).
- (12) "Underinsured vehicle coverage" is defined by KRS 304.39-320(1).
- (13) "Uninsured vehicle coverage" is defined by KRS 304.20-020(2).

Section 2. Application and Renewal.

(1) To apply for a certificate to operate, a peer-to-peer car sharing company shall:

- (a) Use the Kentucky Motor Carrier Portal at <https://drive.ky.gov/>;
- (b) Pay an application fee of \$250 pursuant to KRS 281.630(3)(b); and

(c) Pay a vehicle qualification fee of thirty (30) dollars per vehicle prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8).

(2) A peer-to-peer car sharing company with fifty-one (51) or more vehicles may qualify vehicles to operate by:

- (a) Adding each vehicle using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/>;
- (b) Paying an application fee of \$250 pursuant to KRS 281.630(3)(b); and
- (c) Paying a calendar year bulk qualification fee pursuant to the following schedule:

- 1. \$3,000 for fifty-one (51) to 100 vehicles;
- 2. \$4,500 for 101 to 150 vehicles;
- 3. \$6,000 for 151 to 200 vehicles;
- 4. \$7,500 for 201 to 250 vehicles;

- 5. \$9,000 for 251 to 300 vehicles;
- 6. \$10,500 for 301 to 350 vehicles;
- 7. \$12,000 for 351 to 400 vehicles;
- 8. \$15,000 for 401 to 500 vehicles; and
- 9. \$22,500 for 501 or more vehicles.

(3) A peer-to-peer car sharing company shall annually submit the following using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/> to renew a certificate:

(a) A certificate renewal fee of \$250 pursuant to KRS 281.630(4)(d); and

(b) A vehicle qualification fee of thirty (30) dollars per vehicle prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8).

(4) If a peer-to-peer car sharing company elects to use the bulk vehicle registration payment option in the initial or renewal application, the peer-to-peer car sharing company shall not be required to submit additional vehicle qualification information and fees to the Division of Motor Carriers in connection with vehicles that are added during the duration of the period for which the bulk payment was made.

(5) A peer-to-peer car sharing company shall pay a renewal bulk fee by December 15 of each calendar year.

(6) A peer-to-peer vehicle shall be added to the peer-to-peer car sharing company's current list by submitting a vehicle qualification fee of thirty (30) dollars per vehicle prorated for the month the vehicle is qualified pursuant to KRS 281.631(3) and (8) to the Division of Motor Carriers using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/>.

(7) An application shall be submitted electronically using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/>.

(8) Operating authority obtained pursuant to this section shall not be transferable.

Section 3. Demonstration of Financial Responsibility and Insurance. A peer-to-peer car sharing company shall maintain primary automobile insurance that complies with the provisions set forth in KRS 281.655.

Section 4. Insurance Exclusions.

(1) An automobile insurer whose policy excludes coverage for a peer-to-peer car sharing company vehicle shall have no duty to defend or indemnify a claim for personal or property damages.

(2) In a claims coverage investigation, the peer-to-peer car sharing company and an insurer potentially providing coverage shall cooperate to facilitate the exchange of relevant information with directly involved parties.

(3) Information relevant to a claims coverage situation shall include:

(a) The name of the insurer or potential insurer of the vehicles of the peer-to-peer car sharing company; and

(b) A complete description of the insurance coverage including the exclusions and limits.

Section 5. Vehicles.

(1) A vehicle used for peer-to-peer car sharing shall be added by using the Kentucky Motor Carrier Portal at <https://drive.ky.gov/> and submitting the fees required in Section 2 of this administrative regulation.

(2) A peer-to-peer car sharing company shall collect and maintain the following information on the vehicles being used to provide peer-to-peer services:

(a) The VIN and license plate number; and

(b) An electronic copy of the current peer-to-peer certificate.

Section 6. Passenger Service.

(1) A peer-to-peer car sharing company shall adopt a policy of non-discrimination based on the following:

(a) Destination;

(b) Race or color;

(c) National origin;

(d) Religious belief or affiliation;

(e) Sex;

(f) Disability;

(g) Age; and

(h) The presence of a service animal.

(2) A peer-to-peer car sharing company shall provide the following information to the public on its Web site and mobile device application software:

(a) A schedule of its rates or the method used to calculate rates and peak pricing; and

(b) A passenger support telephone number or email address where a suspected violation may be immediately reported.

(3) A peer-to-peer car sharing company shall provide the following information to a person requesting peer-to-peer car sharing:

(a) The expected cost of service; and

(b) A photograph or description, including license plate number, of the vehicle that will be used for the service.

Section 7. Terms of Service.

(1) The peer-to-peer car sharing company shall not require a hold harmless or indemnification clause in the terms of service for a customer that may be used to evade the insurance requirements of this administrative regulation and KRS Chapter 281.

(2) A peer-to-peer car sharing company shall not disclose to a third party the personally identifiable information of a user of the peer-to-peer car sharing program unless:

(a) The peer-to-peer car sharing company obtains the user's consent to disclose personally identifiable information;

(b) The disclosure is required to comply with a legal obligation; or

(c) The disclosure is required to protect or defend the terms of use of the service or to investigate violations of the terms of use.

Section 8. Penalties.

(1) A peer-to-peer car sharing company that operates in violation of the requirements of this administrative regulation shall be fined pursuant to KRS 281.990(1).

(2) A peer-to-peer car sharing company that operates in violation of the terms of its certificate or permit or operates without a valid permit shall be fined per occurrence pursuant to KRS 281.990(2).

(3) A peer-to-peer car sharing company that fails to produce requested records and information pursuant to KRS 281.820 within forty-eight (48) hours of the request by the department shall be fined \$200.

JIM GRAY, Secretary

MATTHEW COLE, Commissioner

APPROVED BY AGENCY: December 5, 2025

FILED WITH LRC: December 11, 2025 at 1:44 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Monday, February 23, 2026, at 11:00 a.m. at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, KY 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622; phone (502) 782-8180, fax (502) 564-5238, email Jon.Johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

Subject Headings: Transportation, Rideshare, Motor Carriers

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This regulation establishes procedures to allow peer-to-peer companies to comply with KRS 281 and also establishes bulk upload fees not in KRS 281.
- (b) The necessity of this administrative regulation: This regulation is needed to establish bulk vehicle upload fees.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation established the minimum standards needed to achieve the intent of KRS 281.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It establishes bulk upload vehicle fees.
- (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) Does this administrative regulation or amendment implement legislation from the previous five years? N/A
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Peer-to-Peer companies, Division of Motor Carriers and enforcement agencies.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Increased revenue for the road fund once the Peer-to-Peer comply by registering with the division of motor carriers. Once commercial insurance is posted enforcement will be able to take action.
- (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Zero cost for the Division or KSP. Peer-to-Peer would expect to pay \$22,500 plus a \$250 first time application fee. There would be no fees until the next renewal cycle.
- (c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Road fund revenues for the Division of Motor Carriers. Posted commercial insurance coverage for enforcement to review. The Peer-to-Peer company will be in compliance with KRS 281.
- (6) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:
- (a) Initially: Zero as the programming has already been updated.
- (b) On a continuing basis: Zero
- (7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A
- (8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The bulk upload fees are being newly established. This implements a simpler way for Peer-to-Peer companies to report their entire fleet one time instead of each time a new vehicle is added.
- (9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: Establishes a new bulk upload feature that makes Peer-to-Peer operations simpler.
- (10) TIERING: Is tiering applied? Yes, bulk application fees under these administrative regulations may use a tiered system based on the type of certificate and the number of vehicles pursuant to KRS 281.631(3)(b).

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 281
- (2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: KRS 281.990(6). Amended KY Acts ch.152, sec. 7, effective June 27, 2025.
- (3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet
- (b) Estimate the following for each affected state unit, part, or division identified in (3)(a):
1. Expenditures:
- For the first year: No costs
- For subsequent years: No costs
2. Revenues:
- For the first year: \$22,500
- For subsequent years: \$22,500
3. Cost Savings:
- For the first year: No savings
- For subsequent years: No savings
- (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: (3)(a)-Additional \$22,500; (4)(a) – N/A; (5)(a) – N/A
- (b) Methodology and resources used to reach this conclusion: (3)(a)- The requested bulk upload for 501 or more peer-to-peer vehicles is \$22,500. Google shows Turo with thousands of vehicles; (4)(a) – N/A; (5)(a) – 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(14): No, as it will streamline adding vehicles for a peer-to-peer certificate. They will only register one time per year instead of adding a vehicle every time a new one is added to the Peer-to-Peer certificate.
- (b) The methodology and resources used to reach this conclusion: The peer-to-peer currently only has an option to add vehicles one-by-one at \$30 per vehicle. Bulk upload fee schedule allows for a one time per year upload and payment.

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.

TRANSPORTATION CABINET
Department of Vehicle Regulation
Division of Motor Vehicle Licensing
(New Administrative Regulation)

601 KAR 9:120. Accessible online insurance verification system.

RELATES TO: KRS 186.040, 186A.040, 186A.042

STATUTORY AUTHORITY: KRS 186A.040

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186A.040(2)(a)3 requires the Transportation Cabinet, Department of Vehicle Regulation to establish, implement, and effectuate an online insurance verification system. Except as otherwise provided, this online verification system shall establish guidelines and requirements consistent with the IICMVA guidelines. This administrative regulation shall include provisions to secure the system's data against unauthorized access. This administrative regulation shall also include the information that insurers shall electronically submit, the format used, and the manner and frequency of submissions. This administrative regulation shall apply to both personal and commercial motor vehicles. In addition, this administrative regulation shall detail data retention times and may allow for an alternative method of reporting.

Section 1. Definitions.

(1) "Accessible online insurance verification system" means the accessible online insurance verification system established by the department.

(2) "Commercial motor vehicle" is defined by KRS 186A.040(1)(b).

(3) "Commercial motor vehicle insurance" is defined by KRS 186A.040(1)(c).

(4) "Department" is defined by KRS 186A.040(1)(d).

(5) "IICMVA" is defined by KRS 186A.040(1)(e).

(6) "Insurer" means an insurer that provides coverage for the security required under KRS 304.39-080.

(7) "Personal motor vehicle" is defined pursuant to KRS 304.39-087(1)(a).

(8) "Requestor" is defined by KRS 186A.040(1)(h).

Section 2. Insurers Responsibilities.

(1) Insurers shall comply with all system requirements as specified in the Kentucky Automobile Insurers Reporting Guide located at <https://drive.ky.gov/Documents/Kentucky-Automobile-Insurer-Reporting-Guide.pdf>, consistent with guidelines established by the IICMVA.

(2) Insurers shall ensure the security and protection of all data transmitted through the system, following the standards and protocols outlined in the Kentucky Automobile Insurers Reporting Guide.

(3) Insurers shall electronically submit required insurance information for personal and commercial motor vehicles in the format, manner, and frequency specified in the Kentucky Automobile Insurers Reporting Guide.

(4) Insurers with 1,000 or fewer active motor vehicle insurance policies may be permitted to use alternative reporting methods as set forth in the Kentucky Automobile Insurers Reporting Guide.

Section 3. Records retention.

(1) The third-party vendor shall retain records of all insurance verification requests and responses for a period of twelve (12) months.

(2) These records shall be made available to only requestors defined by KRS 186A.040(1)(h).

JIM GRAY, Secretary

MATTHEW COLE, Commissioner

APPROVED BY AGENCY: December 9, 2025

FILED WITH LRC: December 11, 2025 at 1:44 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2026, at 10:30 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 11:59 p.m. on February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622; phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

Subject Headings: Insurance, Motor Vehicle; Transportation; County Clerks

(1) Provide a brief summary of:

(a) What this administrative regulation does: To establish, implement, and effectuate the accessible online insurance verification system.

(b) The necessity of this administrative regulation: Required by statute to establish guidelines and requirements, set provisions for security, specify the information transmitted by insurers, and establish record retention.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This regulation fulfills the mandates of 186A040 in accordance with Chapter 13A.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in providing the framework for the implementation and utilization of the online insurance verification system.

(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) Does this administrative regulation or amendment implement legislation from the previous five years? : Yes, Ky Acts Ch 39, HB 390 of the 2025 Regular Session.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Insurance Providers, Kentucky Transportation Cabinet (KYTC), County Clerks, Insured Drivers, District & Circuit Courts, County Attorney or Commonwealth Attorneys, and Law Enforcement Agencies.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Insurance Providers will be required to integrate with the new 3rd party solution and provide 'on demand' data availability unless the insurer writes less than 1000 or less. For those insurers that write 1000 or less policies a web interface will be provided for them to submit updates and changes to policies. KYTC will contract

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with a vendor to develop, implement, and maintain a new online verification system. County Clerks will have streamlined interface to verify insurance coverage which will require minimal training. Insured drivers will not have a material change. District and Circuit Courts, County Attorney or Commonwealth Attorneys will need to modify how they request records for court of coverage. Law enforcement agencies no material changes.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Insurance Providers costs are unknown. KYTC \$1.2 million annually. County Clerks N/A. Insured Drivers N/A. District & Circuit Courts, County Attorney or Commonwealth Attorneys N/A. Law enforcement agencies N/A.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Insurance Providers will have a streamlined method to report coverages and access web interface for verification or changes in real time. KYTC improved consistency in insurance reporting. KYTC will have a real time verification option. Robust reporting will be available as needed. County Clerks will experience a decrease in complaints. Insured drivers will have up to date records available in real time. District and Circuit Courts, County Attorney or Commonwealth Attorneys will see no changes. Law enforcement agencies records will have real time coverage verification.

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

(a) Initially: \$1.5 Million (for first year)

(b) On a continuing basis: \$1.2 Million (annually)

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: Sourced from 'First Dollar Account' pursuant to KRS 186.040(6)(b)(1), \$20 of the \$40 reinstatement fee collected pursuant to KRS 186.040(8)(a)(b) and Road Fund.

(8) 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 required, an additional budget request has been submitted for increase in cost to KYTC.

(9) 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.

(10) TIERING: Is tiering applied? Tiering is not used and does not apply.

FISCAL IMPACT STATEMENT

(1) Identify each state statute, federal statute, or federal regulation that requires or authorizes the action taken by the administrative regulation: 186A.040; Chapter 13A

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes, Ky Acts Chapter 39, HB 390 of 2025 Regular Session.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet

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

1. Expenditures:

For the first year: \$1.5 Million

For subsequent years: \$1.2 Million

2. Revenues:

For the first year: Potential increase in fees collected for reinstatements

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): Kentucky County Clerks, District and Circuit Clerks

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

1. Expenditures:

For the first year: None

For subsequent years: None

2. Revenues:

For the first year: Potential increase in fees collected for reinstatements

For subsequent years: None

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: KYTC costs will be \$1.5 Million for first year and \$1.2 Million for consecutive years is the full fiscal impact which will be funded by a combination of sources. No fiscal impact for County Clerks, District Clerks, and Circuit Clerks.

(b) Methodology and resources used to reach this conclusion: Third party vendor quote and internal estimates provided the fiscal impact.

(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(14): Yes, for KYTC. No fiscal impact for County Clerks, District Clerks, and Circuit Clerks.

(b) The methodology and resources used to reach this conclusion: Third party vendor quote and internal estimates provided the fiscal impact.

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.

TRANSPORTATION CABINET

Department of Vehicle Regulation

Division of Driver Licensing

(New Administrative Regulation)

601 KAR 12:130. Third-party issuance of identity documents.

RELATES TO: KRS 186.400 to 186.640

STATUTORY AUTHORITY: KRS 186.400 to 186.640

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation establishes procedures by which a third-party entity may apply to the cabinet to serve as application processors for identity documents pursuant to KRS 186.400 to 186.640.

Section 1. Definitions.

(1) "Cabinet" means the Transportation Cabinet.

(2) "Identity document" means an operator's license or personal identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, or 186.4123.

(3) "Third-party entity" means a person or entity, including a business entity or nonprofit member association, that has received approval from the cabinet to process identity documents. A "third-party entity" does not include any governmental entity other than the Cabinet.

Section 2. Application. Any third-party entity seeking to issue identity documents pursuant to KRS 186.400 to 186.640 shall apply

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by completing TC form 94-207 and submitting to Division of Driver Licensing. The cabinet shall have twenty (20) working days to process and approve or disapprove an application.

Section 3. Approval. The cabinet reserves the right to approve or disapprove any application based upon review of properly completed and duly filed TC form 94-207, Application for Third-Party Issuance of Identity Documents. If the third-party entity is approved they shall comply with all relevant administrative regulations and policies of the cabinet. This shall include collecting all fees as set forth in KRS 186.531. An approved application shall allow the approved third-party entity to process identity documents for three (3) calendar years starting from the date of approval. Third-party entities shall agree to obtain and maintain all equipment required to perform identity document issuance as well as software application fees. All associated costs shall be the responsibility of the third-party issuer.

Section 4. Revocation. The cabinet reserves the right to revoke any approved application for cause. Grounds for cause shall include the following:

- (1) Failure to maintain ADA compliant facilities, including first aid stations, parking, reception areas, and restrooms;
- (2) Failure to maintain trained personnel and equipment to handle work-flow and customer service needs;
- (3) Failure to request and maintain background checks on all employees that access the system;
- (4) Failure to follow all requirements for issuance of identity documents;
- (5) Improper issuance of identity documents to persons not entitled to receive a legal identity document;
- (6) Failure to maintain all necessary business insurances to include liability, workers compensation, unemployment insurance, or other costs of doing business such as failure to deduct and pay all necessary local, state, federal taxes and fees;
- (7) Failure to collect all fees as set forth in KRS 186.531 and transmit the same to the cabinet;
- (8) Failure to maintain all requirements for a business in good standing with the Commonwealth;
- (9) Failure to report breach of security or improper issuance of identity documents within one (1) hour of actual notice of occurrence;
- (10) Failure to suspend and remove an employee who is found to be engaging in breach of security or illegal activities; and
- (11) Any breach of security shall be subject to fines of \$1,000 per each individual's record exposed.

Section 5. Appeals. If an application is denied or a previously approved application is revoked, the cabinet shall notify the third-party entity in writing the cause of the denial, or revocation. The third-party shall have thirty (30) days to file an appeal by written appeal to the Commissioner of the Department of Vehicle Regulation at 200 Mero Street, Frankfort, Kentucky 40622. Appeals shall be pursuant to KRS Chapter 13B.

Section 6. Site Closure or Non-renewal of Certificate. For a site closure or non-renewal of operating certificate, all equipment obtained for identity document issuance including any printer, camera, computer hardware or software, scanner shall be returned within thirty (30) days to the Department of Vehicle Regulation located at 200 Mero Street, Frankfort, Kentucky 40622. A third-party issuer shall notify KYTC immediately of any site closure, including providing a list of all staff associated with the site closure.

Section 7. Incorporation by Reference.

(1) "Application for Third-Party Issuance of Identity Documents", TC 94-207, (07/2025 Edition), Transportation Cabinet, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Transportation Cabinet Office Building, Department of Vehicle Regulation, 2nd Floor, 200 Mero Street, Frankfort, Kentucky 40622, Monday through Friday, 8:00 a.m. to 4:30 p.m.

(3) This material is also available on Transportation Cabinet's Web site at drive.ky.gov.

JIM GRAY, Secretary

MATTHEW COLE, Commissioner

APPROVED BY AGENCY: December 5, 2025

FILED WITH LRC: December 11, 2025 at 1:44 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on February 23, 2026, at 11:30 a.m. EST, at the Kentucky Transportation Cabinet, 200 Mero Street, Frankfort, Kentucky 40622. Individuals interested in being heard at this hearing shall notify this agency in writing by 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 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 11:59 p.m. on February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Jon Johnson, Staff Attorney Manager/Assistant General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622; phone (502) 564-7650, fax (502) 564-5238, email jon.johnson@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jon Johnson

Subject Headings: Transportation; Driver Licensing; Licensing

- (1) Provide a brief summary of:
 - (a) What this administrative regulation does: This administrative regulation establishes a process for third party entities to issue drivers' licenses and identity documents.
 - (b) The necessity of this administrative regulation: This administrative regulation is required to comply with the requirements of 2025 RS SB43, Section 4.
 - (c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation is required to establish procedures by which a third-party entity may apply to the cabinet to serve as application processors for identity documents pursuant to KRS 186.400 to 186.640.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation is required to establish procedures by which a third-party entity may apply to the cabinet to serve as application processors for identity documents pursuant to KRS 186.400 to 186.640.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
 - (a) How the amendment will change this existing administrative regulation: This is a new regulation.
 - (b) The necessity of the amendment to this administrative regulation: This is a new regulation.
 - (c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.
 - (d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.
- (3) Does this administrative regulation or amendment implement legislation from the previous five years? : Yes, this administrative regulation is required to comply with the requirements of 2025 RS SB43, Section 4.
- (4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect state and local governments, as well as individuals and legal entities that apply for the ability to issue identity documents on the behalf of the cabinet.
- (5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Prospective the third-party entities will have to make proper application to show they have the capacity in sufficient capital and financial standing to own and operate an identity issuance business. If approved, they will keep all laws pertaining to the issuance identity documents.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): Costs will be established between the third-party applicant and the vendors supplying the equipment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Will increase foot traffic to their locations and allow an audience to promote their core business services.

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

(a) Initially: \$258,000. Based on 2.5 full time employees (FTE) administrative work.

(b) On a continuing basis: Costs should remain subject to personnel changes and increases in personnel costs.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: N/A

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: There will be no increase in cost, as we are passing costs to the third parties. This includes implementation costs and ongoing service costs. Therefore, upon approval of the regulation there will not be any additional funding.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No new fees were part of this regulation, nor did any fees increase indirectly.

(10) TIERING: Is tiering applied? Tiering does not apply.

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 Chapter 186A.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: This administrative regulation is required to comply with the requirements of 2025 RS SB 43, Section 4. This administrative regulation is also being promulgated to meet a deadline established by 2025 legislation.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: Kentucky Transportation Cabinet, local governments. There is not any revenue or savings to KYTC for this initiative.

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

1. Expenditures:

For the first year: \$258,000

For subsequent years: Costs should remain subject to personnel changes and increases in personnel costs.

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): 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: Negligible.

(b) Methodology and resources used to reach this conclusion: Based on past performance and information gathered studying numerous jurisdictions.

(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(14): No.

(b) The methodology and resources used to reach this conclusion: Based on past performance and information gathered studying numerous jurisdictions.

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.

PUBLIC PROTECTION CABINET
Department of Insurance
Division of Health, Life, Managed Care
(New Administrative Regulation)

806 KAR 17:595. Dental Benefits Assignment.

RELATES TO: KRS 14A.4-010, KRS 304.1-050, KRS 304.17C-130, KRS 304.17C-137

STATUTORY AUTHORITY: KRS 304.2-110(1), KRS 304.17C-137

CERTIFICATION STATEMENT:

NECESSITY, FUNCTION, AND CONFORMITY: KRS 304.2-110(1) authorizes the commissioner to promulgate reasonable administrative regulations necessary for or as an aid to the effectuation of the Kentucky Insurance Code as defined in KRS 304.1-010. KRS 304.17C-137(1)(a)1.b. requires insurers to accept dental benefit assignments made by covered persons in writing on a form established by the commissioner in an administrative regulation. KRS 304.17C-137 requires the department to promulgate administrative regulations to implement and enforce the provisions of 304.17C-137. This administrative regulation establishes the required dental benefit assignment form.

Section 1. Definitions.

(1) "Benefit assignment" means written consent of a covered person for a dental carrier to pay claim benefit payments directly to a non-participating dental service provider in accordance with KRS 304.17C-137.

(2) "Covered person" is defined by KRS 304.17C-130(1).

(3) "Dental carrier" is defined by KRS 304.17C-130(3).

(4) "Dental services" is defined by KRS 304.17C-130(4).

(5) "Non-participating provider" means a dental services provider that has not entered into an agreement with a dental carrier to provide dental services.

(6) "Provider" is defined by KRS 304.17C-130(7).

Section 2. Dental Benefit Assignment Form. A written assignments of benefits under a dental benefit plan made in accordance with KRS 304.17C-137(1)(a)1.b. shall be made on the Dental Benefit Assignment Form.

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Section 3. Incorporation by Reference.

(1) "Dental Benefit Assignment" Form, 7/2025, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Insurance, Mayo-Underwood Building, 500 Mero Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the Web site at: <http://insurance.ky.gov/ppc/CHAPTER.aspx>.

SHARON P. CLARK, Commissioner

RAY A. PERRY, Secretary

APPROVED BY AGENCY: December 15, 2025

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held at 9:00 AM on February 23, 2026, at 500 Mero Street, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. If held, this hearing will be open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 PM on February 28, 2026. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person below.

CONTACT PERSON: Shaun T. Orme, Title: Executive Advisor. Address: 500 Mero Street, Frankfort, Kentucky 40601, Phone: +1 (502) 782-1698, Fax: +1 (502) 564-1453, Email: shaun.orme@ky.gov

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Shaun T. Orme

Subject Headings: Dentistry, Insurance, Health

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes a dental benefit assignment form, pursuant to 2025 Regular Session House Bill 210.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to provide the form proscribed by the new requirements of 2025 Regular Session House Bill 210.

(c) How this administrative regulation conforms to the content of the authorizing statutes: 2025 Regular Session House Bill 210 requires the regulation to provide for a new form for dental benefit assignments. This new regulation provides the form required by the new dental benefit assignment statute.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This amendment provides the form required by the new dental benefit assignment statute.

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

(a) How the amendment will change this existing administrative regulation: This amendment establishes a form required by the new dental benefit assignment statute.

(b) The necessity of the amendment to this administrative regulation: This amendment is required to implement 2025 Regular Session House Bill 210.

(c) How the amendment conforms to the content of the authorizing statutes: 2025 Regular Session House Bill 210 requires the regulation to create the new dental benefit assignment form.

(d) How the amendment will assist in the effective administration of the statutes: This amendment provides the new dental benefit assignment form.

(3) Does this administrative regulation or amendment implement legislation from the previous five years? Yes, 2025 Regular Session House Bill 210.

(4) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Over forty-four (44) insurance entities will be affected by this administrative regulation. In addition, individuals that have dental

insurance plans will be affected.

(5) Provide an analysis of how the entities identified in question (4) 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 (4) will have to take to comply with this administrative regulation or amendment: Dental insurance providers will have to accept the new dental benefit assignment form. Individuals that have dental insurance will be allowed to assign the rights to their dental providers.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (4): The cost associated is expected to be de minimus.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (4): Insureds will be able to use a uniform form to assign their dental benefits to their dental providers. Additionally, dental insurers will have a universal form for accepting assignment of dental benefit claims.

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

(a) Initially: No cost is anticipated.

(b) On a continuing basis: No cost is anticipated.

(7) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation or this amendment: The Department of Insurance's operational budget.

(8) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: None is anticipated.

(9) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fee is associated with this new form.

(10) **TIERING:** Is tiering applied? Tiering is not applied as the provisions of this administrative regulation apply to all entities 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 304.2-110(1) and 304.17C-137(1)(a)1.b.

(2) State whether this administrative regulation is expressly authorized by an act of the General Assembly, and if so, identify the act: Yes. 2025 Regular Session House Bill 210 requires the Kentucky Department of Insurance to establish a form for the assignment of dental benefits provided by dental benefit plan.

(3)(a) Identify the promulgating agency and any other affected state units, parts, or divisions: The Kentucky Department of Insurance as the implementer. (b) Estimate the following for the first year:

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(4)(a) Identify affected local entities (for example: cities, counties, fire departments, school districts): No local entities affected. (b) Estimate the following for the first year:

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

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

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(4)(a): None.

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

1. Expenditures:

For the first year: \$0

For subsequent years: \$0

2. Revenues:

For the first year: \$0

For subsequent years: \$0

3. Cost Savings:

For the first year: \$0

For subsequent years: \$0

(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 administrative regulation will not have a fiscal impact on those entities.

(b) Methodology and resources used to reach this conclusion: Not applicable.

(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(14): No, this administrative regulation will not have a major economic impact.

(b) The methodology and resources used to reach this conclusion: Not applicable. This administrative regulation will not have major impact in the aggregate for either the Department, insurers, dental providers, or insureds. HB 210 was enacted during the 2025 legislative session. HB 210 required the Department to provide a form for insureds to assign their dental benefits to providers.

ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE
Minutes of December 8, 2025

Call to Order and Roll Call

The December meeting of the Administrative Regulation Review Subcommittee was held on Monday, December 8, 2025, at 1:00 PM in Room 149 of the Capitol Annex. Senator Stephen West, 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, Cassie Chambers Armstrong, and Mike Wilson; and Representatives Randy Bridges, Deanna Gordon, and Mary Lou Marzian.

LRC Staff: Karen Howard, Emily Harkenrider, Carrie Nichols, Stacy Auterson, Laura Begin, Ange Darnell, Anna Latek, and Callie Lewis.

Guests: Todd G. Allen, Deputy Commissioner/General Counsel, Department of Education (KDE); Chay Ritter, Division Director, KDE; Matt Ross, Associate Commissioner, KDE; Joshua Newton, General Counsel, Department of Alcoholic Beverage Control (ABC); Chad Thompson, General Counsel, Public Protection Cabinet (PPC); Carmela Clark, Program Consultant, Education Professional Standards Board (EPSB); Lauren Graves, Policy Advisor, EPSB; Cassie Trueblood, Counsel, EPSB; Will Adams, Counsel, Department of Employee Insurance (DEI); Chris Chamness, Commissioner, DEI; Colt Sells, Assistant General Counsel, Commission on Human Rights; Cary Bishop, Assistant General Counsel, Finance and Administration Cabinet (FAC); Barbara Dickens, General Counsel, FAC; Jeffrey Allen, Executive Director, Board of Dentistry; Sara Janes, Counsel, Board of Speech-Language Pathology and Audiology (KBSLPA); Cierra Sherwood, Board Member, KBSLPA; Stephen Curley, Executive Director, Board of Physical Therapy; Mark Brengelman, Counsel, Board of Examiners of Psychology; Eddie Slone, Executive Director, Board of Emergency Medical Services (KBMES); John K. Wood, Counsel, KBMES; Jenny Gilbert, Legislative Liaison, Department of Fish and Wildlife Resources (KDFWR); Anne Blaylock, General Counsel, Department of Corrections (DOC); Nathan Goens, Assistant General Counsel, Justice and Public Safety Cabinet; Chip White, Assistant Division Director, Department of Criminal Justice Training (DOCJT); Rusty Heckaman, Division Director/State Archivist, Department for Libraries and Archives (KDLA); Dondra Meredith, Deputy General Counsel, KDLA; Drew Preston, Local Records Branch Manager, KDLA; Julie Brooks, Regulations Coordinator, Department for Public Health (DPH); Ashley Marshall, Radiation Health Supervisor, DPH; Justin Dearinger, Division Director, Department of Medicaid Services (DMS); Jonathan Scott, Regulations Coordinator, DMS; David Barron, Attorney; Brian Clark, Executive Director, Kentucky Petroleum Marketers Association (KPMA); Kevin Sharkey, Staff Attorney, Kentucky Protection and Advocacy (KY P&A); and Shannon Stiglitz, Senior Vice President of Government Affairs, Kentucky Retail Federation (KRF).

Approval of November 10, 2025 Minutes

A motion was made by Representative Marzian and seconded by Representative Gordon to approve the minutes of the November 10, 2025, meeting. Minutes were approved by voice vote without objection.

The subcommittee considered the following administrative regulations for informational review pursuant to KRS 13A.030(3) and (4):

EDUCATION AND LABOR CABINET: Department of Education: School Administration and Finance

702 KAR 003:030. Insurance requirements.

In response to Chair West, Todd Allen, Deputy Commissioner/General Counsel, KDE, stated KDE is aware of the self-insurance pool option for school districts. If there is a claim, KDE's understanding is the self-insurance pool is first payor and a

back-up policy is second payor.

In response to Chair West, Matt Ross, Associate Commissioner, KDE, stated KDE is unaware of constituent concerns that other school districts may be jointly and severally liable if the self-insurance pool reaches its cap. KDE will investigate this matter.

Senator Wilson stated there is liability for the school systems if there is no second payor when the cap is reached.

In response to Chair West, Mr. Allen stated insurance coverage is reviewed through the annual school audit.

In response to Chair West, Chay Ritter, Division Director, KDE, stated the auditors look for material deficiencies, which are communicated to KDE through a finding or recommendation. KDE reviews the overall declaration before signing off on the coverage.

Chair West stated the joint and several liability language in the contract is concerning and requested KDE meet with the Department of Insurance to ensure districts are adequately covered, especially for protection of bondholders.

PUBLIC PROTECTION CABINET: Department of Alcoholic Beverage Control

804 KAR 013:010E. Tobacco enforcement and administration.

804 KAR 013:020E. Tobacco, nicotine, or vapor product license application forms.

804 KAR 013:030E. Causes for denial of tobacco, nicotine, or vapor product license.

804 KAR 013:040E. Notice of intention to apply for tobacco, nicotine, or vapor product transitional license.

In response to Chair West, Shannon Stiglitz, Senior Vice President of Government Affairs, KRF, stated retailers have concerns about the licensing process and criteria for denial, as well as confusion about transitional licensing. By January 1, 2026, 7,000 businesses are required to be licensed. If ABC does not issue a license by this date, these retailers are not going to sell the products, and an immediate solution is needed. The regulations do not specify criteria for a mandatory license denial, and the commissioner possesses overly-broad discretion for other denials, which risks arbitrary decisions. If a retailer sells both alcohol and tobacco products, required data submissions to ABC are duplicative, and documentation requirements are cumbersome.

In response to Chair West, Brian Clark, Executive Director, KPMA, stated instructions for compliance have varied. Notice of this process was not given until the first week of November, the end of the comment period is December 31st, and the deadline for ABC to issue a license is January 1st. Mr. Clark requested the regulations be refiled to give retailers time for compliance.

In response to Co-Chair Lewis, Mr. Clark stated KPMA reached out to ABC and received some clarification, but KPMA plans to file public comments in hopes for a short-term solution.

In response to Representative Bridges, Ms. Stiglitz stated ABC's position is data must be resubmitted, even if duplicative, because the license system is separate.

In response to Representative Bridges, Mr. Clark stated products cannot be sold, nor taxes collected, if a retailer does not have a license on January 1st.

In response to Chair West, Joshua Newton, General Counsel, ABC, stated the requirement to grant licenses by January 1, 2026, is statutory. ABC can only grant a license if an application is submitted. The department is trying to help businesses comply with the statute and avoid a potential criminal penalty.

In response to Chair West, Chad Thompson, General Counsel, PPC, stated the public comment period is still open, and the department will thoughtfully consider every comment.

In response to Chair West, Mr. Thompson stated establishing the new licensing structure required much work and time behind the scenes. ABC did not intend to delay implementation of the regulations.

In response to Senator Chambers Armstrong, Mr. Thompson

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stated ABC has received approximately 2,500 applications, and 839 licenses have been granted. If all the documentation is submitted, the average turn-around time is less than one day.

In response to Co-Chair Lewis, Mr. Thompson stated ABC staff is working overtime to process applications before the deadline.

In response to Co-Chair Lewis, Mr. Newton stated ABC cannot exceed statutory authority to issue provisional licenses. The department is happy to work with the legislature on a solution.

In response to Representative Bridges, Mr. Thompson stated cross-referencing data from other held licenses is not a practical solution because of the established portal. Existing alcohol licensees can streamline the process by aligning license renewals.

Administrative Regulations Reviewed by this Subcommittee:

EDUCATION AND LABOR CABINET: Education Professional Standards Board: Teaching Certificates

016 KAR 002:020. Occupation-based career and technical education certification.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2 through 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

PERSONNEL CABINET: Office of the Secretary: Classified

101 KAR 002:210E. 2025 and 2026 Plan Year Handbooks for the Public Employee Health Insurance Program.

101 KAR 002:210. 2026 Plan Year Handbook for the Public Employee Health Insurance Program.

COMMISSION ON HUMAN RIGHTS

104 KAR 001:010E. Posting, distribution and availability of notices and pamphlets.

FINANCE AND ADMINISTRATION CABINET: Purchasing

200 KAR 005:021. Manual of policies and procedures.

A motion was made and seconded to approve the following amendments: to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

BOARDS AND COMMISSIONS: Board of Dentistry

201 KAR 008:563. Licensure of dental hygienists.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO paragraph and Sections 4 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Speech-Language Pathology and Audiology

201 KAR 017:120. Audiology and Speech-Language Pathology Interstate Compact.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 1 and 2 to include an updated edition date of September 20, 2025, which corresponds to the date of the last updated rule; (2) to amend Section 2 to include the latest versions of the Rule on Data System Reporting Requirements adopted on September 20, 2025, and the Rule on the Implementation of Criminal Background Check Requirement adopted on June 30, 2025; and (3) to amend Section 2 and incorporated material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Physical Therapy

201 KAR 022:045. Continued competency requirements and procedures.

A motion was made and seconded to approve the following amendments: to amend Sections 1 through 3 and incorporated

material to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Board of Examiners of Psychology

201 KAR 026:118E. Psychology interjurisdictional compact.

INDEPENDENT ADMINISTRATIVE BODIES: Board of Emergency Medical Services

202 KAR 007:555. Ground Agencies.

A motion was made and seconded to approve the following amendments: (1) to amend Section 8 to incorporate a new application referenced in the administrative regulation; and (2) to amend the RELATES TO paragraph and Sections 2 through 5 and 8 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

In response to Chair West, John K. Wood, Counsel, KBEMS, stated the off-duty prohibition in Section 2 does not prohibit off-duty personnel from responding to an emergency. Mr. Wood stated the provision's purpose is to avoid freelancing and skirting of requirements, especially relating to an event medicine provider license.

202 KAR 007:801. Medical directors.

TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Hunting and Fishing

301 KAR 003:015. Shooting ranges on department-owned or managed lands.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to clarify that individuals with specific permits are not subject to duplicative requirements and fees; and (2) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

In response to Co-Chair Lewis, Jenny Gilbert, Legislative Liaison, KDFWR, stated projectiles referenced in the regulation refer to bullets and arrows. The changes are necessary to conform to effective regulations. This regulation provides data to the department regarding who is using shooting ranges.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Corrections

501 KAR 016:310. Pre-execution medical actions.

In response to Senator Chambers Armstrong, Ann Blaylock, General Counsel, DOC, stated the proposed regulation is the result of a Franklin Circuit Court order from April 21, 2025. This order voids the current regulation because it allows DOC to ignore outside, nonmedical records indicating a diagnosis of intellectual disability. The court does not address an insanity diagnosis, leaving no reason to think those provisions are defective. Ms. Blaylock explained the Department of Public Advocacy's concerns result from a misreading of the regulation.

In response to Chair West, Ms. Blaylock stated litigation is ongoing, and the extent of court filing opportunities afforded death row inmates is beyond the scope of DOC's knowledge.

In response to Chair West, David Barron, Attorney, stated the court asked about insanity prior to issuing the order, and he believes the regulation will ultimately be struck down for a third time. The regulation is ambiguous, and DOC should make changes to clarify provisions.

In response to Chair West, Kevin Sharkey, Staff Attorney, KY P&A, stated the regulation should be found deficient. It allows submission of outside documentation only for intellectual disability, even though the court relied upon a Kentucky Supreme Court case concerning insanity.

In response to Senator Chambers Armstrong, Ms. Blaylock explained the injunction on executions dates back to 2010, and multiple regulations have been promulgated since that time.

Representative Marzian stated executions cost \$1.6 million more than life in prison.

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Chair West stated a letter from Attorney General Russell Coleman was submitted to the subcommittee. The letter was read into the record.

Representative Marzian made a motion, seconded by Senator Chambers Armstrong, to find this regulation deficient. After a roll call vote, there were two votes to find the regulation deficient and five votes against deficiency. The motion did not pass.

Senator Chambers Armstrong explained her yes vote. She stated she was concerned about ambiguity and constitutional compliance in the regulation.

Department of Criminal Justice Training: General Training Provision

[503 KAR 003:010](#). Basic law enforcement training course recruit conduct requirements; procedures and penalties.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and STATUTORY AUTHORITY paragraphs and Sections 2, 3 through 6, 12, 13, 18, and 22 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

EDUCATION AND LABOR CABINET: Department for Libraries and Archives: Archives and Record Management Division

[725 KAR 001:050](#). Records management program.

A motion was made and seconded to approve the following amendments: (1) to amend to update the date on incorporated material for consistency with the administrative regulation; and (2) to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1 through 7 and 9 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

CABINET FOR HEALTH AND FAMILY SERVICES: Department for Public Health: Radiology

[902 KAR 100:130](#). Dental.

A motion was made and seconded to approve the following amendments: to amend the RELATES TO and NECESSITY, FUNCTION, AND CONFORMITY paragraphs and Sections 1, 3 through 6, 8, 9, 11, and 12 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Department for Medicaid Services: Medicaid Services

[907 KAR 001:023](#). Review and approval of selected therapies as ancillary services in nursing facilities.

[907 KAR 001:065](#). Payments for price-based nursing facility services.

A motion was made and seconded to approve the following amendments: (1) to amend Section 7(3)(c)1. on the validation of MDS data to require the department to generate a stratified random sample consisting of the greater of 30% of the Medicaid residents or 15 MDS assessments in a price-based NF; (2) to amend Section 7(3)2. to require the department to review a minimum of 15 MDS assessments from the sample referenced in Section 7(3)(c)1.; and (3) to amend Sections 1, 3, 6, 7, 12, 13, and 17 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

In response to Chair West, Jonathan Scott, Regulations Coordinator, DMS, explained 907 KAR 1:065 expands 907 KAR 1:023 by including a per diem rate per bed for ancillary services. This rate is part of the fee paid to a nursing facility, and a provider is reimbursed at the same or an increased amount. DMS considered repealing 907 KAR 1:023 but retained it to define covered, medically-necessary ancillary services. Mr. Scott stated the industry appears to favor this change.

Payment and Services

[907 KAR 003:062](#). Public Ground Ambulance Supplemental Payment Program.

Occupational, Physical, and Speech Therapy

[907 KAR 008:020](#). Independent physical therapy service coverage provisions and requirements.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

[907 KAR 008:040](#). Coverage of occupational therapy, physical therapy, and speech-language pathology services provided by various entities.

A motion was made and seconded to approve the following amendments: to amend Sections 2 and 5 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement from the agency, the amendments were approved.

Hospital Service Coverage and Reimbursement

[907 KAR 010:016](#). Coverage provisions and requirements regarding inpatient psychiatric hospital services.

Behavioral Health

[907 KAR 015:022](#). Coverage provisions and requirements regarding services provided by behavioral health services organizations for substance use disorder treatment and co-occurring disorders.

Other Business: Senator Raque Adams introduced a University of Louisville student, who was shadowing for the day.

Chair West introduced the newest member of the subcommittee, Senator Cassie Chambers Armstrong.

The following administrative regulations were DEFERRED OR REMOVED from the December 8, 2025, subcommittee agenda:

AGRICULTURAL EXPERIMENT STATION: Feed

[012 KAR 002:006](#). Definitions for 12 KAR Chapter 2.

[012 KAR 002:011](#). Label format.

[012 KAR 002:018](#). Guaranteed analysis.

[012 KAR 002:026](#). Ingredients.

[012 KAR 002:041](#). Drug and feed additives.

[012 KAR 002:046](#). Poisonous or deleterious substances.

[012 KAR 002:051](#). Manufacturing conditions.

Pet Food

[012 KAR 003:012](#). Label format and labeling.

[012 KAR 003:022](#). Expression of guarantees.

[012 KAR 003:027](#). Ingredients.

[012 KAR 003:028](#). Descriptive terms.

[012 KAR 003:032](#). Feeding directions.

[012 KAR 003:037](#). Drugs and pet food additives.

[012 KAR 003:039](#). Nutritional adequacy.

[012 KAR 003:042](#). Statements of calorie content.

BOARDS AND COMMISSIONS: Board of Licensure for Long-Term Care Administrators

[201 KAR 006:030](#). Temporary permits.

[201 KAR 006:071](#). Continuing education requirements.

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Board of Veterinary Examiners

[201 KAR 016:730](#). Approved allied animal professional (AAHP) programs; education requirements.

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

[201 KAR 016:732](#). Application requirements for AAHP licenses – reinstatement.

[201 KAR 016:735](#). Renewal requirements for AAHP licenses – renewal notice – expiration.

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

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

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

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

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

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

Board of Licensure for Professional Engineers and Land Surveyors

[201 KAR 018:072](#). Experience.

Board of Examiners of Psychology

[201 KAR 026:160](#). Fee schedule.

JUSTICE AND PUBLIC SAFETY CABINET: Department of Juvenile Justice

[505 KAR 001:140E](#). Department of Juvenile Justice Policies and Procedures Manual: detention services.

[505 KAR 001:410E](#). Restrictive housing and protective custody.

EDUCATION AND LABOR CABINET: Board of Education: Department of Education: Office of Chief State School Officer

[701 KAR 005:170](#). Waiver requests.

Pupil Transportation

[702 KAR 005:130](#). Non-school bus passenger vehicles.

CABINET FOR HEALTH AND FAMILY SERVICES: Office of Inspector General: Controlled Substances

[902 KAR 055:015](#). Schedules of controlled substances.

Department for Medicaid Services: Payment and Services

[907 KAR 003:320](#). Beneficiary Advisory Council and modifications to the Advisory Council for Medical Assistance to establish the Kentucky Medicaid Advisory Committee.

Outpatient Pharmacy Program

[907 KAR 023:010](#). Outpatient Pharmacy Program.

The subcommittee adjourned at 3:25 PM. The next meeting of this subcommittee is tentatively scheduled for January 12, 2026, at 1 PM in Room 149 of the Annex.

OTHER COMMITTEE REPORTS

COMPILER'S NOTE: In accordance with KRS 13A.290(11), the following reports were forwarded by the appropriate jurisdictional committees to the Regulations Compiler and the Legislative Research Commission and are hereby printed in the *Administrative Register of Kentucky*.

**INTERIM JOINT COMMITTEE ON LICENSING, OCCUPATIONS
AND ADMINISTRATIVE REGULATIONS**
(Meeting of November 20, 2025)

The Interim Joint Committee on Licensing, Occupations, and Administrative Regulations met on November 20, 2025 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on November 5, 2025, pursuant to KRS 13A.290(6):

810 KAR 007:060
810 KAR 007:080

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

810 KAR 007:060

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the November 20, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON EDUCATION
Meeting of December 9, 2025

The Interim Joint Committee on Education met on December 9, 2025 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on November 5, 2025 and December 3, 2025, pursuant to KRS 13A.290(6):

704 KAR 003:440
739 KAR 001:080

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the December 9, 2025 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

INTERIM JOINT COMMITTEE ON BANKING AND INSURANCE
Meeting of December 17, 2025

The Interim Joint Committee on Banking and Insurance met on December 17, 2025 and a quorum was present. The following administrative regulations were available for consideration having been referred to the Committee on November 5, 2025, pursuant to KRS 13A.290(6):

806 KAR 002:200
806 KAR 002:210
806 KAR 002:220

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(8) and 13A.030(2):

None

The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

806 KAR 002:210

The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the December 17, 2025 meeting, which are hereby incorporated by reference. Additional committee findings,

CUMULATIVE SUPPLEMENT

Unless otherwise noted, information contained in these indexes relates only to administrative regulations printed in this, the 52nd year of the *Administrative Register of Kentucky*, from July 2025 through June 2026.

Locator Index - Effective Dates

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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 originally promulgated and published in previous years' issues of the *Administrative Register of Kentucky* but had not yet gone into effect when the last *Register* year ended will have an earlier *Register* year or "Ky.R." citation. To view versions of regulations published in prior *Registers*, please visit our online [*Administrative Registers of Kentucky*](#).

KRS Index

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A cross-reference listing of the 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

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A list of administrative regulations for which certification letters have been filed pursuant to KRS 13A.3104 during this *Register* year.

Technical Amendment Index

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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)(e). Because these changes were not substantive in nature, administrative regulations appearing in this index are not published in the *Administrative Register of Kentucky*; however, they are usually available on the Legislative Research Commission's website.

Subject Index

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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 <i>Register</i> 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 <i>Register</i> year, the new Ky.R. number will appear next to the page number entry. To view versions of regulations published in prior <i>Registers</i> , please visit the online Administrative Registers of Kentucky .								
SYMBOL KEY:								
* Statement of Consideration not filed by deadline								
** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))								
*** Withdrawn before being printed in Register								
IJC Interim Joint Committee								
(r) Repeater regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.								
EMERGENCY ADMINISTRATIVE REGULATIONS								
NOTE: Pursuant to KRS 13A.190, emergency regulations expire after 270 days (or 270 days plus the number of days an accompanying ordinary is extended) or upon replacement by an ordinary regulation, whichever occurs first. This index reflects the KRS Chapter 13A-established expiration dates. Other statutes or legislation may affect a regulation's actual end date.								
101 KAR 002:210E	52 Ky.R. 535	9-15-2025	803 KAR 002:120E	52 Ky.R. 359	7-22-2025			
104 KAR 001:010E	52 Ky.R. 683	9-19-2025	803 KAR 002:181E	52 Ky.R. 151	7-1-2025			
201 KAR 002:416E	51 Ky.R. 1359	12-17-2024	803 KAR 002:241E(r)	52 Ky.R. 154	7-1-2025			
Replaced	52 Ky.R. 173	8-27-2025	803 KAR 002:250E	52 Ky.R. 155	7-1-2025			
201 KAR 017:120E	51 Ky.R. 1237	11-26-2024	803 KAR 002:260E	52 Ky.R. 158	7-1-2025			
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Replaced	1775	6-18-2025	803 KAR 002:320E	51 Ky.R. 1244	11-19-2024			
Resubmitted	52 Ky.R. 537	8-26-2025	803 KAR 002:404E	52 Ky.R. 7	6-12-2025			
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201 KAR 023:012E	51 Ky.R. 1838	4-15-2025	804 KAR 013:020E	52 Ky.R. 928	10-31-2025			
Replaced	1914	8-27-2025	804 KAR 013:030E	52 Ky.R. 930	10-31-2025			
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201 KAR 028:240E	52 Ky.R. 5	6-13-2025	806 KAR 020:030E	52 Ky.R. 164	6-30-2025			
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201 KAR 036:100E	51 Ky.R. 1238	11-26-2024	900 KAR 006:075E	52 Ky.R. 11	6-9-2025			
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201 KAR 046:081E	52 Ky.R. 140	6-30-2025	907 KAR 001:595E	51 Ky.R. 1361	12-23-2024			
Replaced	715	11-12-2025	Replaced	1558	7-30-2025			
307 KAR 001:070E	51 Ky.R. 1927	5-15-2025	907 KAR 001:835E	51 Ky.R. 1365	12-23-2024			
307 KAR 001:080E	52 Ky.R. 144	7-1-2025	Replaced	1562	7-30-2025			
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505 KAR 001:140E	52 Ky.R. 687	9-25-2025	907 KAR 010:840E	51 Ky.R. 1759	2-24-2025			
505 KAR 001:410E	52 Ky.R. 690	9-25-2025	As Amended	1931	5-13-2025			
Am Comments	1108	12-12-2025	Replaced	52 Ky.R. 59	7-30-2025			
601 KAR 009:076E	52 Ky.R. 147	7-10-2025	907 KAR 012:020E	51 Ky.R. 1405	12-23-2024			
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601 KAR 009:120E	52 Ky.R. 1103	12-11-2025	907 KAR 020:005E	51 Ky.R. 1409	12-23-2024			
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			Amended	52 Ky.R. 180				
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			Amended	52 Ky.R. 182				
			As Amended	941				
			011 KAR 012:040					
			Amended	52 Ky.R. 183				
			011 KAR 012:050					
			Amended	52 Ky.R. 185				
			As Amended	942				
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			011 KAR 012:070					

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Amended 012 KAR 002:041	52 Ky.R. 572		Amended 031 KAR 004:150	52 Ky.R. 801	
Amended 012 KRA 002:046	52 Ky.R. 576		Amended 031 KAR 004:160	52 Ky.R. 803	
Amended 012 KAR 002:051	52 Ky.R. 578		Amended 031 KAR 004:170	52 Ky.R. 804	
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	52 Ky.R. 774		040 KAR 002:145		7-18-2025
	52 Ky.R. 776		Recodified as 040 KAR 012:100		7-18-2025
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	52 Ky.R. 780		Recodified as 040 KAR 012:130		7-18-2025
			040 KAR 002:155		7-18-2025
			Recodified as 040 KAR 012:110		7-18-2025
			040 KAR 002:210		7-18-2025
			Recodified as 040 KAR 012:500		7-18-2025
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			040 KAR 002:270		

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	Amended		Amended		
040 KAR 002:345	Recodified as 040 KAR 012:600	7-18-2025	101 KAR 003:015	51 Ky.R. 1505	
	Amended		Amended		
040 KAR 002:350	Recodified as 040 KAR 012:610	7-18-2025	As Amended	52 Ky.R. 27	9-30-2025
	Amended		101 KAR 003:045		
040 KAR 005:010	Recodified as 040 KAR 012:400	7-18-2025	Amended	51 Ky.R. 1511	
	Amended		As Amended	52 Ky.R. 32	9-30-2025
040 KAR 009:010	Amended	51 Ky.R. 1187	102 KAR 001:175	52 Ky.R. 192	
	As Amended	1644	Amended		
040 KAR 009:010	Amended	51 Ky.R. 1699	103 KAR 002:005	52 Ky.R. 195	
	As Amended	1933	Amended	703	
040 KAR 009:020	Amended	51 Ky.R. 1701	104 KAR 001:010	52 Ky.R. 852	
	Amended		Amended		
040 KAR 012:100	Recodified from 40 KAR 002:145	7-18-2025	105 KAR 001:020	52 Ky.R. 997	
	Amended	52 Ky.R. 837	Amended		
040 KAR 012:110	Recodified from 40 KAR 002:155	7-18-2025	105 KAR 001:150	52 Ky.R. 1000	
	Amended	52 Ky.R. 840	Amended		
040 KAR 012:120	52 Ky.R. 908		105 KAR 001:200	51 Ky.R. 1864	
040 KAR 012:130	Recodified from 40 KAR 002:150	7-18-2025	Amended	52 Ky.R. 169	11-4-2025
	Amended	52 Ky.R. 849	As Amended		
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SYMBOL KEY:

- * Statement of Consideration not filed by deadline
- ** Withdrawn, deferred more than twelve months (KRS 13A.300(2)(e) and 13A.315(1)(d))
- *** Withdrawn before being printed in Register
- IJC Interim Joint Committee
- (r) Repealer regulation: KRS 13A.310(3)-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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367.93107	040 KAR 012:100		902 KAR 055:015
367.93109	040 KAR 012:100		012 KAR 002:041
367.93111	040 KAR 012:100		012 KAR 002:051
367.93113	040 KAR 012:100		012 KAR 003:037
367.93115	040 KAR 012:100		902 KAR 100:130
	040 KAR 012:130		201 KAR 002:205
367.93117	040 KAR 012:100	24 C.F.R.	907 KAR 016:005
	040 KAR 012:130	26 C.F.R.	045 KAR 001:090
367.93121	040 KAR 012:100	29 C.F.R.	101 KAR 002:102
367.97501	040 KAR 012:100		101 KAR 003:015
	040 KAR 012:130		803 KAR 002:404
367.97504	040 KAR 012:130		803 KAR 002:181
367.97507	040 KAR 012:130		202 KAR 007:555
367.97511	040 KAR 012:130		803 KAR 002:260
367.97514	040 KAR 012:100	33 C.F.R.	301 KAR 006:001
	040 KAR 012:130		301 KAR 006:020
367.97517	040 KAR 012:130	34 C.F.R.	907 KAR 003:100
367.97521	040 KAR 012:130		704 KAR 003:410
367.97524	040 KAR 012:100		707 KAR 001:002
	040 KAR 012:130		707 KAR 001:350
367.97527	040 KAR 012:100	40 C.F.R.	401 KAR 060:005
	040 KAR 012:130		401 KAR 063:002
Chapter 369	907 KAR 003:210	42 C.F.R.	907 KAR 001:039
369.101-369.120	907 KAR 008:040		907 KAR 003:100
	907 KAR 015:022		907 KAR 003:210
	907 KAR 023:010		907 KAR 007:015
Chapter 385	011 KAR 012:090		907 KAR 010:840
Chapter 387	922 KAR 001:565		907 KAR 016:020
391.010	040 KAR 012:130		907 KAR 003:320
403.270-403.355	922 KAR 001:565		907 KAR 001:023
405.024	922 KAR 001:565		907 KAR 001:065
421.500	501 KAR 006:510		907 KAR 008:040
Chapter 424	031 KAR 004:160		907 KAR 015:022
424.260	702 KAR 003:130		907 KAR 023:010
431.213-431.270	501 KAR 016:310		907 KAR 003:062
438.305-438.350	804 KAR 013:010	45 C.F.R.	907 KAR 003:210
438.310	804 KAR 013:020		907 KAR 016:015
438.3063	804 KAR 013:020		806 KAR 009:360
	804 KAR 013:030		907 KAR 008:040
	804 KAR 013:040		907 KAR 015:022
438.3065	804 KAR 013:020		907 KAR 003:062
	804 KAR 013:040		201 KAR 020:161
438.3067	804 KAR 013:020		201 KAR 029:040
	804 KAR 013:030	46 C.F.R.	301 KAR 006:020
Chapter 439	501 KAR 006:530		301 KAR 006:030
439.268	501 KAR 006:470	47 C.F.R.	807 KAR 005:015
439.590	501 KAR 006:510	49 C.F.R.	702 KAR 005:130
439.600	501 KAR 006:510	50 C.F.R.	301 KAR 002:075

KRS SECTION	REGULATION	KRS SECTION	REGULATION
5 U.S.C.	301 KAR 003:120		
7 U.S.C.	803 KAR 002:260		
15 U.S.C.	803 KAR 002:260		
	012 KAR 003:012		
	012 KAR 003:028		
	012 KAR 003:039		
16 U.S.C.	301 KAR 002:075		
	301 KAR 003:140		
20 U.S.C.	907 KAR 016:020		
	702 KAR 007:065		
	703 KAR 005:280		
	907 KAR 015:022		
	707 KAR 001:002		
	707 KAR 001:350		
21 U.S.C.	902 KAR 055:015		
	012 KAR 002:041		
	012 KAR 003:037		
	907 KAR 015:022		
26 U.S.C.	011 KAR 012:070		
	201 KAR 023:025		
	803 KAR 002:260		
	011 KAR 012:050		
	105 KAR 001:150		
	105 KAR 001:340		
	045 KAR 001:090		
28 U.S.C.	803 KAR 002:260		
29 U.S.C.	101 KAR 002:034		
	101 KAR 002:102		
	101 KAR 003:015		
	907 KAR 003:100		
	907 KAR 016:005		
	907 KAR 016:020		
	907 KAR 015:022		
38 U.S.C.	017 KAR 003:042		
	105 KAR 001:150		
42 U.S.C.	907 KAR 001:039		
	907 KAR 003:100		
	907 KAR 003:210		
	907 KAR 007:015		
	907 KAR 010:840		
	907 KAR 016:005		
	907 KAR 016:020		
	907 KAR 001:023		
	907 KAR 001:065		
	907 KAR 008:040		
	907 KAR 015:022		
	907 KAR 023:010		
	907 KAR 003:062		
	401 KAR 060:005		
	401 KAR 063:002		
	922 KAR 001:565		
	201 KAR 020:161		
	201 KAR 029:040		
	902 KAR 020:150		
47 U.S.C.	807 KAR 005:015		
52 U.S.C.	031 KAR 003:041		
	031 KAR 004:131		
	031 KAR 004:141		
	031 KAR 005:011		
	031 KAR 006:010		
	031 KAR 006:020		
	031 KAR 006:030		
	031 KAR 006:040		

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
009 KAR 001:015	09-18-2025	Remain in Effect without Amendment
009 KAR 001:030	09-18-2025	Remain in Effect without Amendment
011 KAR 003:001	07-28-2025	Remain in Effect without Amendment
011 KAR 003:005	07-28-2025	Remain in Effect without Amendment
011 KAR 003:045	07-28-2025	Remain in Effect without Amendment
011 KAR 003:055	07-28-2025	Remain in Effect without Amendment
011 KAR 003:100	07-28-2025	Remain in Effect without Amendment
012 KAR 002:006	09-11-2025	Remain in Effect without Amendment
012 KAR 002:006	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:011	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:016	09-11-2025	Remain in Effect without Amendment
012 KAR 002:017	09-11-2025	Remain in Effect without Amendment
012 KAR 002:018	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:021	09-11-2025	Remain in Effect without Amendment
012 KAR 002:026	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:031	09-11-2025	Remain in Effect without Amendment
012 KAR 002:036	09-11-2025	Remain in Effect without Amendment
012 KAR 002:041	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:046	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:051	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:056	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 002:056	09-11-2025	Remain in Effect without Amendment
012 KAR 002:061	09-11-2025	Remain in Effect without Amendment
012 KAR 002:066	09-11-2025	Remain in Effect without Amendment
012 KAR 003:007	09-11-2025	Remain in Effect without Amendment
012 KAR 003:012	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:017	09-11-2025	Remain in Effect without Amendment
012 KAR 003:022	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:027	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:028	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:032	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:037	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:039	09-11-2025	To be amended; filing deadline 3-11-2027
012 KAR 003:042	09-11-2025	To be amended; filing deadline 3-11-2027
013 KAR 002:020	10-14-2025	Remain in Effect without Amendment
016 KAR 002:010	08-28-2025	Remain in Effect without Amendment
016 KAR 005:030	08-28-2025	Remain in Effect without Amendment
101 KAR 002:020	07-14-2025	Remain in Effect without Amendment
101 KAR 002:076	07-14-2025	Remain in Effect without Amendment
101 KAR 003:050	07-14-2025	Remain in Effect without Amendment
102 KAR 001:010	12-17-2025	Remain in Effect without Amendment
102 KAR 001:030	12-17-2025	Remain in Effect without Amendment
102 KAR 001:032	12-17-2025	Remain in Effect without Amendment
102 KAR 001:038	12-17-2025	Remain in Effect without Amendment
102 KAR 001:039	12-17-2025	Remain in Effect without Amendment
102 KAR 001:045	12-17-2025	Remain in Effect without Amendment
102 KAR 001:050	12-17-2025	Remain in Effect without Amendment
102 KAR 001:057	12-17-2025	Remain in Effect without Amendment
102 KAR 001:060	12-17-2025	Remain in Effect without Amendment
102 KAR 001:070	12-17-2025	Remain in Effect without Amendment
102 KAR 001:105	12-17-2025	Remain in Effect without Amendment
102 KAR 001:110	12-17-2025	Remain in Effect without Amendment
102 KAR 001:130	12-17-2025	Remain in Effect without Amendment
102 KAR 001:140	12-17-2025	Remain in Effect without Amendment
102 KAR 001:145	12-17-2025	Remain in Effect without Amendment
102 KAR 001:150	12-17-2025	Remain in Effect without Amendment
102 KAR 001:155	12-17-2025	Remain in Effect without Amendment
102 KAR 001:163	12-17-2025	Remain in Effect without Amendment
102 KAR 001:165	12-17-2025	Remain in Effect without Amendment
102 KAR 001:168	12-17-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

102 KAR 001:170	12-17-2025	Remain in Effect without Amendment
102 KAR 001:178	12-17-2025	Remain in Effect without Amendment
102 KAR 001:180	12-17-2025	Remain in Effect without Amendment
102 KAR 001:185	12-17-2025	Remain in Effect without Amendment
102 KAR 001:210	12-17-2025	Remain in Effect without Amendment
102 KAR 001:220	12-17-2025	Remain in Effect without Amendment
102 KAR 001:225	12-17-2025	Remain in Effect without Amendment
102 KAR 001:230	12-17-2025	Remain in Effect without Amendment
102 KAR 001:240	12-17-2025	Remain in Effect without Amendment
102 KAR 001:245	12-17-2025	Remain in Effect without Amendment
102 KAR 001:250	12-17-2025	Remain in Effect without Amendment
102 KAR 001:270	12-17-2025	Remain in Effect without Amendment
102 KAR 001:280	12-17-2025	Remain in Effect without Amendment
102 KAR 001:290	12-17-2025	Remain in Effect without Amendment
102 KAR 001:300	12-17-2025	Remain in Effect without Amendment
102 KAR 001:310	12-17-2025	Remain in Effect without Amendment
102 KAR 001:330	12-17-2025	Remain in Effect without Amendment
102 KAR 002:010	12-17-2025	Remain in Effect without Amendment
102 KAR 002:025	12-17-2025	Remain in Effect without Amendment
103 KAR 015:110	11-14-2025	To be amended; filing deadline 5-14-2027
103 KAR 015:120	11-14-2025	To be amended; filing deadline 5-14-2027
103 KAR 015:140	11-14-2025	To be amended; filing deadline 5-14-2027
103 KAR 015:180	12-15-2025	To be amended; filing deadline 6-15-2027
103 KAR 015:195	12-15-2025	To be amended; filing deadline 6-15-2027
103 KAR 017:010	12-15-2025	Remain in Effect without Amendment
103 KAR 017:020	12-15-2025	Remain in Effect without Amendment
103 KAR 017:060	12-15-2025	Remain in Effect without Amendment
103 KAR 017:100	11-14-2025	Remain in Effect without Amendment
103 KAR 017:130	11-14-2025	To be amended; filing deadline 5-14-2027
103 KAR 017:140	11-14-2025	Remain in Effect without Amendment
103 KAR 018:010	10-01-2025	Remain in Effect without Amendment
103 KAR 018:050	12-15-2025	Remain in Effect without Amendment
103 KAR 018:060	10-01-2025	Remain in Effect without Amendment
103 KAR 018:110	12-15-2025	Remain in Effect without Amendment
103 KAR 018:120	12-15-2025	Remain in Effect without Amendment
103 KAR 018:172	10-01-2025	Remain in Effect without Amendment
103 KAR 018:180	11-14-2025	To be amended; filing deadline 5-14-2027
103 KAR 050:050	11-14-2025	Remain in Effect without Amendment
105 KAR 001:320	10-03-2025	Remain in Effect without Amendment
105 KAR 001:345	10-03-2025	Remain in Effect without Amendment
201 KAR 002:215	12-05-2025	Remain in Effect without Amendment
201 KAR 006:050	06-25-2025	Remain in Effect without Amendment
201 KAR 009:021	05-27-2025	Remain in Effect without Amendment
201 KAR 009:031	05-27-2025	Remain in Effect without Amendment
201 KAR 009:041	09-10-2025	Remain in Effect without Amendment
201 KAR 009:051	05-27-2025	Remain in Effect without Amendment
201 KAR 009:061	05-27-2025	Remain in Effect without Amendment
201 KAR 009:071	05-27-2025	Remain in Effect without Amendment
201 KAR 009:082	10-24-2025	Remain in Effect without Amendment
201 KAR 009:084	09-10-2025	Remain in Effect without Amendment
201 KAR 009:350	10-24-2025	Remain in Effect without Amendment
201 KAR 009:400	09-10-2025	Remain in Effect without Amendment
201 KAR 012:010	08-28-2025	To be amended; filing deadline 3-2-2027
201 KAR 028:060	10-13-2025	Remain in Effect without Amendment
201 KAR 028:170	10-13-2025	Remain in Effect without Amendment
201 KAR 034:060	06-25-2025	Remain in Effect without Amendment
301 KAR 001:132	08-28-2025	To be amended; filing deadline 2-28-2027
301 KAR 002:176	08-29-2025	To be amended; filing deadline 2-28-2027
301 KAR 006:015	08-28-2025	To be amended; filing deadline 2-28-2027
400 KAR 001:001	10-01-2025	Remain in Effect without Amendment
400 KAR 001:040	10-01-2025	Remain in Effect without Amendment
400 KAR 001:060	06-11-2025	Remain in Effect without Amendment
400 KAR 001:090	10-01-2025	Remain in Effect without Amendment
400 KAR 001:100	10-01-2025	Remain in Effect without Amendment
400 KAR 001:120	07-22-2025	Remain in Effect without Amendment
400 KAR 004:100	10-28-2025	Remain in Effect without Amendment
401 KAR 004:010	07-22-2025	Remain in Effect without Amendment
401 KAR 004:020	07-22-2025	Remain in Effect without Amendment
401 KAR 004:030	07-22-2025	To be amended; filing deadline 1-22-2027

CERTIFICATION LETTER SUMMARIES

401 KAR 004:040	07-22-2025	Remain in Effect without Amendment
401 KAR 004:050	07-22-2025	To be amended; filing deadline 1-22-2027
401 KAR 004:060	07-22-2025	To be amended; filing deadline 1-22-2027
401 KAR 004:070	07-22-2025	Remain in Effect without Amendment
401 KAR 004:070	06-04-2025	Remain in Effect without Amendment
401 KAR 004:200	07-22-2025	Remain in Effect without Amendment
401 KAR 004:220	07-22-2025	Remain in Effect without Amendment
401 KAR 004:300	07-22-2025	Remain in Effect without Amendment
401 KAR 005:002	10-28-2025	To be amended; filing deadline 4-28-2027
401 KAR 005:005	10-28-2025	To be amended; filing deadline 5-28-2027
401 KAR 005:005	11-28-2025	To be amended; filing deadline 4-28-2027
401 KAR 005:006	10-28-2025	To be amended; filing deadline 4-28-2027
401 KAR 005:015	10-28-2025	Remain in Effect without Amendment
401 KAR 005:037	10-28-2025	Remain in Effect without Amendment
401 KAR 005:045	10-28-2025	Remain in Effect without Amendment
401 KAR 005:050	10-28-2025	Remain in Effect without Amendment
401 KAR 005:052	10-28-2025	Remain in Effect without Amendment
401 KAR 005:055	10-28-2025	Remain in Effect without Amendment
401 KAR 005:060	10-28-2025	To be amended; filing deadline 4-28-2027
401 KAR 005:065	10-28-2025	Remain in Effect without Amendment
401 KAR 005:075	10-28-2025	Remain in Effect without Amendment
401 KAR 005:080	10-28-2025	Remain in Effect without Amendment
401 KAR 005:320	10-28-2025	To be amended; filing deadline 4-28-2027
401 KAR 008:010	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:020	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:022	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:040	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:075	10-01-2025	Remain in Effect without Amendment
401 KAR 008:100	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:150	10-01-2025	Remain in Effect without Amendment
401 KAR 008:200	10-01-2025	Remain in Effect without Amendment
401 KAR 008:250	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:300	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 008:700	10-01-2025	To be amended; filing deadline 4-1-2027
401 KAR 009:010	09-02-2025	To be amended; filing deadline 2-28-2027
401 KAR 009:020	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 011:010	11-28-2025	To be amended; filing deadline 4-28-2027
401 KAR 011:020	10-28-2025	Remain in Effect without Amendment
401 KAR 030:005	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 030:020	08-29-2025	Remain in Effect without Amendment
401 KAR 030:031	08-29-2025	Remain in Effect without Amendment
401 KAR 030:040	08-29-2025	Remain in Effect without Amendment
401 KAR 039:005	08-29-2025	Remain in Effect without Amendment
401 KAR 039:120	08-29-2025	Remain in Effect without Amendment
401 KAR 040:001	10-01-2025	Remain in Effect without Amendment
401 KAR 040:010	10-01-2025	Remain in Effect without Amendment
401 KAR 040:020	10-01-2025	Remain in Effect without Amendment
401 KAR 040:040	10-01-2025	Remain in Effect without Amendment
401 KAR 040:060	10-01-2025	Remain in Effect without Amendment
401 KAR 045:060	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 045:070	08-29-2025	Remain in Effect without Amendment
401 KAR 045:090	08-29-2025	Remain in Effect without Amendment
401 KAR 045:110	08-29-2025	Remain in Effect without Amendment
401 KAR 045:130	08-29-2025	Remain in Effect without Amendment
401 KAR 045:135	08-29-2025	Remain in Effect without Amendment
401 KAR 045:210	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 046:101	08-29-2025	Remain in Effect without Amendment
401 KAR 046:110	08-29-2025	Remain in Effect without Amendment
401 KAR 046:120	08-29-2025	To be amended; filing deadline 2-28-2027
401 KAR 047:005	10-01-2025	Remain in Effect without Amendment
401 KAR 047:025	10-01-2025	Remain in Effect without Amendment
401 KAR 047:030	10-01-2025	Remain in Effect without Amendment
401 KAR 047:070	10-01-2025	Remain in Effect without Amendment
401 KAR 047:080	10-01-2025	Remain in Effect without Amendment
401 KAR 047:090	10-01-2025	Remain in Effect without Amendment
401 KAR 047:095	10-01-2025	Remain in Effect without Amendment
401 KAR 047:100	10-01-2025	Remain in Effect without Amendment
401 KAR 047:120	10-01-2025	Remain in Effect without Amendment
401 KAR 047:130	10-01-2025	Remain in Effect without Amendment

CERTIFICATION LETTER SUMMARIES

501 KAR 006:270	06-27-2025	To be amended; filing deadline 12-27-2026
501 KAR 016:290	06-27-2025	Remain in Effect without Amendment
501 KAR 016:300	06-27-2025	Remain in Effect without Amendment
501 KAR 016:330	06-27-2025	Remain in Effect without Amendment
501 KAR 016:340	06-27-2025	Remain in Effect without Amendment
503 KAR 005:090	10-01-2025	To be amended; filing deadline 4-1-2027
600 KAR 003:020	12-05-2025	Remain in Effect without Amendment
600 KAR 003:030	12-05-2025	Remain in Effect without Amendment
600 KAR 005:010	12-05-2025	Remain in Effect without Amendment
603 KAR 001:020	12-05-2025	Remain in Effect without Amendment
603 KAR 003:030	12-05-2025	Remain in Effect without Amendment
603 KAR 004:055	12-05-2025	Remain in Effect without Amendment
603 KAR 005:071	12-05-2025	Remain in Effect without Amendment
603 KAR 005:120	12-05-2025	Remain in Effect without Amendment
603 KAR 007:090	12-16-2025	Remain in Effect without Amendment
603 KAR 008:010	12-05-2025	Remain in Effect without Amendment
605 KAR 001:020	12-04-2025	Remain in Effect without Amendment
605 KAR 001:031	12-04-2025	Remain in Effect without Amendment
605 KAR 001:060	12-04-2025	Remain in Effect without Amendment
605 KAR 001:160	12-04-2025	Remain in Effect without Amendment
605 KAR 001:170	12-04-2025	Remain in Effect without Amendment
702 KAR 001:160	12-03-2025	Remain in Effect without Amendment
702 KAR 003:020	06-09-2025	Remain in Effect without Amendment
702 KAR 003:030	06-09-2025	Remain in Effect without Amendment
702 KAR 003:080	06-09-2025	Remain in Effect without Amendment
702 KAR 003:135	06-09-2025	Remain in Effect without Amendment
702 KAR 003:190	06-09-2025	Remain in Effect without Amendment
702 KAR 003:246	06-09-2025	Remain in Effect without Amendment
702 KAR 003:250	06-09-2025	Remain in Effect without Amendment
702 KAR 003:270	06-09-2025	Remain in Effect without Amendment
702 KAR 003:275	06-09-2025	Remain in Effect without Amendment
702 KAR 003:285	06-09-2025	Remain in Effect without Amendment
702 KAR 003:310	06-09-2025	Remain in Effect without Amendment
702 KAR 004:100	06-09-2025	Remain in Effect without Amendment
702 KAR 005:010	06-09-2025	Remain in Effect without Amendment
702 KAR 005:020	06-09-2025	Remain in Effect without Amendment
702 KAR 005:060	06-09-2025	Remain in Effect without Amendment
702 KAR 005:100	06-09-2025	Remain in Effect without Amendment
702 KAR 005:120	06-09-2025	Remain in Effect without Amendment
702 KAR 005:130	08-27-2025	To be amended; filing deadline 2-27-2027
702 KAR 005:150	06-09-2025	Remain in Effect without Amendment
703 KAR 003:205	06-09-2025	Remain in Effect without Amendment
704 KAR 003:015	06-09-2025	Remain in Effect without Amendment
704 KAR 003:285	06-09-2025	Remain in Effect without Amendment
704 KAR 003:292	06-09-2025	Remain in Effect without Amendment
704 KAR 003:406	10-14-2025	To be amended; filing deadline 4-14-2027
704 KAR 003:410	10-14-2025	To be amended; filing deadline 4-14-2027
704 KAR 003:420	06-09-2025	Remain in Effect without Amendment
704 KAR 003:440	08-27-2025	To be amended; filing deadline 2-27-2027
704 KAR 003:455	08-11-2025	Remain in Effect without Amendment
704 KAR 003:490	06-09-2025	Remain in Effect without Amendment
704 KAR 003:510	06-09-2025	Remain in Effect without Amendment
704 KAR 004:010	08-27-2025	To be amended; filing deadline 2-27-2027
704 KAR 005:060	10-02-2025	Remain in Effect without Amendment
704 KAR 007:130	06-09-2025	Remain in Effect without Amendment
704 KAR 008:010	12-03-2025	Remain in Effect without Amendment
705 KAR 003:141	10-02-2025	Remain in Effect without Amendment
705 KAR 004:081	06-09-2025	Remain in Effect without Amendment
705 KAR 004:240	10-02-2025	Remain in Effect without Amendment
707 KAR 001:270	06-09-2025	Remain in Effect without Amendment
707 KAR 001:290	06-09-2025	Remain in Effect without Amendment
707 KAR 001:300	06-09-2025	Remain in Effect without Amendment
707 KAR 001:320	06-09-2025	Remain in Effect without Amendment
707 KAR 001:350	06-09-2025	Remain in Effect without Amendment
707 KAR 001:360	06-09-2025	Remain in Effect without Amendment
707 KAR 001:370	06-09-2025	Remain in Effect without Amendment
707 KAR 001:380	06-09-2025	Remain in Effect without Amendment
735 KAR 001:010	08-05-2025	Remain in Effect without Amendment
735 KAR 001:020	08-05-2025	Remain in Effect without Amendment

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815 KAR 008:070	07-29-2025	To be amended; filing deadline 1-30-2027
815 KAR 008:080	07-29-2025	To be amended; filing deadline 1-30-2027
815 KAR 008:100	07-29-2025	To be amended; filing deadline 1-30-2027
815 KAR 015:080	12-04-2025	To be amended; filing deadline 6-4-2027
815 KAR 025:001	12-03-2025	Remain in Effect without Amendment
815 KAR 025:040	12-03-2025	Remain in Effect without Amendment
815 KAR 025:050	12-03-2025	To be amended; filing deadline 6-3-2027
815 KAR 025:090	12-03-2025	To be amended; filing deadline 6-3-2027
815 KAR 025:100	12-03-2025	Remain in Effect without Amendment
815 KAR 035:080	12-03-2025	To be amended; filing deadline 6-3-2027
815 KAR 035:090	12-03-2025	Remain in Effect without Amendment
820 KAR 001:042	12-23-2025	Remain in Effect without Amendment
820 KAR 001:055	12-23-2025	Remain in Effect without Amendment
820 KAR 001:057	12-23-2025	Remain in Effect without Amendment
820 KAR 001:060	12-23-2025	Remain in Effect without Amendment
820 KAR 001:125	12-23-2025	Remain in Effect without Amendment
820 KAR 001:130	12-23-2025	To be amended; filing deadline 6-23-2027
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825 KAR 001:020	06-10-2025	Remain in Effect without Amendment
825 KAR 001:030	06-10-2025	Remain in Effect without Amendment
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900 KAR 006:040	05-19-2025	Remain in Effect without Amendment
901 KAR 005:010	10-13-2025	Remain in Effect without Amendment
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901 KAR 005:040	10-13-2025	Remain in Effect without Amendment
901 KAR 005:050	10-13-2025	Remain in Effect without Amendment
901 KAR 005:070	10-13-2025	Remain in Effect without Amendment
901 KAR 005:080	10-13-2025	Remain in Effect without Amendment
901 KAR 005:090	10-13-2025	Remain in Effect without Amendment
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902 KAR 010:081	10-13-2025	Remain in Effect without Amendment
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902 KAR 020:009	11-24-2025	Remain in Effect without Amendment
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902 KAR 020:260	05-19-2025	Remain in Effect without Amendment
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922 KAR 002:190	06-17-2025	Remain in Effect without Amendment
922 KAR 002:270	06-17-2025	Remain in Effect without Amendment

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The Technical Amendment Index is a list of administrative regulations that have had technical, nonsubstantive amendments made during the 49th year of the *Administrative Register of Kentucky*. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10), 13A.2255(2), 13A.312(2), or 13A.320(1)(d). Because these changes are not substantive in nature, administrative regulations appearing in this index will NOT be published to show the technical corrections in the *Register*, however, they are usually available on the Legislative Research Commission website at <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
040 KAR 012:130	7-18-2025		
105 KAR 001:190	10-3-2025		
105 KAR 001:345	10-7-2025		
105 KAR 001:345	10-7-2025		
200 KAR 003:020	9-26-2025		
302 KAR 045:020	7-24-2025		
401 KAR 005:050	11-14-2025		
401 KAR 050:010	10-20-2025		
401 KAR 052:001	10-20-2025		
401 KAR 059:001	10-20-2025		
401 KAR 061:001	10-20-2025		
401 KAR 063:001	10-20-2025		
401 KAR 065:001	10-20-2025		
810 KAR 003:020	10-6-2025		
922 KAR 005:150	9-26-2025		
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